

## **IC 8-10-9**

### Chapter 9. Waterway Management Districts

#### **IC 8-10-9-1**

##### **Application of chapter**

Sec. 1. This chapter applies to a city having a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).

*As added by P.L.56-1994, SEC.2. Amended by P.L.170-2002, SEC.65.*

#### **IC 8-10-9-2**

##### **Definitions**

Sec. 2. (a) The definitions in this section apply throughout this chapter.

(b) "Confined disposal facility" means a structure, an enclosure, a receptacle, or a disposal area established:

(1) by an agency or instrumentality of the state or federal government; and

(2) for the purpose of storing, retaining, disposing of, isolating, or holding dredgings or excavated material from the banks or bottom of a waterway;

within a district created by this chapter.

(c) "District" means a waterway management district established under section 3 of this chapter.

(d) "Waterway" means a canal, river, channel, or stream that is navigable for a substantial portion of its length by boats, barges, ships, or other watercraft for both commercial and recreational purposes.

*As added by P.L.56-1994, SEC.2.*

#### **IC 8-10-9-3**

##### **Establishment of district; boundaries**

Sec. 3. (a) There is established in each city to which this chapter applies a waterway management district.

(b) The district includes all territory, including both dry land and water, within a distance of one-half (1/2) mile on either side of the center line of any waterway within the city in which the district is established, excluding the land and water occupied by any marina owned by a unit of government located in the corridor (as defined in IC 36-7-13.5-1).

(c) The district boundary is formed by an imaginary line one-half (1/2) mile distant from the center line of a waterway in all directions. However, the boundary of the district does not extend beyond the boundaries of the city in which the district is located in those areas where the city boundary is located less than one-half (1/2) mile from the center line of a waterway.

*As added by P.L.56-1994, SEC.2. Amended by P.L.1-1995, SEC.57; P.L.197-2011, SEC.34.*

#### **IC 8-10-9-4**

##### **Powers and jurisdiction of district**

Sec. 4. (a) The district is a body corporate and politic that may sue or be sued and plead and be impleaded. The district has the powers and jurisdiction provided in this chapter.

(b) The exercise by the district of the district's powers is an essential governmental function of the state and the city in which the district is located, but the district is not immune from liability.

*As added by P.L.56-1994, SEC.2.*

#### **IC 8-10-9-5**

##### **Purposes of district**

Sec. 5. The district is established for the following purposes:

(1) To manage and supervise, in conjunction with other state and federal authorities, the industrial, commercial, and recreational development of the waterways in the city in which the district is formed.

(2) To assist other agencies of local, state, and federal governments to manage, maintain, and promote the use of the waterways in the city in which the district is formed.

(3) To foster use of the canal in an environmentally responsible manner.

(4) To provide for the orderly planning for waterways.

(5) To plan for, develop, and maintain roads, bridges, approaches, locks, gates, and other structures in connection with a waterway within the jurisdiction of the district consistent with the obligations and jurisdiction of other agencies of the federal or state government.

(6) It is the goal of the waterway projects and activities performed under this chapter to improve the commercial and recreational use of waterways in an environmentally sound manner, and to promote the economic development of the city in which the district is located.

*As added by P.L.56-1994, SEC.2.*

#### **IC 8-10-9-6**

##### **Board of directors; members**

Sec. 6. (a) The district shall be governed by a board of directors consisting of seven (7) members, four (4) of whom are appointed by the executive of the city in which the district is formed, two (2) of whom are appointed by the governor, and one (1) of whom is appointed by the legislative body of the city in which the district is formed.

(b) Members of the board serve terms of three (3) years. A member's term may be extended by any partial term to which the member was appointed to fill a vacancy.

(c) Five (5) members of the board of directors must be qualified electors of the city in which the district is formed. Two (2) members need not be residents of the city in which the district is formed but shall be representatives of property owners of land that borders

waterways within the district. One (1) of the two (2) members shall be among the members appointed by the mayor, and one (1) shall be among the members appointed by the governor.

(d) The appointing authority shall fill all vacancies of members appointed by that authority.

*As added by P.L.56-1994, SEC.2.*

#### **IC 8-10-9-7**

##### **Board of directors; meetings; records; quorum**

Sec. 7. (a) The board of directors shall meet in a public place within the city in which the district is formed after giving notice.

(b) The board shall annually elect one (1) of its members as president and another member as vice president. The board shall designate a secretary who need not be a member of the board.

(c) The board shall cause a detailed written record to be kept in the form of minutes of all of the board's meetings, and the board shall meet at least four (4) times annually.

(d) A majority of the board members actually serving constitutes a quorum for any purpose.

*As added by P.L.56-1994, SEC.2.*

#### **IC 8-10-9-8**

##### **Board of directors; powers and duties**

Sec. 8. The board of directors of a district has and may exercise the following powers and duties:

(1) To manage and supervise, to the extent permitted by the laws of the state or the United States, the development of waterways and of related roads, highways, bridges, locks, and structures within the jurisdiction of the district.

(2) To assist other agencies of state and local government having jurisdiction over the waterways within the district.

(3) To enter into contracts in furtherance of the district's purposes including, without limitation, the construction and maintenance of waterway related facilities, including wastewater pre-treatment plants, pumps, wells, locks, wharves, piers, bridges, roads, highways, confined disposal facilities, and similar structures.

(4) To employ a professional staff to assist the board in carrying out its duties and to engage consultants, attorneys, accountants, and other professional personnel who are necessary to carry out the duties of the board.

(5) To prepare a budget annually, and to appropriate funds for the discharge of the district's purposes and duties; provided that the district shall neither appropriate nor expend any funds to support the construction, operation, or maintenance of any casino gaming boat, dock, or related facility.

(6) To raise funds by the imposition of user fees for waterways and public facilities in the district's jurisdiction subject to the following:

(A) The fees shall not exceed one hundred thousand dollars

(\$100,000) per year for the state fiscal years beginning July 1, 1994, and July 1, 1995.

(B) The fees shall not exceed two hundred thousand dollars (\$200,000) per year for the state fiscal year beginning July 1, 1996.

(C) The fees shall not exceed three hundred thousand dollars (\$300,000) per year for the state fiscal year beginning July 1, 1997.

(D) The fees shall not exceed four hundred thousand dollars (\$400,000) per year for the state fiscal year beginning July 1, 1998.

(E) The fees shall not exceed five hundred thousand dollars (\$500,000) per year thereafter.

(F) The fees shall be deposited into a nonreverting fund to be expended by the district in the discharge of its functions.

These fees shall be imposed on all owners of property adjacent to waterways and users of waterways and may not exceed seventy-five thousand dollars (\$75,000) per year for any single owner or user.

(7) To act as a local sponsoring agency under contract or memorandum of understanding with any private party or any agency of the state government or the government of the United States in furtherance of the purposes, powers, and duties of the district.

(8) To accept grants, transfers, payments, or other conveyances of money or property in the capacity of a trustee or fiduciary in a special nonreverting fund under terms agreeable by the district and by the person, entity, individual, or agency providing the money or property for the purpose of:

(A) managing funds for the cleanup, environmental remediation, and closure of any real property on or adjacent to the waterway within the district; or

(B) establishing waste water pre-treatment plants, pumps, related equipment, and other structures, equipment, and fixtures required to maintain a confined disposal facility or similar structure on or near any waterway within the jurisdiction of the district.

(9) To perform studies and establish plans for the use and development of waterways within the district's jurisdiction in an environmentally responsible manner.

(10) To acquire and dispose of real or personal property by grant, gift, purchase, lease, devise, or otherwise.

(11) To hold, use, improve, maintain, operate, own, manage, or lease (as lessor or lessee) real or personal property, or any interest in that property.

(12) To act, when requested, as a coordinating agency for programs and activities of other public and private agencies that are related to its purposes.

*As added by P.L.56-1994, SEC.2.*