

IC 14-29-7

Chapter 7. River Commissions

IC 14-29-7-1

Application of chapter

Sec. 1. This chapter applies only to land in a county whose board of county commissioners has elected to participate in a river commission.

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

IC 14-29-7-2

"River" defined

Sec. 2. As used in this chapter, "river" means that part of a body of flowing water and adjacent land that is the subject of a river commission established under this chapter.

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

IC 14-29-7-3

Establishment; name; termination

Sec. 3. (a) The department may establish a river commission for a river designated as a natural, scenic, or recreational river under IC 14-29-6. An established river commission shall be known as the " River Commission".

(b) Each river commission shall be established for a period of four (4) years, at the end of which the river commission terminates. After termination, a river commission may be reestablished any number of times.

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

IC 14-29-7-4

Election to participate

Sec. 4. The board of county commissioners of each county containing a river for which a river commission has been established may elect that the county participate in the river commission.

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

IC 14-29-7-5

Membership of commission

Sec. 5. The membership of a river commission consists of the following:

- (1) The director or the director's designee.
- (2) Two (2) individuals appointed for terms of four (4) years by the board of commissioners of each participating county from among owners of land that is:
 - (A) within the county; and
 - (B) contiguous to the river.

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

IC 14-29-7-6

Vacancies

Sec. 6. A vacancy on a river commission shall be filled for the unexpired term in the same manner as original appointments are made.

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

IC 14-29-7-7

Voting

Sec. 7. Each member of a river commission is entitled to one (1) vote. Voting by proxy is not permitted.

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

IC 14-29-7-8

Service without compensation

Sec. 8. Members of a river commission serve without compensation.

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

IC 14-29-7-9

Quorum

Sec. 9. A majority of the members of a river commission constitutes a quorum. The affirmative vote of a majority of the members is necessary to issue a permit.

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

IC 14-29-7-10

First meeting

Sec. 10. As soon as possible after a river commission has been established, the director shall designate the time and place of the first meeting.

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

IC 14-29-7-11

Officers

Sec. 11. (a) At the first meeting of a river commission, the river commission shall select the following:

- (1) A chairman from the membership.
- (2) Other officers that the river commission determines.

(b) The officers serve for terms of one (1) year.

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

IC 14-29-7-12

Bimonthly meetings

Sec. 12. (a) Each river commission shall hold not less than six (6) regular, bimonthly meetings at a time and place fixed at the initial meeting.

(b) A river commission may hold special meetings that the river commission considers necessary.

(c) The chairman of a river commission may call special meetings.

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

IC 14-29-7-13

Employees

Sec. 13. Each river commission may:

- (1) appoint;
- (2) prescribe the duties of; and
- (3) fix the compensation of;

the employees that are necessary for the discharge of the duties and responsibilities of the river commission.

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

IC 14-29-7-14

Powers of commission

Sec. 14. Each river commission may do the following:

- (1) Adopt a seal.
- (2) Sue and be sued in the river commission's own name.
- (3) Establish bylaws and rules for the river commission's government.
- (4) Make and enter into all contracts or agreements.
- (5) Do all things necessary or incidental to the performance of the powers and duties of the river commission under this chapter.

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

IC 14-29-7-15

Powers of members or employees

Sec. 15. A member or an employee of a river commission may do the following:

- (1) Conduct a hearing or an investigation.
- (2) Take evidence.
- (3) Report the evidence to the river commission for consideration and action.

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

IC 14-29-7-16

Memorandum of understanding

Sec. 16. As soon as possible after the establishment of a river commission, the river commission and the department shall negotiate a memorandum of understanding for the management and preservation of the natural and scenic qualities of the river.

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

IC 14-29-7-17

Cooperation with department

Sec. 17. Each river commission shall protect and enhance the natural and scenic qualities of the river in cooperation with the department.

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

IC 14-29-7-18

Permits required

Sec. 18. A person may not substantially affect the natural or scenic qualities of a river that is the subject of a river commission unless the person has secured a permit to do so from the river commission.

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

IC 14-29-7-19

Issuance of permits

Sec. 19. (a) After a hearing and subject to subsection (b), a river commission may issue a permit to a person to substantially affect the natural or scenic qualities of the river if the river commission finds the need of the person seeking the permit to be more compelling than the need of the people to have the natural and scenic qualities of the river preserved.

(b) A permit may not be issued that substantially affects the natural or scenic qualities of a river in a manner visible from five (5) feet above the water surface of the river at normal water level between May 1 and October 15 of a year.

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

IC 14-29-7-20

Appeals

Sec. 20. A person adversely affected by a decision of a river commission may appeal the decision, de novo, to the circuit or superior court with jurisdiction in the county in which the affected land is located.

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

IC 14-29-7-21

Structures existing when commission established

Sec. 21. The lawful use of a structure existing at the time of the effective date of the establishment of a river commission:

(1) may be continued even though the use does not conform to this chapter; and

(2) may be extended throughout the structure if a structural alteration is not made, except those required by law.

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

IC 14-29-7-22

Permits issued before commission established

Sec. 22. This chapter does not require a change in the plans, construction, or designated use of a building for which a building permit was issued before the river commission was established if the following conditions are met:

(1) Construction is begun not later than ninety (90) days of the date of the permit.

(2) The building is completed according to the plans not later than two (2) years from the date the river commission was established.

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

IC 14-29-7-23

Property rights not affected

Sec. 23. The establishment of a river commission does not affect the right of:

- (1) the owner of land to sell; or
- (2) the department to acquire;

an easement or other property interest under IC 14-29-6-13.

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

IC 14-29-7-24

Eminent domain

Sec. 24. The director may not use the power of eminent domain to acquire an easement under IC 14-29-6-13 on land subject to the authority of a river commission.

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

IC 14-29-7-25

Violations

Sec. 25. (a) If a river commission brings an action in the circuit or superior court with jurisdiction in the county in which the land is located, the court shall order a person who violates section 18 of this chapter to be:

- (1) enjoined from continuing the violation; and
- (2) required to do the following:
 - (A) Remove a structure erected in violation of:
 - (i) this chapter; or
 - (ii) IC 13-2-27 (before its repeal).
 - (B) Restore the natural and scenic qualities of the river altered by the person's activities.
 - (C) Pay the costs of the action.

(b) In addition to the requirements of subsection (a), a person who violates section 18 of this chapter may be assessed a civil penalty of:

- (1) at least ten dollars (\$10); and
- (2) not more than three hundred dollars (\$300);

for each day the violation continues.

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