

ORDINANCE NO. ~~1111~~ 2013-3
(Amendment and Replacement of Ordinance No. 11-09)
AN ORDINANCE REGULATING USE OF TOWN RIGHT-OF-WAYS

WHEREAS, the Town of Syracuse has the authority to regulate piers and riparian rights upon certain of the Town's streets and right-of-ways, as determined by the Indiana Court of Appeals in Abbs v. Syracuse, 43A03-9612-CV-447 by its opinion dated November 10, 1997; and,

WHEREAS, the Town of Syracuse has determined it would be prudent and in the best interests of the citizens of the Town, and the public in general, to provide specific regulations with regard to those right-of-ways and riparian rights which are within the purview of Town Administration; and,

WHEREAS, the Town has previously operated under Ordinance No. 11-09, and the Town Council has determined that the Ordinance should be amended and clarified.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Syracuse, Indiana, as follows:

Section 1. The Town of Syracuse has, within the Town limits, certain platted streets and alleys which abut the waters of Syracuse Lake and/or Wawasee Lake. Before any person shall use any right-of-way within the Town of Syracuse, abutting either lake or channel thereto, the following requirements must be met.

Section 2. REGISTRATION AND FEES. Any person who desires use at locations within the administrative powers of the Town shall file a registration form approved by the Town with the Town. The Syracuse Park Department is designated the administrator of such registration procedures. Registration procedures are subject to the following conditions:

2.1 An applicant shall complete and file the registration form with the Town prior to February 1 of each calendar year;

2.2 An applicant shall be required to pay a registration fee in the amount of \$100.00 to the Syracuse Park Department and shall also be required to be a member of the Syracuse Lake Association, the registration fee and proof of membership for the current year in the Syracuse Lake Association must be provided with the completed application;

2.3 An applicant shall be required to be a resident of the Town and proof of residency must be provided;

2.4 The Park Department will keep a list of registrations each year, in the order in which applications are received in completed form and with any registration fee prepaid. Priority shall be given to applicants in the order of their prepaid registration, subject to the following:

2.4.1 Preference shall be given to Town residents who do not own lake front property on Syracuse Lake, Wawasee Lake or any channel to such lakes that apply and pay any registration fee within the deadline provided in this ordinance; and,

2.4.2 Additional applicants shall be allowed to connect to a prior applicant's pier sections provided all other requirements of this ordinance are met;

2.5 No applicant or other household member shall be approved for use in more than one location. No applicant/registrant may sub-let or sub-lease the use of their pier for any income producing activity or commercial purpose;

2.6 Prior to installing a pier each registrant will be required to provide the Park Department with proof of personal liability insurance in an amount determined by the Park Department on an annual basis;

2.7 Each applicant approved by the Town shall only allow the permanent placement of watercraft titled in the name of the applicant or other Town resident and shall provide proof of the current Indiana registration of all watercraft, attached to the registered pier during any calendar year; and,

2.8 The Park Department shall establish a new registration list at the beginning of each calendar year. Applications may not be submitted prior to January 1. The priority list for each year shall be created from and after January 1 of that calendar year.

Section 3. REGULATIONS FOR PLACEMENT OF PIERS. Once a registration is accepted by the Town, the following requirements for installation shall apply:

3.1 Each approved applicant shall install not less than three (3) nor more than five (5) pier sections;

3.2 Each pier section shall be twelve (12) foot in length and four (4) feet in width;

3.3 Each pier section shall be placed perpendicular to the property line;

3.4 Each pier section shall conform in material and color to the adjacent section whether it is to be used for the original or the additional registered pier;

3.5 Each pier section shall be maintained in good maintenance and repair. The performance of "good maintenance and repair" shall include, but not be limited to, current paint coverage without peeling or gaps, no nail, screw or other fastener protrusions or loose boards, and no boards in a condition of rot or significant deterioration;

3.6 Piers, attachments and watercraft may not be installed earlier than the 1st day of April each year;

2.7 Each applicant approved by the Town shall only allow the permanent placement of watercraft titled in the name of the applicant or other Town resident and shall provide proof of the current Indiana registration of all watercraft, attached to the registered pier during any calendar year; and,

2.8 The Park Department shall establish a new registration list at the beginning of each calendar year. Applications may not be submitted prior to January 1. The priority list for each year shall be created from and after January 1 of that calendar year.

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3.6 Piers, attachments and watercraft may not be installed earlier than the 1st day of April each year;

determined by the Town, on an annual basis. The pier owner agrees, by registering and obtaining a pier permit and location to indemnify and hold the Town harmless for any and all loss resulting from the use of their pier, pier attachments or facilities, or their watercraft.

Section 6. LAUNCHING OF TRAILERS OR BOATS. No person shall be allowed to place or launch any boat, trailer, or personal watercraft from the street or alley into the Town's right-of-ways, without prior authorization by the Town.

Section 7. PLACEMENT OF VEHICLES AND OTHER PROPERTY. No person shall park any trailer, boat or other vehicle or place any permanent or temporary property, of any kind, upon a Town right-of-way, without prior authorization by the Town.

Section 8. PENALTIES. The Town shall give written notice of any violation to the registered owner giving ten (10) days to conform to the requirements contained herein. In the event an owner fails to satisfy the requirements within ten (10) days, the Town shall give the owner another ten (10) day notice to remove all property from the location. If the owner fails to remove all property within the prescribed time period, the Town shall remove all such property, including any attachments thereto. The Town shall be entitled to collect all costs, including attorney fees incurred by the Town, to enforce these rules or this Ordinance.

Section 9. FINES. The Town shall have the right to assess a fine for any violation of this Ordinance in addition to any costs described in Section 8, above. For the first violation the fine shall be \$50.00, for the second violation the fine shall be \$100.00, and for the third or subsequent violations the fine shall be \$200.00.

Section 10. That all Ordinances in conflict herewith shall be repealed and superseded and shall be null and void. Further, this Ordinance shall be in full force and effect from and after its passage and due publication as required by law.

Duly passed and adopted by the Town Council of the Town of Syracuse, Indiana on the 16th day of April, 2013.

TOWN COUNCIL
TOWN OF SYRACUSE, INDIANA

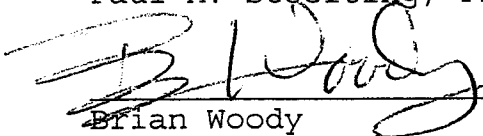
Voted Yea

Voted Nay



Paul A. Stoelting, ~~President~~

Paul A. Stoelting, President



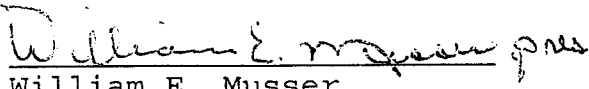
Brian Woody

Brian Woody



Larry Siegel

Larry Siegel



William E. Musser


William E. Musser



Jeffrey R. Morgan

Jeffrey R. Morgan

ATTEST:



Julie Kline, Clerk-Treasurer
Town of Syracuse, Indiana