

IC 14-29-4

Chapter 4. Construction of Channels

IC 14-29-4-1

"Channel" defined

Sec. 1. As used in this chapter, "channel" means:

- (1) an artificial channel; or
- (2) the improved channel of a natural watercourse; connecting to any river or stream in Indiana for the purpose of providing access by boat or otherwise to public or private industrial, commercial, housing, recreational, or other facilities.

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

IC 14-29-4-2

Regulation of channel construction

Sec. 2. The general assembly finds that the unregulated construction of channels may be injurious to the public health, safety, and welfare and that the construction of these channels shall be regulated.

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

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Approval for construction

Sec. 3. A person may not construct a channel before receiving the written approval of the commission.

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

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Permits

Sec. 4. A person who desires to construct a channel must do the following:

- (1) File a verified written application for a permit with the commission that does the following:
 - (A) States the material facts.
 - (B) Includes the plans and specifications for the construction of the channel.
 - (C) Identifies each facility to which the channel will provide access.
- (2) Include with the application a nonrefundable fee of one hundred dollars (\$100).

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

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Prior approval by department of environmental management

Sec. 5. Before commission consideration of the application, the applicant must do the following:

- (1) Obtain the prior written approval of the department of environmental management for sewage disposal facilities

involved with the channel and each facility that the channel is to serve. Prior approval is not required for housing developments of less than six (6) lots.

(2) If a channel will:

(A) connect to a navigable river or stream; and

(B) create additional water areas that will be connected to the navigable river or stream;

dedicate any water created to general public use.

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

IC 14-29-4-6

Order of authorization

Sec. 6. The commission shall issue an order of authorization if in the opinion of the commission the channel and each facility that the channel is to serve will not do any of the following:

(1) Constitute an unreasonable hazard to life and property.

(2) Result in undue effects upon the water levels of the river or stream or upon fish and wildlife resources.

(3) Adversely affect the public health, safety, and welfare.

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

IC 14-29-4-7

Actions to enjoin

Sec. 7. The commission may, in the name of the state, maintain an action to enjoin a violation of this chapter.

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

IC 14-29-4-8

Rules adoption

Sec. 8. The commission may adopt rules under IC 4-22-2 to administer this chapter.

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

IC 14-29-4-9

Violations

Sec. 9. (a) A person who violates section 3 of this chapter commits a Class B infraction.

(b) Each day of continuing violation after conviction of the offense or violation constitutes a separate offense or violation.

As added by P.L.1-1995, SEC.22. Amended by P.L.71-2004, SEC.25; P.L.195-2014, SEC.36.