

ORDINANCE NO. _____

ORDINANCE AMENDING CITY CODE

-CHAPTER 66-

REGULATION OF LAKE DECATUR

BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR,
ILLINOIS

1. **DEFINITIONS.** Terms used in this Chapter shall have the following meanings:

A. Abutting Property Owner means the owner of property or any portion thereof which touches, adjoins, is contiguous, adjacent or against, directly borders, is directly next to or lies next to any portion of any length of Zone A.

B. Dock Shore Line Zone 1 is that shore line lying to the north and west of the eastern edge of the breakwater located south of the Lake Office and that area lying to the south and west of the property formerly used as the Beach House.

C. Dock Shore Line Zone 2 is that shore line located to the west and south of Route 36 and north and west of Lost Bridge Road not included in Dock Shore Line Zone 1.

D. Dock Shore Line Zone 3 is all other shore line not included in Dock Shore Line Zone 1 or Dock Shore Line Zone 2.

E. Drainage Area shall refer to that area of land or water over which the City has jurisdiction that drains to the Sangamon River above the Decatur public water supply dam.

F. High Water Mark shall mean the contour known as 615 feet above sea level, referring to United States Government elevations as obtained from bench mark established in the City.

G. Intake shall mean the place where the water supply for the City is taken into the conduit or pipe from the reservoir.

H. Lost Bridge shall mean that bridge which spans the original channel of the Sangamon River in Section 24, Decatur Township, Macon County, Illinois, and commonly known as Lost Bridge.

I. Oakley Bridge shall mean that bridge which spans the original channel of the Sangamon River in Section 24, Whitmore Township, and Section 24, Oakley Township, Macon County, Illinois, situated North of the Village of Oakley, Macon County, Illinois, and is commonly known as the Oakley Bridge.

J. Rea's Bridge shall mean the bridge which spans the original channel of the Sangamon River on County Highway 24 and in Section 33, Township 17 North, Range 3 East of the Third Principal Meridian, in Whitmore Township, Macon County, Illinois, and is commonly known as Rea's Bridge.

K. Reservoir shall mean the artificial reservoir formed by the dam constructed near the U.S. Route 51 Bridge south of the City, or by other structures required at a later date within the limits of the present drainage area, which reservoir or reservoirs are to be used as a source of the public water supply for the City, which reservoir is hereby named and designated as Lake Decatur, also referred to herein as "the Lake". The upstream limits of such reservoir, which is located within the Sangamon River Valley, is the West side of Macon County Highway 25 running North and South across what is known as the Oakley Bridge, hereinafter described.

L. Shore Line means the extended point where the plane of the surface of the waters of the reservoir touches the land.

M. U.S. Route 36 Bridge shall mean that bridge which spans the original channel of the Sangamon River on U.S. Route 36 and in Section 18, Decatur Township, and Section 19, Long Creek Township, Macon County, Illinois, near Nelson Park, and commonly known as Route 36 Bridge.

N. U.S. Route 51 Bridge shall mean the bridge which spans the original channel of the Sangamon River on U.S. Route 51 and in Section 22, Decatur Township, Macon County, Illinois, and is commonly known as Route 51 Bridge.

O. Watercourse shall mean any stream, channel, or natural or artificial spring of any kind in which water flows continuously or intermittently over any part of the drainage area into any part of the reservoir directly or indirectly.

P. William Street Bridge shall mean that bridge which spans the original channel of the Sangamon River on U.S. Route 105 and in Section 8, Decatur Township, Macon County, Illinois, and is commonly known as the William Street Bridge.

(Amended, Ordinance 2017-05, February 6, 2017)

2. **ZONES DEFINED.**

A. Zone A shall consist of all land lying within the high water mark or below the high water mark, in the reservoir site, whether flooded or not. This zone includes tributary watercourses upstream to the aforesaid high water mark.

B. Zone B shall consist of that portion of the drainage area within 100 feet of the high water mark around the reservoir and within the same distance of said high water mark of any of its tributaries extending upstream (following the channel of the stream) and a distance of one-half mile from the high water mark upstream of said tributaries, and shall include at certain places all

land extended from the 100 foot limit to the top of the bluffs and to the end of ravines where slopes are steep.

C. Zone C shall consist of territory within 100 feet of Zone B as specified.

D. Zone D shall constitute the territory within 500 feet of Zone C as specified.

E. Zone E shall constitute the remainder of the drainage area.

3. **TRESPASSING ON DAM.** No person shall, at any time, go onto or be upon the Lake Decatur dam across the Sangamon River, the dam spillway, water intake structure or the Sangamon River downstream of the Lake Decatur dam for a distance of 300 feet for any purpose except as directed or permitted by the City in the operation of City business. (Amended, Ordinance 2017-05, February 6, 2017)

4. **PROPERTY ADJACENT TO LAKE.**

A. Employees of the Lake Services Section of the Public Works Department are hereby authorized to perform all the duties and responsibilities of Parking Meter Checker, at the direction of the Chief of Police, but only as to those City-owned or City-leased premises directly adjacent to Lake Decatur. (Amended, Ordinance 2017-08, February 6, 2017)

B. The use of City owned property abutting Lake Decatur is restricted to maintaining an unpaved footpath to access the lake. Certain other uses and activities may be allowed after the acquisition of the appropriate permit(s) by the City including, but not limited to docks, ramps, stairs, structures, pools, hot tubs, hard surface footpaths, fire pits, fencing, retaining walls, shoreline stabilization, vegetation and tree removal.

C. Shoreline erosion in Zone A shall require remedial action by the abutting property owner. All shoreline erosion control and stabilization work shall require a permit from the City prior to the start of construction.

5. **BUILDINGS PROHIBITED.** No buildings or any structure, tent, camp car or trailer, whether for habitation or otherwise, shall be built or maintained within the limits of Zones A, B or C unless upon permit in writing by the City. No permit will be granted except upon proof of ability to comply with the provisions of Section 6 of this Chapter.

6. **DEPOSIT OF WASTE.**

A. No human wastes or excreta shall be deposited or stored in any manner whatever in Zone A. Such wastes in Zones B and C shall be deposited or stored in one of the following ways:

(1) In a water tight receptacle equipped with a power driven pump or ejector for emptying the same through water tight pipes or conduits only into a public sewer or a sewage treatment plant or septic tank located in Zone D, or at a point outside the restricted zone;

(2) An approved chemical toilet;

(3) An Imhoff-sprinkling filter unit or other method of final treatment, provided that no septic tank shall be placed closer than 200 feet to the high water mark nor any Imhoff-sprinkling filter unit or other method of final treatment closer than 165 feet to said high water mark.

B. Any method chosen for deposit of waste, as provided herein, shall be maintained in good working order by the owners, and be at all times subject to the inspection of the City and its officers.

C. Any cesspool, privy, urinal, water closet or other place of depositing or storage of human excreta now situated in Zone D must be made sanitary, and comply with the plans and specifications of all laws, regulations and ordinances of governments and governmental agencies.

D. No cesspool, privy, urinal, water closet or other place for depositing or storing human excreta shall hereafter be constructed within Zone D until a permit in writing has been obtained from the City.

E. No sewer or drain conveying sewage or other putrescible wastes shall be constructed in Zones A, B, C or D until a permit in writing has been obtained from the City. All such installations must be approved by the Public Works Director or designee both before and after installation. (Amended, Ordinance No. 2017-08, February 6, 2017)

7. **DISCHARGE OF WASTE.** House slops, sink wastes, laundry or like wastes of any other kind shall not be discharged at any point in Zones A, B or C. In Zone D such slops and wastes other than that including human excrement may be disposed of beneath the ground surface or in such manner that it shall not cause or threaten pollution of the reservoir or any tributary watercourses.

8. **POLLUTION IN ZONE A.** No person, firm or corporation shall permit the territory known as Zone A, or water situated therein, to be used, kept or maintained so as to cause pollution of the water in the reservoir.

9. **COMMERCIAL OR INDUSTRIAL WASTE.** No filth, decaying or putrescible matter, unsanitary waste products or polluted liquid from any factory, slaughter house, creamery, dairy or milk handling plant, mill, cannery, garage, or similar establishment of any kind, shall be discharged in such manner as to drain directly into the reservoir or its tributaries within the drainage area so as to threaten or cause pollution or nuisance.

10. **INTERNMENTS.** No internment shall be made in any cemetery or other place of burial within Zones A, B, C or D or in Zone E within 1,500 feet of Zone A below the William Street Bridge.

11. GARBAGE AND ANIMAL MANURE.

A. No garbage, manure or other unsanitary putrescible refuse of any kind shall be thrown into the reservoir or onto or into the ground at any point in Zones A and B, or in Zone C, except animal manure and commercial fertilizers for agricultural and horticultural purposes.

B. No animal manure or commercial fertilizer for agricultural purposes shall be spread on the ground within Zones C and D in such quantities as to cause or threaten pollution of the reservoir or any tributary watercourses.

C. No dead animal or fish of any kind, or any part thereof, shall be thrown into the reservoir or tributary watercourses or on the ground or buried in Zones A, B or C, or buried in Zone D, which will result in or threaten pollution of the reservoir or tributary watercourses.

12. ANIMAL YARDS.

A. No stable, pigsty, hog yard, barn yard, chicken yard, hitching or standing place for animals, or any other place where dung and urine accumulate, shall be constructed or maintained within Zones A or B, or in Zone C below Oakley Bridge, except on the written approval of the City.

B. No stables, pigsty, hog yard, barn yard, chicken yard, hitching or standing place for animals or any other place where dung and urine accumulate, shall be located, constructed or maintained in Zone C or Zone D so as to threaten pollution of the reservoir or any tributary watercourses.

13. WASHING; BURNING. No animals of any kind or clothing or other articles shall be washed in the reservoir or tributaries thereof. The burning of trash, garbage or offensive material is prohibited on any portion of Lake Decatur and adjacent areas owned by the City of Decatur.

14. **DEPOSIT OF DEBRIS.** No person, firm, or corporation shall deposit, or cause or permit to be deposited, any debris or other materials such as, but not limited to, construction materials, concrete, trees, brush, weeds, soil or paint into Lake Decatur or any adjacent areas owned by the City of Decatur or so as to cover, disturb, or destroy any City maintained property on or near the Lake.

15. **BREACH OF THE PEACE.** It shall be unlawful for any person on or in the Lake, whether boating, swimming or otherwise, to do any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace, or to cause or permit in any manner loud and raucous sounds to be audible as such to any other craft, premises, or residence on or near the Lake.

16. **SWIMMING.** Swimming out of boats is allowed only in no wake areas, within 25 feet of boats. Swimming out of boats is prohibited in areas adjacent to Dock Shore Line Zones 1 and 2, all boat ramps, bridges and navigational channels. Diving "head first" is prohibited in all lake locations. Swimming from bridges, bridge piers, or bridge approaches is prohibited. Skin diving or scuba diving is prohibited except that permission may be granted by the Lake Supervisor or designee to a certified diver. The owner of any property adjacent to the lake shall permit no swimming from the adjacent property of children under the age of 16 years unless an adult who is an expert swimmer is present. No person shall swim from any adjacent property without owner's consent. There shall be no swimming from such adjacent property beyond 50 feet from shore. Swimming, skin diving or scuba diving, under all provisions of this Section, is prohibited from one-half hour after sunset to one-half hour before sunrise.

17. **INFECTIOUS DISEASES.**

A. No person or persons having any communicable or infectious disease or skin infection shall bathe or swim in Lake Decatur.

B. All persons using Lake Decatur for bathing and swimming purposes shall use the same so as not to create unsanitary conditions in or about said waters, so as not to pollute said waters, or make them unwholesome or unfit for use.

18. **CITY AUTHORITY.** The City shall at all times have and retain full power and authority to prohibit, limit or restrict bathing, swimming, boating, skiing, hunting and fishing in said Lake Decatur and its tributaries thereto for the purpose of preventing, suppressing, or arresting any epidemic or any communicable or infectious disease or for the purpose of safety to persons or property, or for the purpose of preserving the public water supply.

19. **HUNTING.** Hunting on Lake Decatur is hereby prohibited except the hunting of water fowl in season on that portion of Lake Decatur upstream from the Basin 6 sediment trap.

(Amended, Ordinance 2017-05, February 6, 2017)

20. **BLINDS DEFINED.** A blind shall mean any cover, whether natural vegetation or a structure, used for concealment by anyone in an act of hunting migratory waterfowls.

21. **LOCATION OF BLINDS.** No person shall establish or use any blind for the hunting of migratory water fowl on Lake Decatur except above the Basin 6 sediment trap, which blind shall not be set up within 200 yards of any other blind. No blind shall be built within 300 yards of any building, bridge, roadway or developed area of public access.

(Amended, Ordinance 2017-05, February 6, 2017)

22. **PERMITS FOR BLINDS.** No such blind shall be established on Lake Decatur, on property of the City adjacent to such Lake, or on any property from which a person fires a weapon

over such Lake or Lake property, until a written permit therefore has been first obtained from the Lake Supervisor or designee.

23. APPLICATION FOR BLINDS. Applications for permits to construct blinds as required in Section 22 herein shall be made upon forms to be furnished by the City and shall be accompanied by an initial fee of:

	Effective: March 1, 2022
Blind initial fee	\$57.50

for each new permit and a fee of:

	Effective: March 1, 2022
Blind annual fee	\$50.00

for all other blinds. (Amended Ordinance 2014-05, March 3, 2014)

24. ONE PERMIT. No person shall obtain more than one permit to construct a blind as required in Section 22 herein.

25. PERMIT NOT TRANSFERABLE. Permits obtained in accordance with Section 22 herein are for privileges personal to the permit holder and are not transferable and no blind shall be used by other than the permit holder without written permission of the permit holder thereof.

26. REGULATIONS FOR BLINDS.

A. Construction of a blind shall be completed by opening day of the first Fall Central Zone waterfowl season as established by the Illinois Department of Natural Resources.

(Amended, Ordinance 2017-05, February 6, 2017)

B. Any blind site not registered and with payment received by the Finance Department on opening day of the first Fall Central Zone waterfowl season of that year is hereby declared open and available for registration by another person.

(Amended, Ordinance 2017-05, February 6, 2017)

C. Any and all material left on an unregistered blind site becomes the property of the City of Decatur to be removed and disposed of at the expense of the last registered owner.

D. A blind permit may be revoked upon conviction of the permit holder of a violation of any rule or regulation concerning blinds or hunting duly established hereunder or any other hunting ordinance or statute the violation of which occurred on or adjacent to Lake Decatur.

E. When a permit for a blind has been revoked, no permit shall be issued to the former permit holder for a period of one (1) year thereafter.

F. Any permit may in the discretion of the Lake Supervisor or designee be revoked, terminated or temporarily suspended as deemed necessary for the public good or safety.

G. A City-furnished permit number plate shall be displayed on the front of the blind when unoccupied; the permit holder shall affix thereto a decal or sticker evidencing payment of the permit fee for the then current year.

27. **DISCHARGING FIREARMS.** The discharge of firearms on or over Lake Decatur is forbidden except for the hunting of water fowl in season as permitted herein.

28. **AIRCRAFT.** The landing of aircraft is hereby prohibited on Lake Decatur.

29. **CAMPING.** Any person or persons using the drainage area of Lake Decatur for picnic, camping or other recreational purposes shall keep the premises neat and clean, pick up and remove in a satisfactory manner all paper, garbage, rubbish and debris, and before leaving the premises put out any fires made by such person or persons. Picnics and camping are prohibited below the high water level.

30. **FISHING.**

A. Fishing and the taking of aquatic life from boats is hereby prohibited in Lake Decatur in that area lying west of a line 300 feet upstream from the east side of the public highway known

as U.S. Route 51. Fishing and the taking of aquatic life from the Lake Decatur dam, dam spillway, spillway rocks and water intake structure is prohibited.

(Amended, Ordinance 2017-05, February 6, 2017)

B. No person shall take, catch, or attempt to take or catch, any fish or aquatic life in the reservoir by any method whatsoever except as set forth in 515 ILCS 5/1-1 et. seq. and 17 IL Admin. Code Parts 805, 810, 830, 860, 870, 875, 880, 885. Species limits specified in the aforementioned Illinois Compiled Statute and Illinois Administrative Code citations must also be abided by.

C. The taking of any fish or aquatic life from the Lake for commercial use or resale is allowed only with prior written approval by the Lake Supervisor or designee.

D. It shall be unlawful to use, set or place or control any bank lines, bank poles, limb lines, trotlines, snag lines, fishing jugs or any similar devices in, on or adjacent to Lake Decatur.

E. All persons using Lake Decatur for the taking of any fish or aquatic life shall use the same so as not to create any unsanitary conditions in or about Lake Decatur or so as not to pollute Lake Decatur and make it unwholesome or unfit for use.

F. Nothing herein enumerated in subsections (A) to (E) inclusive of this section, shall apply to or be construed to prevent or penalize anything done or caused to be done by the City or by agents of the Department of Natural Resources of the State in protecting or caring for the reservoir or the aquatic life therein.

(Amended, Ordinance 2017-05, February 6, 2017)

31. **ICE SKATING AND ICE FISHING.** No persons shall skate or otherwise be upon the ice of Lake Decatur except that persons may skate and ice fish within fifty (50) feet of an authorized dock in Dock Shore Line Zone 3 with the permission of the owner. Ice skating is allowed on Bayview Cove which is located north of Cantrell Street, south of Bayview Drive and

Irving Drive, east of North Country Club Road, and west of Lake Ridge Avenue. Ice skating is also allowed on Sand Creek Cove which is located north of Grove Road, south of South Shores Drive, east of Southland Road and west of Shoreline Drive. No person shall operate a motorized vehicle on the Lake ice except for emergency purposes.

(Amended, Ordinance 2017-05, February 6, 2017)

32. PENALTIES.

A. Any person, firm or corporation who shall violate any of the provisions of Section 6, 7, 8, 9, 10, 11, 12, 13 or 14 of this chapter shall be fined not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense.

B. Any person, firm or corporation who shall violate any of the provisions of Section 4 subparagraph B of this chapter shall be fined not less than Twenty Five Dollars (\$25.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense. (Amended, Ordinance 2017-05, February 6, 2017)

C. Any person, firm or corporation who shall violate any of the provisions of any section of this Chapter not enumerated in subparagraph A and B above shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense.

33. VIOLATION NOTICE AND COMPLAINT. Whenever a Lake Patrol or full time Lake Services Section employee witnesses or has knowledge of a violation by any person, firm or corporation of any section of this Chapter, a Violation Notice and Complaint for said violation may be issued by the Lake Patrol or full time Lake Services Section employee, as set forth in Chapter 29 of this Code.

34. PAYMENT OF VIOLATION NOTICE AND COMPLAINT.

A. A person cited for a violation of any section of this Chapter may terminate any further proceedings by the City due to said violation by making payment to the City at the office of the City Treasurer. Payment is considered as being made only when the City Treasurer is in receipt of the full amount.

B. If a person is given a citation for a violation as herein provided, no complaint may be filed by an attorney on behalf of the City in any court having jurisdiction thereof seeking to prosecute and fine such person for said violation sooner than ten (10) days after such citation is issued, and no complaint may be filed if the citation is timely paid.

35. ANNUAL PERMIT FEE ADJUSTMENT. Effective March 1, 2017, and continuing annually on March 1 thereafter, all permit fees contained in Section 23 of this Chapter will increase by 2.5 percent or by the annual percentage change of the U.S. Department of Labor Midwest Urban Consumer Price Index for each corresponding preceding January 1 to December 31 time period, whichever is greater, and rounded up to the next \$0.50 increment. The City Council must authorize any annual increase that is 5.0 percent or higher. (Amended Ordinance 2014-05, March 3, 2014)

PRESENTED, PASSED, APPROVED AND RECORDED this 6th day of February, 2023.

JULIE MOORE WOLFE, MAYOR

ATTEST:

CITY CLERK

PUBLISHED this _____ day of _____, 2023.

CITY CLERK