

CHAPTER 66.2

REGULATION OF LAKE DECATUR DOCKS

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

A. Abutting Property Owner means the owner of property of which any length directly abuts Zone A.

B. Dock 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 Office and that area lying to the south and west of the property formerly used as the Beach House.

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

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

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

F. 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.

G. 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.

H. Oakley Bridge shall mean that bridge which spans the original channel of the Sangamon River in Section 24, Whitmore Township, and Section 24, Oakley Township, Macon County,

Amended, February 2023

Illinois, situated North of the Village of Oakley, Macon County, Illinois, and is commonly known as the Oakley Bridge.

I. Permanent Dock shall mean a dock designed and constructed to not be removed from the lake each winter.

J. Reservoir shall mean the artificial reservoir formed by the dam constructed near the U.S. Route 51 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 Macon County Highway 25 running North and South across what is known as the Oakley Bridge, hereinafter described.

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

L. Temporary Dock shall mean a dock designed and constructed to be removed from the lake each winter.

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

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

O. 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.

2. **DOCKS.** Docks may be constructed upon Lake Decatur under the following conditions only:

A. No dock shall be placed, constructed, operated or maintained in or on the Lake without a permit issued by the Lake Supervisor or designee and a permit issued by the Finance Department. City of Decatur building permits and approvals are also required for permanent structures. Final inspection and approval must be obtained from the Lake Supervisor or designee before the dock may be placed in use. Where utility easements, utility structures or government agency property exists which might conflict with construction of a dock, no permit will be issued until written permission has been obtained for the proposed construction from the appropriate utility or government agency. (Amended, Ordinance 2023-09, February 21, 2023)

B. Abutting property owners in Dock Shore Line Zone 3 and property owners in Dock Shore Line Zone 3 that are directly across a public roadway from the Lake may be entitled to a dock permit in accordance with the regulations set forth in this Chapter.

C. No dock shall be constructed immediately in front of another owner's private property; provided that, owners of property abutting the Lake may grant up to two (2) easements appurtenant to owners of property lying within 1,200 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 one such docks belonging to grantees of easements, as described

herein, or their heirs, successors or assigns, may be constructed on abutting property. (Amended, Ordinance 2023-09, February 21, 2023)

D. Each 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 Supervisor or designee. New docks permitted after December 31, 2022 shall have a length not to exceed 35 linear feet as measured from the high-water mark and a width not to exceed 15 linear feet. In bays or channels less than 100 linear feet across, no new dock built after December 31, 2022 shall extend greater than one-fourth of the distance across the bay or channel. In Dock Shore Line Zones 1 and 2, the City may authorize dock length or width dimension variances. (Amended, Ordinance 2023-09, February 21, 2023)

E. The dock must at all times be kept in a good state of repair.

F. Temporary 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 dock is approved as a permanent dock by the Lake Supervisor or designee. Temporary docks adjacent to Dock Shore Line Zones 1 and 2 must be installed no later than May 15 of each year.

G. The owner of any dock shall permit no swimming of children under the age of 16 years from the dock unless an adult who is an expert swimmer is present. No person shall swim from any dock without the owner's consent. There shall be no swimming from such 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.

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

I. Any 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 to remove by a date certain from the Lake Supervisor or designee. (Amended, Ordinance 2023-09, February 21, 2023)

J. If a dock is not removed on the date herein set forth or when requested by the Lake Supervisor or designee, the same may be removed by the City and expense thereof charged to the permit holder as per Section 2 (P).

K. A City furnished permit number plate shall be displayed at the Lake end and at the shore end of each 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:

	Effective:	March 1, 2022
Dock Shore Line		
Zone 1:		
For each front foot of shore line		\$10.50
plus for the first boat space		\$136.00
plus for each boat space above one		\$171.00
Dock Shore Line		
Zone 2:		
For each front foot of shore line		\$9.50
plus for the first boat space		\$136.00
plus for each boat space above one		\$160.50
Dock Shore Line		
Zone 3:		\$69.00

In Dock 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, a fee of \$57.50, effective March 1, 2022, shall accompany payment of the annual fee. In Dock Shore Line Zone 3, if a dock, or the adjacent real property permitted as the physical location of the dock, is not inside the corporate limits of the City, the initial or annual permit fees shall be two times the fees for docks of the same classification situated within the corporate limits.

M. In Dock Shore Line Zones 1 and 2 permits will be issued for docks only to the extent that space is available in the judgment of Lake Supervisor or designee with preference being given to multiple boat installations and in Dock Shore Line Zone 3 permits will be issued only to persons owning property abutting the Lake for docks located at such abutting property, except as provided in subsections B. and N. Docks owned or operated by government agencies are exempt from permit fees. Docks contractually authorized by the City Council to other parties may include permit fees that supersede this Chapter. (Amended, Ordinance 2023-09, February 21, 2023)

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, email address, a telephone number for each, the license number of each boat to be operated from such dock, and location of each boat at the dock. (Amended, Ordinance 2023-09, February 21, 2023)

Group or club boat dock permits issued for locations adjacent to privately owned premises in Dock 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.

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 dock on the lake.

P. If any dock is physically retrieved, recovered or removed from the Lake by the City, the owner thereof shall pay a charge of One Hundred Dollars (\$100.00) along with a sum equal to the cost of labor, material and equipment use to the City connected with such action in excess of One Hundred Dollars (\$100.00) and with a charge of Twenty Five Dollars (\$25.00) 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. (Amended, Ordinance 2023-09, February 21, 2023)

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

R. In Dock 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 dock without permission of the permit holder thereof.

T. Permit holders shall not loan the use of the permitted dock in Dock 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 Supervisor or designee and without payment of any fee or charge for the same.

U. All docks in Dock Shore Line Zones 1 and 2 and those in Dock 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 dock when closed, and which gate shall be closed and locked except during use by an authorized user.

V. In Dock Shore Line Zones 1 and 2, the terms of the annual dock permits include the City's right to limit access, limit use, and allow other organizations the temporary use of the dock for the purpose of conducting public events on and adjacent to Lake Decatur.

W. No dock shall be used as living quarters or a place of residence. (Amended, Ordinance 2023-09, February 21, 2023)

X. In unincorporated areas of Dock Shore Line Zone 3, applications for initial or new dock permits shall not be allowed unless the unincorporated property abutting or adjacent to the proposed dock is annexed into the City, unless the City Manager or designee, determines in writing that the unincorporated property does not require annexation. (Amended, Ordinance 2023-09, February 21, 2023)

3. **PERMITS ARE PERSONAL PRIVILEGES.** Permits issued pursuant to Section 2 are for privileges personal to the permit holder and spouse and may not be transferred. All such permits expire on the last day of February next after issuance.

4. **REVOCAION OF DOCK PERMIT.** A 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.

5. **PENALTIES.** Any person, firm or corporation who shall violate any of the provisions of any section of this Chapter 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 2023-09, February 21, 2023)

6. VIOLATION NOTICE AND COMPLAINT. Whenever a Lake Patrol or full time Lake Services Section employee witnesses or has knowledge of a violation by any person, firm or corporation of any section of this Chapter, a Violation Notice and Complaint for said violation may be issued by the Lake Patrol or full time Lake Services Section employee, as set forth in Chapter 29 of this Code.

7. PAYMENT OF VIOLATION NOTICE AND COMPLAINT.

A. A person cited for a violation of any section of this Chapter 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.

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.

8. ANNUAL PERMIT FEE ADJUSTMENT. All permit fees contained in Section L. of this Chapter will increase on May 1 annually by 2.5 percent or by the annual percentage change of the U.S. Department of Labor Midwest Urban Consumer Price Index for each corresponding preceding January 1 to December 31 time period, whichever is greater, except for the year 2023 for which the increase will be by 2.51 percent, and rounded up to the next \$0.50 increment. The City Council must authorize any annual increase that is 5.0 percent or higher. (Amended, Ordinance 2023-09, February 21, 2023)