

## CITY OF BLOOMINGTON

Ordinance To Control Recreation and Sanitation  
At Lake LemonOrdinance No. 3, 1957

An Ordinance authorizing and establishing regulations for the improvement, care, sanitary control, protection from contamination, and other injury of LAKE LEMON constructed for water supply purposes by the CITY OF BLOOMINGTON, INDIANA, and providing for the licensing of boats, the building and licensing requirements of docks, and setting forth rules and regulations governing the use of said LAKE as it pertains to all forms of recreation; and providing further the penalties for the violation of this Ordinance and for the enforcement thereof.

WHEREAS, The Common Council of the CITY OF BLOOMINGTON, INDIANA, and the BOARD OF PUBLIC WORKS AND SAFETY of said CITY, in the year 1951 authorized the commencement of a water works program as an extension and addition to the then existing water works system owned and operated by the CITY OF BLOOMINGTON, and

WHEREAS, The primary purpose of said program was to provide a pure, adequate water supply for the CITY OF BLOOMINGTON, and

WHEREAS, The necessary funds with which to finance this program were raised by a bond issue approved by the Public Service Commission of the State of Indiana, and

WHEREAS, The CITY OF BLOOMINGTON owes its primary obligation to the users of water and to the purchasers of said bonds, and, therefore, must make reasonable charges and regulations for the use of said LAKE, and

WHEREAS, The entire LAKE area located within Benton Township of Monroe County, Indiana, and Jackson Township of Brown County, Indiana, is the property of the CITY OF BLOOMINGTON, and

WHEREAS, It is a duty of the Common Council of the CITY OF BLOOMINGTON, INDIANA, to protect this property so purchased in order that the primary purposes of the LAKE may be served

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON:

## SECTION I. DEFINITION OF TERMS

When used in this ordinance:

- (a) "City" means the City of Bloomington, Indiana.
- (b) "Lake" means the artificial lake and water known as Lake Lemon impounded therein by means of the dam and spillway constructed across the valley of Bean Blossom Creek in Benton Township of Monroe County, Indiana.
- (c) "Watercourse" means any stream, natural or artificial channel, spring, or depression of any kind in which water flows continuously or intermittently over any part of the drainage area, directly or indirectly, into any part of the Lake.
- (d) "Intake" means the place where the water supply for the CITY is taken from the Lake.
- (e) "High Water Line" means the contour known as 635 referred to in United States Government elevations as being a contour line 635 feet above sea level.
- (f) "Shoreline" means the extended point where the plane of the surface of the waters of the Lake borders the land.
- (g) "Marginal Land" means the land owned or controlled by the CITY adjacent to the shoreline and not flooded by the Waters of the Lake.
- (h) "Person" means the feminine as well as the masculine when applicable, and the plural as well as the singular when applicable; it also includes a firm, corporation, association, club, organization, or other legal entity.
- (i) "Subdivision" is defined as a tract of land owned by one person, or jointly owned by two or more persons, whereon five (5) or more dwellings or business establishments of any kind or character are proposed to be located.
- (j) Daylight shall be the period from sunup until one hour after sundown.
- (k) Night shall be the period from one hour after sundown until sunup.

SECTION II. SANITARY REGULATIONS

1. It shall be unlawful for any PERSON to place, deposit, or permit to be deposited in any insanitary manner upon public or private property below the HIGH WATER LINE any sewage, garbage, waste or waste water.

2. It shall be unlawful to construct or maintain any privy, privy vault, septic tank or septic system seepage pit, or other facility intended or used for the disposal of sewage or waste in any area which will contaminate the WATERCOURSE which continuously or intermittently flows directly or indirectly into the LAKE.

3. The owner of all houses, buildings, or property used for human occupancy, employment, business, recreation, or other purposes situated above the HIGHWATER LINE shall be required at his own expense to install suitable toilet facilities and facilities for the disposition of waste water thereon which will not contaminate the LAKE or any WATERCOURSE.

4. Before the beginning or construction of private sewage disposal systems or privies on any lands bordering the LAKE, the owner or the agent of the owner shall first obtain a written permit signed by the City Engineer. The application for such a permit shall be made on a form furnished by the CITY OF BLOOMINGTON which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the City Engineer. A permit and inspection fee of \$25 shall be paid to the Clerk-Treasurer at the time that the application is filed.

5. All sewage disposal systems and privies shall be constructed and maintained at no expense to the CITY in an approved manner as described and illustrated in Bulletin S.E. 8 and S. E. 11 of the Indiana State Board of Health and any subsequent publication of said bulletins or revisions thereof, copies of which are hereby incorporated by reference as a part of this section, and two (2) copies of which shall be kept on file in the office of the City Engineer, Bloomington, Indiana.

6. All persons, firms, or corporations platting SUBDIVISIONS in the vicinity of the LAKE area wherein any part of the land in said SUBDIVISION borders upon or drains across land owned by the CITY OF BLOOMINGTON shall submit to the Indiana State Board of Health the plan by which they propose to dispose of sewage and waste, and shall secure approval of said plan from the Indiana State Board of Health before any system for the disposal of sewage or waste water is installed or constructed.

7. The City Engineer, or some person designated for and on behalf of the CITY OF BLOOMINGTON by the City Engineer, shall be allowed to inspect the work upon any such sanitary or sewage facility or structure at any stage of construction, and in any event, the applicant for the permit shall notify the City Engineer when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made by the City Engineer within a reasonable time after the receipt of the notice. The City Engineer of the City of Bloomington and other duly authorized employees of the CITY shall be permitted to enter upon all properties for the purpose of inspecting, observing, and testing any sanitation facilities installed upon any land bordering the LAKE.

8. Any person violating any provision of Section II of this Ordinance shall be notified by the CITY in writing stating the nature of the violation and providing a time limit not to exceed two (2) weeks for the satisfactory correction thereof. The offender shall, within the period of two (2) weeks stated in such notice, permanently cease all violation or correct the same at his own expense in a manner approved by the City Engineer. Failure to correct the same after such notice shall render such person liable for the penalties set out in Section XII of this Ordinance.

9. Any persons violating any of the provisions of this Ordinance shall become liable to the CITY for the expense, loss, or damage occasioned by reason of such violation, and such violation shall be deemed a nuisance subject to injunction.

SECTION III. TRESPASS

10. The CITY owns the land upon which the LAKE is constructed, and it is hereby declared to be the policy of the CITY that any entrance upon the LAKE or lands owned by the CITY, without the permission and consent of the CITY as hereinafter defined, is hereby declared to be a trespass upon CITY lands, and as such, a violation of the law of the State of Indiana.

SECTION IV. BOATING

11. No boat, craft, or floating raft of any kind may be propelled, kept, or used in the LAKE or stored or kept on the MARGINAL LAND surrounding the LAKE until the owner thereof shall register such boat or craft and secure a written license and registration number from the CITY based upon a written application setting forth the type of such boat, craft, or floating raft, its means of locomotion, the name and address and phone number of the owner thereof, the number of passengers which said boat or craft accommodates, and such further information as the BOARD OF WORKS may from time to time require.

12. All boats must be inspected by Lake Patrolman or by other authorized persons as authorized by the Superintendent of the Water Department. Inspection will be made at Riddle Point or other authorized location as designated by proper sign and listing regulations as follows:

A. All boats must be inspected and approved by an authorized inspection officer before licensing.

B. All boats must be licensed by the City of Bloomington before launching.

C. Speed--Not in excess of 25 miles per hour during daylight, 10 miles per hour at night, and 5 miles per hour in marked zones.

D. No water skiing or surfboard riding within 400 feet of the shoreline except on take off or landing.

E. All children age 12 or under must wear life jackets while in the boat, and any person engaged in water skiing or surf riding must likewise wear a life jacket.

All boats must be inspected for safety and will have one regularly accepted life preserver for each passenger allowed in the capacity of the boat--also one paddle-- also proper lights as are necessary for night boating.

Such license (after boat inspection) when granted, shall be in writing, and shall be further evidenced by official registration number plates or markers to be furnished by the City Water Department to the licensee and must be uniformly displayed on the left front bow and visible outside the boat at all times. Such registration numbers shall be issued annually and shall expire on the next ensuing December 31st of the year issued. A new license may be obtained by filing a like application and the payment of the annual fee before said boat or craft may be lawfully used on the LAKE in the following year. Replacements for lost license plate may be made at rate of \$1.00 for new plate after applicant makes affidavit of loss of original plate; and the voiding of old plate and number.

Privately owned boats of all officers of State and political subdivisions of State must be licensed.

13. Registration plates may be obtained from Lake Patrolman at LAKE LEMON office at Riddle Point or from the Clerk-Treasurer at City Hall during business hours and shall give the following information:

- a. The year of issue.
- b. The type of boat.
- c. The number assigned to each particular boat.
- d. The name of the Licensor, The City of Bloomington.

14. In order to provide a fund used to defray the expenses of inspection and supervision of boats or craft on the LAKE; to enforce the provisions of this Ordinance; and for the improvement of navigation and the safety and pleasure of boating, said application or renewal must be accompanied by the payment of annual license fees at the Clerk-Treasurer's or Patrolman's offices in Bloomington, Indiana as follows:

a. For each row boat or canoe, not for hire or rental, not equipped with motor or sails, there shall be an annual license fee of Five (\$5.00) Dollars, and this type of craft shall be known and designated as Type A, and the letter "A" shall precede the number assigned to the boat or canoe.

b. For each boat, not for hire or rental, including boats equipped or used with outboard or inboard motor or sails, there shall be an annual license fee of Fifteen (\$15.00) Dollars, and this type of craft shall be known and designated as Type B, and the letter "B" shall precede the number assigned to the boat.

15. Commercial. No boat, canoe, or other vessel, shall be placed upon or operated upon any water a part of LAKE LEMON for fee or profit, for hire or rental to a second party or parties, either as a direct charge to such second party or parties, or as an incident to other services provided to such party or parties, except as specifically authorized by lease, license, or concession contract with the CITY. The general regulations for such craft for hire or rental shall be those which apply to non-commercial craft except that the classes A and B inclusive, designated and defined above, shall when for hire or rental be known as classes RA, and RB, respectively, and shall be so identified on registration plates. RA and RB licenses shall be transferable from one boat to another, without additional expense, but such boat to which transfer is made shall be inspected as herein provided.

16. For the purposes set forth above with reference to regulations of craft upon the LAKE, and in order to insure the necessary and proper inspection of boats and motors used for rental or hire on the LAKE, so that the provisions guaranteeing public safety may be continuously enforced and at all times observed on the waters and within the boundaries of the LAKE, the fees for licensing and registering such boats and craft for hire or rental shall be in accordance with the following schedule: Class RA, five dollars (\$5.00); Class RB, twenty-five dollars (\$25.00) for first two of each boat and ten dollars (\$10.00) for each additional one.

17. For the fractional part of any calendar year the license fee shall be the same as hereinabove specified.

18. There shall be no limit as to the length of a sail boat, but no other boats or crafts shall be permitted on LAKE LEMON, that are more than Eighteen (18) feet long from bow to stern and no floating or stationary raft shall be permitted on the LAKE except that boats up to twenty-five (25) feet from bow to stern may be permitted with the payment of an additional ten dollars (\$10.00) on license fee for any boat exceeding eighteen (18) feet but not exceeding twenty-five (25) feet in length.

19. Unsafe boats shall not be used upon the water of the LAKE. All boats operated upon the LAKE must be equipped for safe operation, and shall be equipped with oars and/or paddles and with a sufficient number of an approved type of life preservers, which shall at all times be in place and available to each passenger in the boat when such boat is being used and operated upon the waters of the LAKE.

20. All boats being used upon the waters of the LAKE shall be subject at any time to inspection and certifications in respect to condition, seaworthiness, and any factors relating to safety.

21. The CITY may, in the discretion of the Board of Works and upon written application, issue a special permit for boats or craft for any properly sponsored special event.

22. No person shall operate any type of boat within Four Hundred (400) feet of the SHORELINE at a speed in excess of five (5) miles per hour, and no person shall at any time operate any boat or craft within five hundred (500) feet of the intake structure.

23. No boat or craft shall be operated on the surface of the LAKE at a speed or in a manner in conflict with Indiana State Laws concerning operation of water craft, provided, however, that the maximum speed that any boat or craft shall be operated on the surface of LAKE LEMON shall be twenty-five (25) miles per hour.

23A. All craft of less than eighteen feet (18') in length in operation at night, whether moving or stationary, must display one white light which is visible at three hundred and sixty (360) degree angle, for a distance of one fourth mile. All craft over eighteen (18) in length in operation at night, whether moving or stationary, must display one white light as described above and in addition must display one red port marker light and one green starboard marker light.

24. The attention of all boat licensees is directed to Chapter 243 of the Acts of the General Assembly of the State of Indiana duly enacted in 1951. All State laws governing water sports and safety will apply to LAKE LEMON.

25. No boat or craft commonly known as a houseboat on which the occupants have sleeping accommodations, or remain for more than a few hours, shall be permitted on the LAKE, and no boat operated on the LAKE shall have toilet facilities.

26. Persons using or operating any boat or craft on the waters of the LAKE shall do so in such manner as not to create any insanitary condition in or about said waters, and shall not pollute said waters by their discharge, in any material amount, of oil or other polluting liquid or solid tending to make said waters unwholesome or unfit for water supply purposes or injurious to the aquatic life thereof.

27. No boat or craft shall be used, or operated, nor any horn, or sound device sounded so as to create a nuisance or disturb the peace or quiet of any neighborhood.

28. The CITY shall at all times have power and authority to prohibit, restrict or otherwise limit or regulate the keeping, maintenance, or operation of any or all boats and craft on the waters of the LAKE should it become necessary to do so in the interest of the public health or safety, or for the protection or improvement of the LAKE or other cause. The Board of Public Works shall at all times have the authority to revoke any license for the infraction of any posted or printed regulation or rule; or infraction of any law or ordinance.

29. Any boat or craft found abandoned or adrift in the LAKE or any unlicensed boat or craft thereon shall be taken up by the CITY and the CITY shall have a lien thereon for all license fees therefor and the expenses of taking, towing, keeping, advertising, and selling of the same and for all damages caused by such craft to property of the CITY, and may enforce such lien by advertisement and sale of such craft in like manner as chattel mortgages may be foreclosed under the laws of this State. Nothing herein shall be construed as exonerating the owner or operator of any boat or craft from personal liability to the CITY, or any other person, for any damage or injury caused by such boat or craft.

#### SECTION V. DOCKS AND PIERS

The CITY hereby reiterates its policy of not limiting the use of privately owned property, but since usable docks and piers can only be constructed in the LAKE area owned or controlled by the CITY OF BLOOMINGTON, the following regulations pertaining to said structures are hereby enacted:

30. No person shall construct a dock, pier, boathouse or structure of any type upon land adjoining the LAKE without permission of the City Engineer. Any person, desiring to construct any of the above type structures shall submit to the City Engineer his plans and specifications for such structure and shall pay to the City Water Department of the City of Bloomington a license fee in the amount of Fifty (\$50.00) dollars. In order to cover inspection cost there shall be charged a fee for the annual renewal of such license in the amount of Ten (\$10.00) Dollars each.

31. No person will be permitted to construct a pier, dock or boathouse that exceeds Fifty (50) feet in length, or eight (8) feet in width, nor construct a boathouse sufficient in size to house more than Two (2) boats, without reference of such request to the City Board of Public Works for approval.

32. FEES. The permit for structures within the limits prescribed in Section No. 31 above, shall be Fifty (50) dollars, with an annual inspection fee of Ten (\$10.00) dollars. The permit for construction for any pier or dock, exceeding Fifty (50) feet in length, shall be Fifty (\$50.00) dollars, plus One (\$1.00) dollar for each foot, exceeding Fifty (50) feet. The permit fee for construction for any boathouse, which exceeds the limits prescribed in Section No. 31 above, shall be Fifty (\$50.00) dollars, plus Twenty-Five (\$25.00) dollars for each additional boat, housed in said structure. In any case the annual inspection fee for the above shall be Ten (\$10.00) Dollars.

33. All persons constructing docks, piers or boathouses in the LAKE area, shall maintain such docks, piers or boathouses in such manner that the same shall be safe and sanitary, and shall remove the same at the request of the City Engineer, or demand of the City Board of Public Works, at their expense.

#### SECTION VI. FISHING

34. No person shall take, catch, or attempt to take or catch any species of fish from the LAKE Area without a State of Indiana Fishing License in full force and effect issued to said person and in his possession; and all officers of the State of Indiana with proper credentials are hereby permitted to enter upon the LAKE area for the purpose of enforcing the laws of the State. Goldfish and other of the Carp Group of fishes shall not be used as bait at any time or place on or from the shores of LAKE LEMON.

#### SECTION VII. USE OF FIREARMS

35. No person shall carry, fire or discharge any firearm of any description within the limits of the LAKE Area except the police officers of the CITY in the performance of their duties, excepting, however, that duly licensed hunters, licensed by the State of Indiana and by the Federal Government, may hunt ducks during the season of each year as designated for such hunting season. No person shall enter upon the waters of the lake for said purpose, or shoot over the waters of the lake unless he is the holder of a valid boat license of the City of Bloomington or is using a boat duly licensed by said city.

SECTION VIII. SWIMMING

36. It is hereby declared to be the policy of the CITY that swimming shall be permitted in the LAKE only at sites designated or authorized by the Bloomington Water Department. The CITY does not contemplate the prohibition of swimming but does hereby assert that when swimming is permitted, this form of recreation can only be undertaken from the shores of lands owned by the CITY under proper municipal regulation.

SECTION IX. LAKE POLICE OFFICERS

37. The CITY through its Water Department and from Water Department funds may appoint and employ such number of lake police officers or detail policemen currently employed to enforce the provisions of this ordinance as the circumstances may from time to time require. In each instance when such officer is detailed to enforce the terms of this ordinance such officer shall apply to the Sheriff of Monroe County and the Sheriff of Brown County for permission to act for and on behalf as deputies as well as officers of the CITY OF BLOOMINGTON in the enforcement of the provisions of this Ordinance. In the event of any emergency as determined by the Lake Patrolman all persons must follow instructions for all control or evacuation of all crafts on LAKE.

SECTION X. PUBLIC NUISANCE

38. The violation of any provision of the Ordinance whereby any insanitary condition is created is hereby declared to be a public nuisance.

SECTION XI. CIVIL LIABILITY

39. Any person violating any provision of this Ordinance shall become liable for all damage and expense thereby caused to the CITY of any other person or persons by reason of such violation in addition to the criminal penalties herein provided.

SECTION XII. PENALTIES

40. Any person violating any of the provisions of this Ordinance, unless otherwise indicated, shall be deemed guilty of a misdemeanor. Each day that the condition or act in violation of this Ordinance shall remain or continue shall be deemed on the part of the person or persons guilty of such violation to be a separate and distinct offense. Each offense shall be punished by a fine of not less than Five (\$5.00) Dollars and not more than Two Hundred (\$200.00) Dollars to which may be added a revocation of any license issued pursuant to this Ordinance. Any person may, within six (6) hours of notification of violation, pay to the Lake Patrolman or the Clerk-Treasurer of the CITY OF BLOOMINGTON, as a penalty for, and in full satisfaction of, such violation, the sum of Ten (\$10.00) Dollars for which a receipt will be given. The failure of such violators to make such payment within said six (6) hours shall render such violator subject to the penalties hereinbefore provided for violation of the provisions of this Ordinance.

SECTION XIII. PARTIAL INVALIDITY

41. The invalidity of any portion, section, sub-section, sentence, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance, which can be given effect without such invalid part or parts.

This Ordinance shall be in full force and effect from and after the date of its passage and legal publication in accordance with the law.

Passed and adopted by the Common Council of the City of Bloomington on the 19 day of March, 1957.

S/ Thos. L. Lemon  
Thos. L. Lemon, Presiding Officer

ATTEST:

S/ Mary Alice Dunlap  
Mary Alice Dunlap, Clerk-Treasurer

Presented by me to the Mayor of the City of Bloomington, Indiana, on this 19 day of March, 1957, at the hour of 8 o'clock P.M.

S/ Mary Alice Dunlap  
Mary Alice Dunlap, Clerk-Treasurer

This Ordinance approved and signed by me this 19 day of  
March, 1957, at the hour of 8 o'clock P.M.

S/ Thos. L. Lemon  
Thos. L. Lemon, Mayor