

SENATE BILL No. 581

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2-289; IC 14-10-4.

Synopsis: Lake Michigan shore zone administrative rules. Defines "Lake Michigan shore zone" as the land between the ordinary high water mark of Lake Michigan and the lakeside property line of a privately owned lot or tract of land described by metes and bounds. Provides that a Lake Michigan shore zone includes a seawall constructed on the lakeside property line of a privately owned lot or tract of land described by metes and bounds. Authorizes the natural resources commission (commission) to adopt rules concerning: (1) the movement of sand across a Lake Michigan shore zone through natural forces or otherwise and the return of the sand to the Lake Michigan shore; (2) the flow of water, including water from a source on a privately owned lot or tract of land, across a Lake Michigan shore zone; and (3) other matters relating to the use of Lake Michigan shore zones. Provides that the rules adopted by the commission supersede an ordinance of a unit of local government, including a zoning ordinance, that is inconsistent with the adopted rules.

Effective: July 1, 2019.

Doriot

January 14, 2019, read first time and referred to Committee on Natural Resources.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 581

A BILL FOR AN ACT to amend the Indiana Code concerning natural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-8-2-289, AS AMENDED BY P.L.82-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 289. "Unit of local government", for purposes of
4 **IC 14-10-4**, IC 14-12-1, and IC 14-22-10, means a:
5 (1) county;
6 (2) city;
7 (3) town; or
8 (4) township;
9 located in Indiana.
10 SECTION 2. IC 14-10-4 IS ADDED TO THE INDIANA CODE AS
11 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2019]:
13 **Chapter 4. Commission Authority Over Lake Michigan Shore**
14 **Zones**
15 **Sec. 1. This chapter applies to:**
16 (1) a privately owned lot; or
17 (2) a privately owned tract of land described by metes and



- 1 **bounds;**
 2 **only if there is no other privately owned lot or tract of land**
 3 **described by metes and bounds located between the lot or tract and**
 4 **the Lake Michigan shore.**
 5 **Sec. 2. As used in this chapter, "Lake Michigan" refers to the**
 6 **waters of Lake Michigan that are within Indiana.**
 7 **Sec. 3. As used in this chapter, "Lake Michigan shore" means**
 8 **the land along the edge of Lake Michigan between:**
 9 **(1) the waters of Lake Michigan; and**
 10 **(2) the ordinary high water mark.**
 11 **Sec. 4. (a) As used in this chapter, "Lake Michigan shore zone"**
 12 **means the land between:**
 13 **(1) the ordinary high water mark of Lake Michigan; and**
 14 **(2) the lakeside property line of:**
 15 **(A) a privately owned lot; or**
 16 **(B) a privately owned tract of land described by metes and**
 17 **bounds;**
 18 **that adjoins the Lake Michigan shore.**
 19 **(b) The term includes any seawall constructed on the lakeside**
 20 **property line of a privately owned lot or tract of land described by**
 21 **metes and bounds.**
 22 **Sec. 5. As used in this chapter, "lakeside property line" means**
 23 **the property line of:**
 24 **(1) a privately owned lot; or**
 25 **(2) a privately owned tract of land described by metes and**
 26 **bounds;**
 27 **on the side on which the lot or tract is nearest to the Lake Michigan**
 28 **shore.**
 29 **Sec. 6. As used in this chapter, "ordinary high water mark"**
 30 **means the natural line on the bank of Lake Michigan that is:**
 31 **(1) established by the fluctuations of water; and**
 32 **(2) indicated by certain physical characteristics, including one**
 33 **(1) or more of the following:**
 34 **(A) A clear and natural line impressed on the bank or**
 35 **shore.**
 36 **(B) Shelving.**
 37 **(C) Changes in the soil's character.**
 38 **(D) The absence of terrestrial vegetation.**
 39 **(E) The presence of litter or debris deposited by a natural**
 40 **process.**
 41 **Sec. 7. As used in this chapter, "privately owned lot" means a**
 42 **distinct parcel of land, including any improvements located on the**



- 1 land, that is owned by:
- 2 (1) one (1) or more individuals;
- 3 (2) a trust;
- 4 (3) a corporation; or
- 5 (4) another entity other than the government of the United
- 6 States, the state of Indiana, or a unit of local government.
- 7 Sec. 8. As used in this chapter, "seawall" means a wall that is
- 8 located on the lakeside property line of a privately owned lot or
- 9 privately owned tract of land described by metes and bounds.
- 10 Sec. 9. The commission may adopt rules under IC 4-22-2
- 11 concerning the following:
- 12 (1) The movement of sand across a Lake Michigan shore zone
- 13 through natural forces or otherwise, and the return of the
- 14 sand to the Lake Michigan shore.
- 15 (2) The flow of water, including water from a source on a
- 16 privately owned lot or privately owned tract of land described
- 17 by metes and bounds, across a Lake Michigan shore zone.
- 18 (3) Other matters relating to the use of Lake Michigan shore
- 19 zones.
- 20 Sec. 10. The rules adopted by the commission under this chapter
- 21 supersede an ordinance of a unit of local government, including an
- 22 ordinance adopted under IC 36-7-4, that is inconsistent with the
- 23 rules adopted under this chapter.
- 24 Sec. 11. This chapter does not limit the use of the Lake Michigan
- 25 shore zone by the owner of a privately owned lot or privately
- 26 owned tract of land described by metes and bounds:
- 27 (1) for ordinary recreational purposes; or
- 28 (2) to gain access to Lake Michigan.

