

IC 14-29

ARTICLE 29. RIVERS, STREAMS, AND WATERWAYS

IC 14-29-1

Chapter 1. Navigable Waterways

IC 14-29-1-1

Petition

Sec. 1. The board of county commissioners of each county may declare any stream or watercourse in the county navigable on the petition of at least twenty-four (24) freeholders of the county residing in the vicinity of the stream.

As added by P.L.1-1995, SEC.22.

IC 14-29-1-2

Examination of waterway

Sec. 2. (a) On the filing of a petition under section 1 of this chapter, the board of county commissioners shall have an examination of the stream or watercourse made by a suitable person to ascertain and report to the board of county commissioners the following:

- (1) The length of the stream or watercourse.
- (2) How much of the stream or watercourse is capable of being declared navigable.

(b) The board of county commissioners shall confirm the report if the board is satisfied that the stream, if navigable, would be of public utility. Upon confirmation the board shall declare the stream navigable and have the report recorded in the records of the board, as public highways are recorded.

As added by P.L.1-1995, SEC.22.

IC 14-29-1-3

Obstruction of waterway

Sec. 3. A person who obstructs a stream or watercourse declared navigable is subject to the same penalties as a person who obstructs a public highway. General Indiana law governing:

- (1) public highways; and
- (2) the laying out and working of public highways in all other respects;

applies, as far as applicable, to the defining and working of navigable watercourses.

As added by P.L.1-1995, SEC.22.

IC 14-29-1-4

Piers, wharves, or docks

Sec. 4. (a) Subject to subsection (b), a riparian owner of land in Indiana bordering upon a navigable stream may do the following:

- (1) Build and maintain:
 - (A) within the premises bordering on the stream; and

(B) upon the submerged land beneath the water;
a pier, wharf, dock, or harbor in aid of navigation and commerce.

(2) Use, occupy, and enjoy the constructed item as appurtenant to the owner's land.

(b) A pier, dock, or wharf may not do any of the following:

(1) Extend into the stream further than is necessary to accommodate shipping and navigation.

(2) Obstruct shipping and navigation.

As added by P.L.1-1995, SEC.22.

IC 14-29-1-5

Mills, dams, aqueducts, viaducts, bridges, or machinery on the stream

Sec. 5. The declaration of a watercourse as navigable by a board of county commissioners does not affect a mill, a dam, an aqueduct, a viaduct, a bridge, or machinery on the stream, except if the mill, dam, aqueduct, viaduct, bridge, or machinery has been abandoned for at least twelve (12) months.

As added by P.L.1-1995, SEC.22.

IC 14-29-1-6

Removal of obstructions; money

Sec. 6. The board of county commissioners may use the money:

(1) that is appropriated from the county treasury; and

(2) as the board of county commissioners considers necessary; to remove obstructions from streams that are declared navigable under this chapter.

As added by P.L.1-1995, SEC.22.

IC 14-29-1-7

Gates

Sec. 7. A person living on or owning property along a watercourse that is navigable for boats of a large size may hang gates:

(1) at or near the top of the bank; and

(2) across a road leading down the bank and terminating at the watercourse;

except within the limits of a city or town.

As added by P.L.1-1995, SEC.22.

IC 14-29-1-8

Permits

Sec. 8. (a) A person, other than a public or municipal water utility, may not:

(1) place, fill, or erect a permanent structure in;

(2) remove water from; or

(3) remove material from;

a navigable waterway without a permit from the department.

(b) An application for a permit under this section must be made in a manner prescribed by rule.

(c) The department shall issue a permit if the issuance of the permit will not do any of the following:

- (1) Unreasonably impair the navigability of the waterway.
- (2) Cause significant harm to the environment.
- (3) Pose an unreasonable hazard to life or property.

(d) A separate permit is not required under this section for an activity permitted under any of the following:

- (1) IC 14-21-1.
- (2) IC 14-28-1.
- (3) IC 14-29-3.
- (4) IC 14-29-4.
- (5) IC 14-34.
- (6) IC 14-37.

However, a permit issued under a statute specified in this subsection must also apply the requirements of this section with respect to an activity within a navigable waterway.

(e) A separate permit is not required under this section for an activity for which a permit has been issued under any of the following:

- (1) 16 U.S.C. 1451 et seq. (the federal Coastal Zone Management Act).
- (2) 33 U.S.C. 1344 (the federal Clean Water Act).
- (3) 42 U.S.C. 9601 et seq. (the federal Comprehensive Environmental Response, Compensation, and Liability Act).

(f) The department shall adopt rules under IC 4-22-2 to implement this section.

(g) A person who violates this section commits a Class B infraction.

As added by P.L.1-1995, SEC.22.