

## CHAPTER 66

### REGULATION OF LAKE DECATUR

1. **DEFINITIONS.** Terms used in this Chapter shall have the following meanings:

"Watercourse" shall mean any stream, channel, or natural or artificial spring of any kind in which water flows continuously or intermittently over any part of the drainage area into any part of the reservoir directly or indirectly.

"Drainage Area" shall refer to that area of land or water over which the City has jurisdiction that drains to the Sangamon River above the Decatur public water supply dam.

"Reservoir" shall mean the artificial reservoir formed by the dam constructed near the County Bridge south of the City, or by other structures required at a later date within the limits of the present drainage area, which reservoir or reservoirs are to be used as a source of the public water supply for the City, which reservoir is hereby named and designated as Lake Decatur, also referred to herein as "the Lake". The upstream limits of such reservoir, which is located within the Sangamon River Valley, is the West side of the highway running North and South across what is known as the Oakley Bridge, hereinafter described.

"High Water Mark" shall mean the contour known as 615 feet above sea level, referring to United States Government elevations as obtained from bench mark established in the City.

"Intake" shall mean the place where the water supply for the City is taken into the conduit or pipe from the reservoir.

"Oakley Bridge" shall mean that bridge which spans the original channel of the

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Sangamon River in Section 24, Whitmore Township, and Section 24, Oakley Township, Macon County, Illinois, situated North of the Village of Oakley, Macon County, Illinois, and is commonly known as the Oakley Bridge.

"William Street Bridge" shall mean that bridge which spans the original channel of the Sangamon River on State Bond Issue Route 105 and in Section 8, Decatur Township, Macon County, Illinois, and is commonly known as the William Street Bridge.

"Staley Bridge" shall mean that bridge which spans the original channel of the Sangamon River on Illinois State Route 36 and in Section 18, Decatur Township, and Section 19, Long Creek Township, Macon County, Illinois, near Nelson Park, and commonly known as Staley Bridge, formerly Cowford Bridge.

"Lost Bridge" shall mean that bridge which spans the original channel of the Sangamon River in Section 24, Decatur Township, Macon County, Illinois, and commonly known as Lost Bridge.

"County Bridge" shall mean the bridge which spans the original channel of the Sangamon River on Illinois State Route 51 and in Section 22, Decatur Township, Macon County, Illinois, and is commonly known as the County Bridge.

"Rea's Bridge" shall mean the bridge which spans the original channel of the Sangamon River on County Highway 24 and in Section 33, Township 17 North, Range 3 East of the Third Principal Meridian, in Whitmore Township, Macon County, Illinois, and is commonly known as Rea's Bridge.

"Shore Line" means the extended point where the plane of the surface of the waters of the reservoir touches the land.

"Front Footage" means that amount of shore line space along which a dock or pier is constructed.

"Shore Line Zone 1" is that shore line lying to the north and west of the eastern edge of the breakwater located south of the Lake Patrol Office and that area lying to the south and west of the property formerly used as the Beach House.

"Shore Line Zone 2" is that shore line located to the west and south of Route 36 and north and west of Lost Bridge Road not included in Shore Line Zone 1.

"Shore Line Zone 3" is all other shore line not included in Shore Line Zone 1 or Shore Line Zone 2.

"Terms" as defined by the current Boat Registration and Safety Act, Article I, 625 ILCS 45/1-2, shall also apply to this Chapter. (Amended, Ordinance No. 93-29, May 17, 1993)

2. **ZONES DEFINED.** Zone "A" shall consist of all land lying within the high water mark or below the high water mark, in the reservoir site, whether flooded or not. This zone includes tributary watercourses upstream to the aforesaid high water mark.

Zone "B" shall consist of that portion of the drainage area within 100 feet of the high water mark around the reservoir and within the same distance of said high water mark of any of its tributaries extending upstream (following the channel of the stream) and a distance of one-half mile from the high water mark upstream of said tributaries, and shall include at certain places all land extended from the 100 foot limit to the top of the bluffs and to the end of ravines where slopes are steep.

Zone "C" shall consist of territory within 100 feet of Zone "B" as specified.

Zone "D" shall constitute the territory within 500 feet of Zone "C" as specified.

Zone "E" shall constitute the remainder of the drainage area.

3. **BUILDINGS PROHIBITED.** No buildings or any structure, tent, camp car or trailer, whether for habitation or otherwise, shall be built or maintained within the limits of Zones A, B or C unless upon permit in writing by the City. No permit will be granted except upon proof of ability to comply with the provisions of Section 4 of this Chapter.

4. **DEPOSIT OF WASTE.**

A. No human wastes or excreta shall be deposited or stored in any manner whatever in Zone A. Such wastes in Zones B and C shall be deposited or stored in one of the ways here following, to-wit:

(1) In a water tight receptacle equipped with a power driven pump or ejector for emptying the same through water tight pipes or conduits only into a public sewer or a sewage treatment plant or septic tank located in Zone D, or at a point outside the restricted zone;

(2) An approved chemical toilet;

(3) An Imhoff-sprinkling filter unit or other method of final treatment, provided that no septic tank shall be placed closer than 200 feet to the high water mark nor any Imhoff-sprinkling filter unit or other method of final treatment closer than 165 feet to said high water mark.

B. Any method chosen for deposit of waste, as provided herein, shall be maintained in good working order by the owners, and be at all times subject to the inspection of the City and its officers.

C. Any cesspool, privy, urinal, water closet or other place of depositing or storage of human excreta now situated in Zone D must be made sanitary, and comply with the plans and specifications of said City of the Board of Health of the County of Macon or of the State of Illinois, or of equal sanitary construction.

D. No cesspool, privy, urinal, water closet or other place for depositing or storing human excreta shall hereafter be constructed within Zone D until a permit in writing has been obtained from the City.

E. No sewer or drain conveying sewage or other putrescible wastes shall be constructed in Zones A, B, C or D until a permit in writing has been obtained from the City. All such installations must be approved by the Director of Water Management or his authorized agent both before and after installation. (Amended, Ordinance No. 2000-63, Ordinance No. 90-50)

5. **DISCHARGE OF WASTE.** House slops, sink wastes, laundry or like wastes of any other kind shall not be discharged at any point in Zones A, B or C. In Zone D such slops and wastes other than that including human excrement may be disposed of beneath the ground surface or in such manner that it shall not cause or threaten pollution of the reservoir or any tributary watercourses.

6. **POLLUTION IN ZONE A.** No person, firm or corporation shall permit the territory known as Zone A, or water situated therein, to be used, kept or maintained so as to cause pollution of the water in the reservoir.

7. **COMMERCIAL OR INDUSTRIAL WASTE.** No filth, decaying or putrescible matter, unsanitary waste products or polluted liquid from any factory, slaughter house, creamery, dairy or milk handling plant, mill, cannery, garage, or similar establishment of any kind, shall be discharged in such manner as to drain directly into the reservoir or its tributaries within the drainage area so as to threaten or cause pollution or nuisance.

8. **INTERNMENTS.** No internment shall be made in any cemetery or other place of burial within Zones A, B, C or D or in Zone E within 1,500 feet of Zone A below the William Street Bridge.

**9. GARBAGE AND ANIMAL MANURE.**

A. No garbage, manure or other unsanitary putrescible refuse of any kind shall be thrown into the reservoir or onto or into the ground at any point in Zones A and B, or in Zone C, except animal manure and commercial fertilizers for agricultural and horticultural purposes.

B. No animal manure or commercial fertilizer for agricultural purposes shall be spread on the ground within Zones C and D in such quantities as to cause or threaten pollution of the reservoir or any tributary watercourses.

C. No dead animal or fish of any kind, or any part thereof, shall be thrown into the reservoir or tributary watercourses or on the ground or buried in Zones A, B or C, or buried in Zone D, which will result in or threaten pollution of the reservoir or tributary watercourses.

**10. ANIMAL YARDS.**

A. No stable, pigsty, hog yard, barn yard, chicken yard, hitching or standing place for animals, or any other place where dung and urine accumulate, shall be constructed or maintained within Zones A or B, or in Zone C below Oakley Bridge, except on the written approval of the City.

B. No stables, pigsty, hog yard, barn yard, chicken yard, hitching or standing place for animals or any other place where dung and urine accumulate, shall be located, constructed or maintained in Zone C or Zone D so as to threaten pollution of the reservoir or any tributary watercourses.

**11. WASHING; BURNING.** No animals of any kind or clothing or other articles shall be washed in the reservoir or tributaries thereof. The burning of trash, garbage or offensive material is prohibited on any portion of Lake Decatur and adjacent areas owned by the City of Decatur.

12. **DEPOSIT OF DEBRIS.** No person, firm, or corporation shall deposit, or cause or permit to be deposited, any debris or other materials such as, but not limited to, construction materials, concrete, trees, brush, weeds, soil or paint into Lake Decatur or any adjacent areas owned by the City of Decatur or so as to cover, disturb, or destroy any City maintained property on or near the Lake.

13. **BOATING PROHIBITED - LAKE.** Boating of any kind or character is hereby prohibited in Lake Decatur in that area lying west of a line 300 feet upstream from the east side of the public highway known as U. S. Route 51.

14. **BOATING PROHIBITED - RIVER.** Boating of any kind or character is hereby prohibited on the Sangamon River between the Lake Decatur Reservoir Dam on the east and the Old Dam on the west in the City of Decatur.

15. **MOORING.** No boats shall be moored in an area adjacent to the Municipal Pier at the boat house, except by written permit from the Lake Manager or his authorized agent.

(Amended, Ordinance No. 90-50, April 16, 1990)

16. **BOAT HARBOR.** The northern and western lake shore between U.S. Route 36 and Lost Bridge Road and the water adjacent thereto is designated the boat harbor.

17. **BOATING REGULATIONS.** All boats and craft in Lake Decatur shall be subject to the following regulations:

- (a) No boat, craft or float shall be left in the Lake adrift, sunk or insecurely fastened.
- (b) No person or persons shall take, use or board any boat, craft or dock in the Lake without permission of the owner or persons in charge.
- (c) The hoist at the boat house shall not be used except under the supervision of city personnel.
- (d) All boats or craft passing under bridges shall pass under the right hand arch or as directed by official signs or buoys authorized by the Lake Manager or his agent.

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(Amended, Ordinance No. 90-50, April 16, 1990)

(e) No boats, craft or docks shall be constructed on Lake Decatur, or on City-owned property adjacent thereto, unless permission is granted by the Lake Manager or his authorized agent. (Amended, Ordinance No. 90-50, April 16, 1990)

(f) All boats, craft, or docks must be removed from Lake Decatur and City-owned property on or before November 15 of each year, unless written permission is granted by the Lake Manager or his authorized agent. (Amended, Ordinance No. 90-50, April 16, 1990)

(g) When two boats are approaching each other "head on" or nearly so (so as to involve risk of collision), each boat must bear to the right and pass the other boat on its left side.

(h) When boats approach each other obliquely or at right angles, the boat approaching on the right side has the right of way.

(i) One boat may overtake another on either side but must grant right of way to the overtaken boat.

(j) When a motorboat is approaching a boat propelled solely by sails or oars, the motorboat must yield the right of way to the sailboat or rowboat, except, when a large craft is navigating in a confined channel, the large craft has the right of way over a boat propelled solely by oars or sails.

(k) No boat or craft shall collide with, run against, strike, injure, deface, or damage any buoy, stake, sign, piling or other structure installed by the City or with the City's consent, or be anchored or moored so as to obstruct any bridge opening or approach or to obstruct the view of any buoy or navigation sign or signal.

(l) No boat or craft shall pass another while passing under any bridge.

(m) No boat or craft shall travel at a speed in excess of "no wake" speed while within 200 feet of either shore line, dock, or pier, or while passing under any bridge; for purposes of this section "wake" is defined as a movement of water created by a boat underway great enough to disturb a boat at rest.

(n) Racing of any boats is hereby prohibited except for special events and in no event without a permit from the Lake Manager or his authorized agent.

(Amended, Ordinance No. 90-50, April 16, 1990)

(Amended, Ordinance No. 92-08, February 3, 1992)

(o) Watercraft operation:

(1) Careless operation. No person shall operate any water craft in a careless or heedless manner so as to endanger any person or property or at a rate of speed greater than will

permit him in the exercise of reasonable care to bring the water craft to a stop within the assured clear distance ahead.

(2) Reckless operation. No person shall operate any water craft, specialty prop-craft, personal water craft or manipulate any water skis, aquaplane, or similar device in such a manner as to willfully or wantonly endanger the life, limb or property of any person, to weave through congested traffic, to jump the wake of another vessel unreasonably or unnecessarily close to the other vessel or when visibility around the other vessel is obstructed, to wait until the last possible moment to swerve to avoid collision, or operate any water craft so as to approach or pass another water craft in such a manner or at such a rate of speed as to create a hazardous wake or wash. (Amended, Ordinance No. 93-29, May 17, 1993)

(p) All cabin boats must be inspected by the Lake Manager or his authorized agent before a license is issued. (Amended, Ordinance No. 90-50, April 16, 1990)

(q) No bottles, cans or other refuse shall be dumped into the Lake or onto adjacent shores from any boat or craft.

(r) A person shall not operate any water craft on the Lake while:

(1) The alcohol concentration in such person's blood or breath is 0.10 or more based on the definition of blood and breath units in Section 11-501.2 of the Illinois Vehicle Code;

(2) Under the influence of alcohol;

(3) Under the influence of any other drug or combination of drugs to a degree which renders such person incapable of safely operating any water craft; or,

(4) Under the combined influence of alcohol and any other drug or drugs to a degree which renders such person incapable of safely operating a water craft.

(s) All boats shall be subject to a no wake speed limit between the hours of 10:00 P.M. and sunrise, provided that this section shall not apply to official patrol or rescue craft.

(Amended, Ordinance No. 2000-32, May 1, 2000)

(Amended, Ordinance No. 92-08, February 3, 1992)

(t) No motorboat shall be equipped with any motor or other propulsion machinery beyond its safe power capacity and safe carrying capacity, taking into consideration the type and construction of such motorboat and other existing operating conditions.

(Amended, Ordinance No. 92-08, February 3, 1992)

(u) It is unlawful to operate a motorboat without a mouth, hand or power operated whistle, horn or other appliance, capable of producing a blast of two seconds or more duration and audible for at least one-half mile. (Amended, Ordinance No. 92-08, February 3, 1992)

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(v) Carburetors on all engines of motorboats other than those propelled by a detachable outboard motor shall be fitted with or protected by a U.S. Coast Guard approved device for arresting backfire. (Amended, Ordinance No. 92-08, February 3, 1992)

(w) Except for open boats, all motorboats which use fuel having a flashpoint of 110 degrees Fahrenheit or less shall have at least two ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosives or flammable gases from the bilges of every engine and fuel tank compartment. There shall be at least one exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge and at least midway to the bilge or at least below the level of the carburetor air intake. The cowls shall be located and trimmed for maximum effectiveness and in such a manner so as to prevent displaced fumes from being recirculated. (Amended, Ordinance No. 92-08, February 3, 1992)

(x) Every motorboat equipped with storage batteries shall be provided with suitable supports and secured against shifting with the motion of the boat. Such storage batteries shall be equipped with non-conductive shielding means to prevent accidental shorting of battery terminals. (Amended, Ordinance No. 92-08, February 3, 1992)

(y) Lanyard cut-off switch. No person may operate any motor boat, including personal water craft or specialty prop-craft, which is equipped with a lanyard type engine cut-off switch unless such lanyard is properly attached to his or her person, clothes or worn PFD, as appropriate for the specific vessel. (Amended, Ordinance No. 93-29, May 17, 1993)

(z) No person shall operate a personal water craft or a specialty prop craft between the hours of sunset and sunrise. (Amended, Ordinance No. 95-10, February 6, 1995)

### **18. LIGHTS REQUIRED.**

A. It is unlawful to operate any vessel less than 26 feet in length from sunset to sunrise unless the following lights are carried and displayed when underway:

(1) A bright, white light aft to show all around the horizon, visible for a distance of 2 miles. The word "visible" as used herein means visible on a dark night with clear atmosphere;

(2) A combination light in the forepart of the boat lower than the white light aft, showing green to starboard and red to port, so fixed as to throw a light from dead ahead to 2 points abaft the beam on their respective sides and visible for a distance of not less than one mile;

(3) Lights under International Rules may be shown as an alternative to the above requirements.

B. Watercraft propelled by muscular power when underway shall carry on board from sunset to sunrise, but not fixed to any part of the boat, a lantern or flashlight capable of showing a white light visible all around the horizon at a distance of two miles or more, and shall display such lantern in sufficient time to avoid collision with another water craft.

C. Every vessel 26 feet or more in length shall carry and display when underway such additional or alternate lights as shall be required by the U. S. Coast Guard for water craft of equivalent length and type.

D. Sailboats equipped with motors and being propelled partly or solely by such motors shall carry and display the same lights required for motorboats of the same class. Sailboats of less than 26 feet in length, equipped with motors but being propelled entirely by sail between sunset and sunrise, shall have lighted the combination running light, but not the white light aft. Sailboats 26 feet or more in length, equipped with motors but being propelled entirely by sail between sunset and sunrise, shall have lighted the colored side lights suitably screened, but not the white lights prescribed for motorboats.

E. Dinghies, tenders and other water craft, whose principal function is as an auxiliary to other larger water craft, when so operating need carry only a flashlight visible to other craft in the area.

F. Vessels at anchor between the hours of sunset and sunrise, except those in a "Special Anchorage Area", shall display such anchor lights as shall be required by the U. S. Coast Guard for water craft of equivalent length and type.

#### **19. BOAT LICENSURE AND REGISTRATION.**

A. No boat or craft of any kind shall be kept or used on or in Lake Decatur, by the current owner, at any time unless the same is registered and currently licensed by the City of

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Decatur, as provided herein, or alternatively, there is a current permit issued by the City of Decatur therefor, also as provided herein. (Amended, Ordinance No. 92-08, February 3, 1992)

B. Applications for registration, license or permit shall be made upon forms to be furnished by the City containing such information as may be required by those Departments concerned with the operation of the Lake or the policing thereof as may be reasonably required by them to administer the provisions of law or code or ordinance applicable thereto.

C. Applications for initial registration shall be accompanied by a then current license.

(Amended, Ordinance No. 92-08, February 3, 1992)

D. Applications for license shall be accompanied by a fee as follows for each boat or craft:

Row boats, canoes, kayaks and other craft propelled by muscle power	\$15.00
Sail boats	25.00
Motor Boats:	
1-50 horsepower	30.00
51-100 horsepower	36.00
101-150 horsepower	42.00
151-200 horsepower	48.00
Over 200 horsepower	54.00

The horsepower of an engine is that determined by the manufacturer thereof. In case a boat or craft is so constructed or rigged to be propelled by more than one type or size of propulsion, the fee to be paid shall be the higher fee specified herein for the several sizes or types of propulsion.

Boat or craft owned or operated by government agencies, and boat or craft participating in an approved racing event, are exempt from licensing fees.

(Amended, Ordinance No. 98-02, January 5, 1998)

(Amended, Ordinance No. 92-08, February 3, 1992)

(Amended, Ordinance No. 89-02, January 3, 1989)

E. Licenses and permits shall be evidenced by such tags, tickets, plates, decals, stickers or other such devices as may be determined by the departments concerned therewith, may be furnished by the City and shall be so affixed to and continuously displayed on the subject boat or craft for the time the same is currently in effect as may be directed by the Lake Manager.

(Amended, Ordinance No. 92-08, February 3, 1992)

(Amended, Ordinance No. 90-50, April 16, 1990)

F. A boat or craft may be kept or used on or in the Lake without a license or registration for a period of twenty-four (24) hours, if a temporary permit is issued therefor and is displayed thereon, which said permits may be issued upon payment accompanying the application of \$5.00 for each boat or craft for each respective twenty-four (24) hour period.

(Amended, Ordinance No. 92-08, February 3, 1992)

G. A boat or craft may be kept or used on or in the Lake without registration if the same is owned by a boat dealer licensed by the state and is used for business purposes and said dealer obtains a City license upon application accompanied by a fee of \$100.00 for not to exceed four units. (Amended, Ordinance No. 98-02, January 5, 1998)

H. Boat registration numbers shall remain with the boat upon transfer of title thereto. No part of a license fee shall be refundable, or shall fees be prorated, or licenses be transferred between boats.

I. Licenses shall be issued for the period of one year commencing March 1, and expire on the last day of February next after issuance.

20. **BOAT RENTALS.** The business of renting boats for hire or carrying passengers for hire on the Lake is prohibited except as may be authorized by permit issued by the Lake Manager or his authorized agent and only to those persons licensed by the State of Illinois pursuant to Illinois Revised Statutes 1985, Chapter 95 1/2, Section 317.1. All provisions of this Chapter shall apply to such boats and craft; and all such boats or craft may be inspected by the City from time to time during their period of operation on the Lake. Any such boats or craft

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failing to have adequate life preservers in place as when licensed, or otherwise failing to pass inspection, shall be made to comply with the provisions hereof before further operation. No individual operator or employee or anyone operating any boat carrying passengers for hire shall be permitted to operate such boat unless he is physically fit for such duty, has adequate knowledge of the boat mechanism, is familiar with the ordinances, rules and regulations for the operation of boats on the Lake and with the commonly approved safety regulations and measures to be used in case of accident or emergency, including instructions of passengers in the use of safety equipment and their conduct in case of emergency. Each such operator or employee shall at all times be subject to an examination and approval by the City as to such qualifications; and any determination by the City as to such qualifications shall be conclusive. The provisions of this section shall apply to the owner or operator of such boat or boats or to the person, firm or corporation in whose name a permit was obtained. It shall be unlawful for an agent or employee of a permittee to allow the operation of such boat for hire in violation of this Chapter or any applicable state law. Such permit shall apply to all boats or craft rented by any person, firm or corporation and may be revoked upon evidence that the permit holder has been convicted of any violation of this Chapter or applicable State law. (Amended, Ordinance No. 90-50, April 16, 1990)

21. **FIRE EXTINGUISHERS.** It is unlawful to operate a motorboat equipped with an internal combustion engine on the Lake without at least one U. S. Coast Guard approved fire extinguisher, so placed as to be readily accessible and in such condition as to be ready for immediate and effective use.

**22. PERSONAL FLOTATION DEVICES.**

A. It is unlawful to operate any water craft on Lake Decatur unless at least one Coast Guard approved Personal Flotation Device (hereinafter "PFD") of the following types, or their equivalent, is on board for each person: Type I, Type II or Type III.

B. No person may operate on Lake Decatur a water craft 16 feet or more in length, except a canoe or kayak, unless at least one Type IV Coast Guard approved PFD or its equivalent is on board in addition to the PFD's required in subparagraph (a) of this Section.

C. No person may operate a water craft on Lake Decatur unless each device required by this section is:

- (1) Readily accessible;
- (2) In serviceable condition;
- (3) Of the appropriate size for the person for whom it is intended; and,
- (4) Legibly marked with the U. S. Coast Guard approval number.  
(Amended, Ordinance No. 92-08, February 3, 1992)

D. Approved PFD's are defined as follows:

(1) Type I - A Type I personal flotation device is an approved device designed to turn an unconscious person in the water from a face downward position to a vertical or slightly backward position and to have more than 20 pounds of buoyancy.

(2) Type II - A Type II personal flotation device is an approved device designed to turn an unconscious person in the water from a face downward position to a vertical or slightly backward position and to have at least 15 1/2 pounds of buoyancy.

(3) Type III - A Type III personal flotation device is an approved device to keep a conscious person in a vertical or slightly backward position and to have a least 15 1/2 pounds of buoyancy.

(4) Type IV - A Type IV personal flotation device is an approved device designed to be thrown to a person in the water and not worn. It is designed to have at least 16 1/2 pounds of buoyancy.

(5) Type V - A Type V personal flotation device is an approved device for restricted use and is acceptable only when used in the activity for which it is approved.

(Amended, Ordinance No. 92-08, February 3, 1992)

E. No person may operate a personal water craft or specialty prop-craft unless each person aboard is wearing a Type I, Type II, Type III or Type V personal flotation device approved by the United States Coast Guard. No person may operate a water craft unless a Type I, Type II, Type III or Type V personal flotation device is being properly worn by each person under the age of 13 on board the water craft at all times in which the water craft is underway; however, this requirement shall not apply to persons who are below decks in totally enclosed cabin spaces.

(Amended, Ordinance No. 2000-32, May 1, 2000)

(Amended, Ordinance No. 92-08, February 3, 1992)

F. A U. S. Coast Guard approved Type V personal floatation device may be carried in lieu of the Type I, II, III or IV personal flotation device required in this Section, if the Type V personal flotation device is approved for the activity in which it is being used.

(Amended, Ordinance No. 92-08, February 3, 1992)

### **23. MUFFLERS REQUIRED.**

A. All motorboats shall be equipped and maintained with an effective muffler or underwater exhaust system. For the purpose of this Section, an effective muffler or underwater exhaust system is one which does not produce sound levels that create excessive or unusual noise, or sound levels that are in excess of 90 decibels when subjected to a stationary sound level test as prescribed by the Society of Automotive Engineers in its procedure J2005.

B. No person may operate a motorboat so as to exceed a noise level of 75 decibels measured as specified by the society of Automotive Engineers in its procedure J1970.

C. This Section does not apply to: (1) A motorboat tuning up for or participating in official trials for a sanctioned race or regatta conducted under a permit by the Lake Manager; or (2) a motorboat being operated by a boat or marina engine manufacturer for the purpose of testing or development, as authorized by the Lake Manager.

D. Any person violating subsections A or B of this Section: (1) shall be required to install an effective muffler system on the motorboat in violation; and (2) shall be required to pass the sound level test prescribed by the Society of Automotive Engineers in its procedure J2005 before putting the motorboat back into use.

E. Any person who operates any motorboat upon Lake Decatur shall be deemed to have given consent to the test or tests prescribed in this Section to determine if the motorboat is in compliance with the provisions of this Section.

(Amended, Ordinance No. 93-29, May 17, 1993)  
(Amended, Ordinance No. 92-08, February 3, 1992)  
(Amended, Ordinance No. 90-50, April 16, 1990)

24. **BREACH OF THE PEACE.** It shall be unlawful for any person on or in the Lake, whether boating, swimming or otherwise, to do any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace, or to cause or permit in any manner loud and raucous sounds to be audible as such to any other craft, premises, or residence on or near the Lake.

25. **TOILETS ON BOATS.** No boat or craft used or operated on the Lake shall be equipped with toilet facilities except closed chemical toilets which must be approved by the Lake Manager or his authorized agent. (Amended, Ordinance No. 90-50, April 16, 1990)

26. **OPERATION OF BOATS; ABANDONED BOATS.**

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A. 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 unsanitary condition in or about said waters by the discharge in any material amount of oil or other polluting liquid tending to make said waters unwholesome or unfit for water supply purposes or injurious to the aquatic life thereof.

B. 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 and quiet of any neighborhood.

C. The City shall at all times have the power and authority to prohibit, restrict or otherwise limit or regulate the keeping, maintenance, or operation of any or all boats or 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 causes.

D. Any boat or craft found abandoned or adrift in the Lake or any boat or craft without a current license plate secured thereon shall be taken up by the City and disposed of as other lost or stolen property under the ordinances of the City. 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.

The City shall have the right to require an owner to pay a fee of \$25.00 or the actual cost of removal as determined by the Lake Manager or his authorized agent before reclaiming any boat or craft. (Amended, Ordinance No. 90-50, April 16, 1990)

E. Nothing herein shall be construed as permitting any boat or craft to be operated at a speed greater than is safe and prudent under the circumstances, and the operator thereof shall observe all signs and other regulations placed by the City on or near the Lake.

F. The City and its authorized agents shall have the right and power to order a boat or craft removed from the Lake which by reason of its physical condition is no longer safe for use.

If the owner does not remove such boat or craft, the City shall have the right to remove such boat or craft from the Lake. The owner thereof must pay a fee of Twenty-five Dollars (\$25.00) before reclaiming any such boat or craft, or a sum equal to the cost of labor, material and equipment use to the City connected with such action, whichever is higher and with a charge of Five Dollars (\$5.00) for each day or part thereof during which the same is in the custody of the City, which said custody shall be at the risk of the owner thereof.

G. No person under 10 years of age may operate a motorboat. Persons at least 10 years of age and less than 12 years of age may operate a motorboat only if they are accompanied on the motorboat and under the direct control of a parent or guardian. Persons at least 12 years of age and less than 18 years of age may operate a motorboat only if they are accompanied on the motorboat and under the direct control of a parent or guardian or a person at least 18 years of age designated by a parent or guardian, or such motorboat operator is in possession of a Boating Safety Certificate issued by the Department of Conservation, Division of Law Enforcement, authorizing the holder to operate motorboats. Other Boating Safety Certificates, approved by the Illinois Department of Conservation, are deemed acceptable for the provisions of this Section.

(Amended, Ordinance No. 93-29, May 17, 1993)

H. All boats and craft may be ordered off the Lake at the direction of the Lake Manager or his authorized agent due to actual or impending inclement weather conditions.

(Amended, Ordinance No. 90-50, April 16, 1990)

I. Any boat or craft located, constructed, operated or maintained in violation of the provisions of this chapter, or the rules or regulations promulgated thereunder, shall be removed from the Lake upon notice from the Lake Manager or his authorized agent. If a boat or craft is not removed on the date herein set forth or when requested by the Lake Manager or his

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authorized agent, the same may be removed by the City and expense thereof charged to the boat or craft owner. (Amended, Ordinance No. 92-08, February 3, 1992)

### 27. **WATER SKIING.**

A. No person may operate a motorboat having in tow, or otherwise be assisting, a person on water-skis, aquaplane or similar contrivance from the period of one-half hour after sunset to one-half hour before sunrise.

B. All water skiers, personal water craft and specialty prop-craft operators, sail or surf board riders, or any person being towed or otherwise assisted by a boat or craft of any kind must wear a U.S. Coast Guard approved Type I, Type II, Type III or Type V PFD.

(Amended, Ordinance No. 93-29, May 17, 1993)

(Amended, Ordinance No. 92-08, February 3, 1992)

C. No water skiing, surf board riding, or any type of towing or dragging of a person behind a boat or craft is permitted within 200 feet of the shore line, docks or piers, or under any bridge, or in a no-wake area as herein defined, or in any other areas designated by the Lake Manager or his authorized agent. (Amended, Ordinance No. 90-50, April 16, 1990)

D. No person may operate a motorboat which has in tow or is otherwise assisting a person on water skis, aquaplane, or similar contrivance in or upon the Lake, unless such motorboat is occupied by at least two (2) competent persons, and the operator of such boat must be at least fifteen (15) years of age and the observer must be at least ten (10) years of age.

(Amended, Ordinance No. 92-08, February 3, 1992)

E. No person or persons shall sit on the side of any motor or engine driven boat or craft or on any portion of such boat or craft that was not designed for that purpose by the manufacturer while said boat or craft is underway. No person or persons shall ride on any boat or craft in such a manner that any part of the body protrudes over the front, sides or rear of the boat or craft.

28. **SWIMMING.** Swimming out of boats is allowed only in no wake areas, within 25 feet of boats. Swimming out of boats is prohibited in areas adjacent to Shore Line Zones 1 and 2, all boat ramps, bridges and navigational channels. Diving "head first" is prohibited in all lake locations. Swimming from bridges, bridge piers, or bridge approaches is prohibited. Skin diving or scuba diving is prohibited except that permission may be granted by the Lake Manager or his authorized agent to a certified diver. The owner of any property adjacent to the lake shall permit no swimming from the adjacent property of children under the age of 16 years unless an adult who is an expert swimmer is present. No person shall swim from any adjacent property without owner's consent. There shall be no swimming from such adjacent property beyond 50 feet from shore. Swimming, skin diving or scuba diving, under all provisions of this Section, is prohibited from one-half hour after sunset to one-half hour before sunrise.

(Amended, Ordinance No. 93-17, May 17, 1993)

(Amended, Ordinance No. 92-08, February 3, 1992)

(Amended, Ordinance No. 90-50, April 16, 1990)

29. **INFECTIOUS DISEASES.**

A. No person or persons having any communicable or infectious disease or skin infection shall bathe or swim in Lake Decatur.

B. All persons using Lake Decatur for bathing and swimming purposes shall use the same so as not to create unsanitary conditions in or about said waters, so as not to pollute said waters, or make them unwholesome or unfit for use.

30. **HUNTING.** Hunting on Lake Decatur is hereby prohibited except the hunting of water fowl in season on that portion of Lake Decatur upstream from Rea's Bridge.

31. **BLINDS AND PITS DEFINED.** A blind or pit shall mean any cover, whether natural vegetation or a structure, used for concealment by anyone in an act of hunting migratory waterfowls.

32. **LOCATION OF BLINDS AND PITS.** No person shall establish or use any blind or pit for the hunting of migratory water fowl on Lake Decatur except above Rea's Bridge, which blind or pit shall not be set up within 200 yards of any other blind or pit. No blind or pit shall be built within 300 yards of any building, bridge, roadway or developed area of public access. The restrictions herein shall not apply to blinds in existence and properly licensed as of January 1, 1988.

33. **PERMITS FOR BLINDS AND PITS.** No such blind or pit shall be established on Lake Decatur, on property of the City adjacent to such Lake, or on any property from which a person fires a weapon over such Lake or Lake property, until a written permit therefor has been first obtained from the Lake Manager or his authorized agent.

(Amended, Ordinance No. 90-50, April 16, 1990)

34. **APPLICATIONS FOR BLINDS AND PITS.** Applications for permits to construct blinds as required in Section 33 herein shall be made upon forms to be furnished by the City and shall be accompanied by an initial fee of \$30.00 for each new permit issued after January 1, 1988 and a fee of \$25.00 per year for all other blinds.

(Amended, Ordinance No. 98-02, January 5, 1998)

35. **ONE PERMIT.** No person shall obtain more than one permit to construct a blind as required in Section 33 herein.

36. **PERMIT NOT TRANSFERABLE.** Permits obtained in accordance with Section 33 herein are for privileges personal to the permit holder and are not transferable and no blind

shall be used by other than the permit holder without written permission of the permit holder thereof.

**37. REGULATIONS FOR BLINDS AND PITS.**

A. Construction of a blind shall be completed by opening day of duck season as established by the Illinois Department of Conservation.

B. Any blind site not registered and with payment received by the Finance Department on October 1st of that year of any duck season is hereby declared open and available for registration by another person. (Amended, Ordinance No. 92-08; Ordinance No. 89-42)

C. Any and all material left on an unregistered blind site becomes the property of the City of Decatur to be removed and disposed of at the expense of the last registered owner.

D. A duck blind permit may be revoked upon conviction of the permit holder of a violation of any rule or regulation concerning duck blinds or hunting duly established hereunder or any other hunting ordinance or statute the violation of which occurred on or adjacent to Lake Decatur.

E. When a permit for a duck blind has been revoked, no permit shall be issued to the former permit holder for a period of one (1) year thereafter.

F. Existing blinds that are not registered by January 1, 1988, are hereby deemed abandoned and may be eliminated or removed by the City or re-issued to another person.

G. Any permit may in the discretion of the Lake Manager or his authorized agent be revoked, terminated or temporarily suspended as deemed necessary for the public good or safety.

(Amended, Ordinance No. 90-50, April 16, 1990)

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H. A City-furnished permit number plate shall be displayed on the front of the blind when unoccupied; the permit holder shall affix thereto a decal or sticker evidencing payment of the permit fee for the then current year.

38. **DISCHARGING FIREARMS.** The discharge of firearms on or over Lake Decatur is forbidden except for the hunting of water fowl in season as permitted herein.

39. **AIRCRAFT.** The landing of aircraft is hereby prohibited on Lake Decatur.

40. **CAMPING.** Any person or persons using the drainage area of Lake Decatur for picnic, camping or other recreational purposes shall keep the premises neat and clean, pick up and remove in a satisfactory manner all paper, garbage, rubbish and debris, and before leaving the premises put out any fires made by such person or persons. Picnics and camping are prohibited below the high water level.

41. **FISHING.**

A. Fishing from boats is hereby prohibited in Lake Decatur in that area lying west of a line 300 feet upstream from the east side of the public highway known as U.S. Route 51. Fishing from either dam is prohibited.

B. No person shall take, catch, or attempt to take or catch, any fish in the reservoir by any method whatsoever except by hooks attached to a single line. The use of any seine of any character, or any dip, hook, fyke, gill, pound or basket net or of any trap for the taking or catching of aquatic life is hereby prohibited except as herein provided. The use of snares, spears, gigs or firearms for the taking or catching of aquatic life is hereby prohibited except as herein provided. All fish species of carp, buffalo, sucker and carpsucker may be taken by gig or pitch fork effective April 1, 1993. (Amended, Ordinance No. 93-29, May 17, 1993)

C. Any properly licensed person, in any one day, may take up to thirty (30) gizzard shad for personal use by using a shad trawl not larger than 30 inches in diameter or a shad throw net not larger than eight (8) feet in diameter. Any other species of aquatic life taken in this manner must immediately be returned to the reservoir. The taking of gizzard shad or any other aquatic life from the Lake for commercial use or resale is prohibited.

D. Any person possessing a valid sport fishing license may use a gig to take bullfrogs.

E. It shall be unlawful to use, set or place or control any bank lines, bank poles, limb lines, trotlines, snag lines, fishing jugs or any similar devices.

(Amended, Ordinance No. 92-08, February 3, 1992)

F. All persons using said waters for fishing purposes shall use the same so as not to create any unsanitary conditions in or about said waters or so as not to pollute the said waters and make them unwholesome or unfit for use.

G. Nothing herein enumerated in subsections (a) to (f) inclusive of this section, shall apply to or be construed to prevent or penalize anything done or caused to be done by the City or by agents of the Department of Conservation of the State in protecting or caring for the reservoir or the aquatic life therein.

42. **WALLEYE AND BASS.** No person shall take from Lake Decatur walleye (stizostedion vitreum) sauger (stizostedion canadense), small mouth bass (micropterus dolomieu), or large mouth bass (micropterus salmoides) less than fourteen (14) inches in length, by any means.

(Amended, Ordinance No. 92-08, February 3, 1992)

43. **CITY AUTHORITY.** The City shall at all times have and retain full power and authority to prohibit, limit or restrict bathing, swimming, boating, skiing, hunting and fishing in

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said Lake Decatur and its tributaries thereto for the purpose of preventing, suppressing, or arresting any epidemic or any communicable or infectious disease or for the purpose of safety to persons or property, or for the purpose of preserving the public water supply.

44. **REVOCATION OF PERMITS.** For violation of the rules or regulations hereof in whole or in part any license or permit issued under the provisions of this Chapter may be revoked or suspended. Under no condition may the holder of a boat license which has been suspended or revoked operate any other licensed boat during such period of revocation or suspension.

45. **SALE OF BOAT DURING SUSPENSION.** Under no condition may the holder of a license sell or dispose of his boat or craft during the time of suspension in order that it may again be licensed by another individual.

46. **ICE SKATING AND ICE FISHING.** No persons shall skate or otherwise be upon the ice of Lake Decatur except that persons may skate and ice fish within fifty (50) feet of an authorized dock in Zone 3 with the permission of the owner. Ice skating is allowed on Bayview Cove which is located north of Cantrell Street, south of Bayview Drive and Irving Drive, east of North Country Club Road, and west of Lake Ridge Avenue. Ice skating is also allowed on Sand Creek Cove which is located north of Grove Road, south of South Shores Drive, east of Southland Road and west of Shoreline Drive. No person shall operate a snowmobile on the Lake.

(Amended, Ordinance No. 93-29, May 17, 1993)

47. **ICE BOATING.**

A. No person shall operate or use any ice boat upon the ice of Lake Decatur unless such boat or craft is licensed therefor. Applications for such licenses shall be made to the Finance

Department. No license for any ice boat shall be issued unless and until the owner of such boat agrees to indemnify and hold harmless the City from and against all causes of action arising out of the operation of said boat upon the Lake, in a form to be approved by the Corporation Counsel. Such licenses shall be effective from November 1 through April 30 of the succeeding year. The fee for such license shall be \$25.00.

(Amended, Ordinance No. 92-08, February 3, 1992)

(Amended, Ordinance No. 89-42, May 1, 1989)

B. A temporary license for an ice boat, good for not to exceed three (3) days, may be obtained by a non-resident of the City. Such temporary licenses shall be issued in like manner and with such indemnities as are provided for in Section A hereof. The fee for such license shall be \$10.00.

**48. PIERS AND DOCKS.** Piers or docks may be constructed upon Lake Decatur under the following conditions only:

(a) No pier or dock shall be placed, constructed, operated or maintained in or on the Lake without a permit issued by the Finance Department after application for the same has been approved by the City Manager. (Amended, Ordinance No. 89-42, May 1, 1989)

(b) No pier or dock shall be constructed immediately in front of another owner's private property; provided that, owners of property abutting the Lake may grant easements appurtenant to owners of property lying within 500 feet of the shoreline of the Lake, as the same exists at high water mark, for purposes of dock construction and maintenance, and ingress and egress therefrom and thereto, and such grantees of said easements, and their heirs, successors and assigns, may be issued a permit for, and may construct and maintain, a dock on said abutting property, for personal use. Not more than three such docks belonging to grantees of easements, as described herein, or their heirs, successors or assigns, may be constructed on abutting property.

(Amended, Ordinance No. 90-69, June 18, 1990)

(c) No pier or dock shall be constructed except in locations approved by the Lake Manager. (Amended, Ordinance No. 90-50, April 16, 1990)

(d) Each pier or dock shall be securely attached to the shore line and shall be of a type of construction, of such size, length and materials as may be approved by the Lake Manager.

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(Amended, Ordinance No. 90-50, April 16, 1990)

(e) The pier or dock must at all times be kept in good state of repair.

(f) Temporary piers or docks shall be removed from the lake on or before November 15 of each year and not replaced before March 15 of each year unless such pier or dock is approved as a permanent pier or dock by the Lake Manager. Temporary piers or docks adjacent to Shore Line Zones 1 and 2 must be installed no later than May 15 of each year.

(Amended, Ordinance No. 92-08, February 3, 1992)

(Amended, Ordinance No. 90-50, April 16, 1990)

(g) The owner of any pier or dock shall permit no swimming from the pier or dock of children under the age of 16 years unless an adult who is an expert swimmer is present. No person shall swim from any pier or dock without the owner's consent. There shall be no swimming from such pier or dock beyond 50 feet from shore. Swimming, under all provisions of this Section, is prohibited from one-half hour after sunset to one-half hour before sunrise.

(Amended, Ordinance No. 93-29, May 17, 1993)

(h) The location, construction, operation or maintenance of a pier or dock anywhere in or on the Lake is a revocable license privilege.

(i) Any pier or dock located, constructed, operated or maintained in violation of the provisions of this Section, or the rules or regulations promulgated thereunder, shall be removed from the Lake upon notice from the Lake Manager. (Amended, Ordinance No. 90-50, April 16, 1990)

(j) If a pier or dock is not removed on the date herein set forth or when requested by the Lake Manager, the same may be removed by the City and expense thereof charged to the permit holder. (Amended, Ordinance No. 90-50, April 16, 1990)

(k) A City furnished permit number plate shall be displayed at the Lake end and at the shore end of each pier or dock, and on the plate at the Lake end a decal or sticker evidencing payment of the permit fee for the then current year shall be affixed.

(l) Application for an initial permit or for annual renewal of a permit shall be filed with the Finance Department upon forms provided by the City requiring such information as shall be deemed reasonably necessary or desirable to aid in the administration of the provisions of this Chapter and which application shall be accompanied by the payment of the appropriate annual fees as follows:

Shore Line Zone 1:

For each front foot of shore line \$6.25 plus  
\$25.00 for each boat space above one;

Shore Line Zone 2:

For each front foot of shore line \$5.00 plus  
\$18.75 for each boat space above one;

Shore Line Zone 3:

For each boat space \$25.00.

In Shore Line Zones 1 and 2 the minimum front foot charge is for twelve feet of shore line; and, if the application is for an initial permit, not a renewal, \$30.00 shall accompany payment of the annual fee.

(Amended, Ordinance No. 98-02, January 5, 1998)

(Amended, Ordinance No. 89-42, May 1, 1989)

(Amended, Ordinance No. 89-16, February 20, 1989)

(m) In Shore Line Zones 1 and 2, permits will be issued for docks or piers only to the extent that space is available in the judgment of the Lake Manager with preference being given to multiple boat installations and in Shore Line Zone 3 permits will be issued only to persons owning property abutting the Lake for piers or docks located at such abutting property, except as provided in subsections (b) and (n). Docks or piers owned or operated by government agencies are exempt from permit fees.

(Amended, Ordinance No. 92-08, February 3, 1992)

(Amended, Ordinance No. 90-70, June 18, 1990)

(Amended, Ordinance No. 90-50, April 16, 1990)

(n) Where sufficient room is available at locations other than those adjacent to privately owned premises, permits may be issued to groups or clubs, applications for which, whether initial or annual renewal, shall be accompanied by a list of the names of those officers and members thereof, their respective home addresses, a telephone number for each, the license number of each boat to be operated from such pier or dock, and location of each boat at the pier or dock.

Group or club boat dock permits issued for locations adjacent to privately owned premises in Shore Line Zone 3, and issued prior to February 28, 1997, may be renewed, but only if the number of boat spaces does not exceed the number of such spaces permitted in 1996. Except as expressly authorized hereby, no other permits for groups or clubs may be issued.

(Amended, Ordinance No. 97-37, May 5, 1997)

(o) The applicant in each application must agree to indemnify and to hold the City harmless for any and all liability for damages to person or property for which it may be held liable by reason of the maintenance or operation of a permitted pier or dock on the lake.

(p) If any pier or dock is physically retrieved, recovered or removed from the Lake by the City, the owner thereof shall pay a charge of \$25.00 along with a sum equal to the cost of labor, material and equipment use to the City connected with such action in excess of \$25.00 and

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with a charge of \$5.00 for each day or part thereof in which the same is in the custody of the City which custody shall be at the risk of the owner thereof.

(q) No boat shall be moored in the Lake unless it is moored within fifty (50) feet of the shore line, and a pier permit endorsed to authorize such mooring is obtained.

(r) In Shore Line Zones 1 and 2 only owners of boats registered with the City for operation on the Lake shall be eligible for permits and as to multiple boat dock permits shall be issued only when such boat registration is shown for each boat space thereon.

(s) No boat shall be docked at a pier or dock without permission of the permit holder thereof.

(t) Permit holders shall not loan the use of the permitted dock or pier in Shore Line Zones 1 and 2 or space thereon or lease, sublease or rent the same, except temporarily for short spaces of time with permission of the Lake Manager and without payment of any fee or charge for the same. (Amended, Ordinance No. 90-50, April 16, 1990)

(u) All piers or docks in Shore Line Zones 1 and 2 and those in Shore Line Zone 3 located under the provisions of subsections (m) and (n) shall be furnished with a gate suitable to limit entry to such pier or dock when closed, and which gate shall be closed and locked except during use by an authorized user. (Amended, Ordinance No. 92-08, February 3, 1992)

(v) Determinations and decisions of the Lake Manager under subsections (c), (d), (f), (i) and (m) of this Section may be reviewed by the City Manager provided a written request for such review is filed with the City Manager within five (5) days after notice of such determination or decision. (Amended, Ordinance No. 90-50, April 16, 1990)

(w) In Shore Line Zones 1 and 2, the terms of the annual dock and pier permits include the City's right to limit access, limit use, and allow other organizations the temporary use of the dock and pier facility, for the purpose of conducting public events on and adjacent to Lake Decatur. This section shall become effective March 1, 1994. (Amended, Ordinance No. 93-29)

**49. PERMITS ARE PERSONAL PRIVILEGES.** Permits issued pursuant to Section 48 are for privileges personal to the permit holder and may not be transferred. All such permits expire on the last day of February next after issuance.

**50. REVOCATION OF PIER PERMIT.** A pier or dock permit may be revoked upon conviction of the permit holder of a violation of any rule or regulation duly established hereunder or any other ordinance or statute of like nature the violation of which occurred on or adjacent to Lake Decatur.

51. **TRESPASSING ON DAM.** No person shall, at any time, go onto or be upon either dam across the Sangamon River for any purpose.

52. **PROPERTY ADJACENT TO LAKE.**

A. The Director of Water Management shall have charge of all real estate owned by the City and adjacent to the Lake. He shall see that such real estate is properly maintained and protected. He shall have authority to lease such property or portions thereof upon such terms deemed most advantageous to the City. Such leases must be approved by the City Manager.

(Amended, Ordinance No. 200-63, July 17, 2000)

B. Employees of the Lake Management Division of the Department of Water Management are hereby authorized to perform all the duties and responsibilities of Parking Meter Checker, at the direction of the Chief of Police, but only as to those City-owned or City-leased premises directly adjacent to Lake Decatur.

(Amended, Ordinance No. 2000-63, July 17, 2000)

(Amended, Ordinance No. 92-08, February 3, 1992)

53. **PENALTIES.** A. Any person, firm or corporation who shall violate any of the provisions of Section 4, 5, 6, 7, 8, 9, 10, 11 or 12 of this chapter shall be fined not less than Five Hundred Dollars (\$500.00) nor more than One thousand Five Hundred Dollars (\$1,500.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense. (Amended, Ordinance No. 2011-74, October 31, 2011)

B. Any person, firm or corporation who shall violate any of the provisions of any section of this Chapter not enumerated in subparagraph A above shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense.

(Amended, Ordinance No. 2011-74, October 31, 2011)

**54. VIOLATION NOTICE AND COMPLAINT.**

Whenever a Lake Patrol or full time Lake Management Division employee witnesses or has knowledge based on reasonable grounds of a violation by any person, firm or corporation of any section of this Chapter, such person may be issued a Violation Notice and Complaint for said violation by the Lake Patrol or full time Lake Management Division employee, as set forth in Chapter 29 of this Code. (Amended, Ordinance No. 2011-74, October 31, 2011)

**55. PAYMENT OF VIOLATION NOTICE AND COMPLAINT.**

A. A person cited by a Lake Patrol employee for a violation of any section of this Chapter is herein provided may terminate any further proceedings by the City due to said violation by making payment to the City at the office of the City Treasurer. Payment is considered as being made only when the City Treasurer is in receipt of the full amount.

(Amended, Ordinance No. 2011-74, October 31, 2011)

B. If a person is given a citation for a violation as herein provided, no complaint may be filed by an attorney on behalf of the City in any court having jurisdiction thereof seeking to prosecute and fine such person for said violation sooner than ten (10) days after such citation is issued, and no complaint may be filed if the citation is timely paid.

(Amended, Ordinance No. 90-50, April 16, 1990)