

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LONG BEACH,
LAPORTE COUNTY, INDIANA REGARDING THE ESTABLISHMENT OF
AND REGULATIONS GOVERNING:**

**LAKE MICHIGAN SHORELINE PRESERVATION ~~AND~~
~~ENHANCEMENT~~ OVERLAY ZONING DISTRICT**

WHEREAS, on June 10, 2002, the Town Council of the Town of Long Beach, LaPorte County, Indiana (the “Town Council”), adopted a Zoning Code of the Town of Long Beach, LaPorte County, Indiana (the “Town”), which is located at Chapter 154 of the Long Beach Town Code; and

WHEREAS, Chapter 154 of the Long Beach Town Code remains in full force and effect; and

WHEREAS, in accordance with Indiana Code § 36-7-4-600, et. ~~Sseq.~~, the Advisory Plan Commission of the Town has initiated an amendment to the Zoning Code to establish regulations concerning the installation of Shoreline Preservation ~~and Enhancement~~ Structures and removal of shoreline vegetation within the Town; and

WHEREAS, in conjunction with the Town’s 2016 Comprehensive Plan Update and in recognition that the economic and environmental well-being of the Town of Long Beach is directly related to the protection of its Lake Michigan shoreline and in recognition that the scenic views of Lake Michigan are one of our communities most valued assets; and

WHEREAS, the shoreline of Lake Michigan in Long Beach is a valuable natural resource that has for generations been enjoyed by the citizens of Long Beach and the State of Indiana as well providing significant economic value to Northwest Indiana..

WHEREAS, it is the intent of this Ordinance to allow property owners to protect their property while balancing the public interest by the conservation and enhancement of the natural shoreline environment and the adjacent Public Trust Lands; and

WHEREAS, this Ordinance has been drafted to protect the public health safety and welfare, preserve the natural scenic beauty and environmental health of Lake Michigan and the shoreline; and

WHEREAS, the Advisory Plan Commission and the Town Council have given reasonable regard to the provisions and considerations set forth in Indiana Code § 36-7-4-603; and

WHEREAS, the State of Indiana Supreme Court in Case No. 46S03-1706-PL-423 has affirmed that the State of Indiana owns in its sovereign capacity and holds in trust for the public all lands on the shore of Lake Michigan in the State of Indiana lakeward of the common law Natural Ordinary High Water Mark, whether or not submerged at any given time (“Public Trust Lands”), and that the State of Indiana has not relinquished its title to such lands, except as to certain parcels not adjacent to properties within the jurisdiction of the Town of Long Beach, regarding Public Trust Lands Of The State Of Indiana (PTL), that:

- ~~Indiana, at statehood, acquired equal footing lands inclusive of the temporarily exposed shores of Lake Michigan up to the natural OHWM~~
- ~~The federal government did not survey or patent land below the OHWM of navigable water bodies.~~
- ~~Lands below Lake Michigan’s OHWM were not available for conveyance to private parties.~~
- ~~The 1829 federal survey shows Lake Michigan as the northern boundary of section 15. The original survey notes indicate the northern boundary extends “to lake Michigan and set post”~~
- ~~With the exception of select parcels... Indiana has not relinquished its title to the shores and submerged lands of Lake Michigan.~~

WHEREAS, a public hearing has been held before the Town of Long Beach Advisory Plan Commission, which has certified this proposal to amend the text of Title XV of the Zoning Code to the Long Beach Town Council; and

WHEREAS, public notice has been given in accordance with Indiana Code of all proceedings concerning this text amendment to Title XV of the Zoning Code; and

WHEREAS, the Long Beach Town Council concurs with its Advisory Plan Commission and has received this proposal regarding amending the text of the Zoning Code; and

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Town Council of Long Beach, Indiana as follows:

1. Chapter 154.200-154.299 is hereby added to the Town of Long Beach’s Title XV of the Zoning Code which chapter shall read as follows:

**LAKE MICHIGAN SHORELINE PRESERVATION ~~AND~~
ENHANCEMENT OVERLAY ZONING DISTRICT**

TITLES

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154.200 PURPOSE, ~~AND~~ INTENT, AND GENERAL APPLICABILITY

The Town of Long Beach is committed to protecting and preserving life and property as well as enhancing the natural resources of the Long Beach Coastal Zone and the Public Trust Lands of the State of Indiana in order to minimize to the greatest extent possible damage that may result from inappropriate development of environmentally sensitive areas. The ~~purpose of the~~ Lake Michigan Property Shoreline Preservation ~~and Enhancement~~ Overlay Zoning District regulations ~~is~~ ~~are~~ based on the Town's determination, ~~as expressed in its 2016 Comprehensive Plan,~~ that:

- The economic, ~~and~~ environmental, ~~and~~ community well-being of the Town of Long Beach, Indiana ~~depend upon the preservation of~~ ~~is enhanced with the protection of its~~ ~~the~~ ~~Town's~~ Lake Michigan shoreline.

- The Lake Michigan shoreline has unique **natural** physical, biological, **hydrologic**, ~~economic, ecologic, and cultural~~, **historic, scenic, and recreational** attributes that **require protection and enhancement**. ~~are to be preserved and enhanced.~~
- Land development and redevelopment should not be conducted at the expense of these attributes.
- Pollution, impairment, and/or destruction of the shoreline areas **within the Town's jurisdiction** must be minimized **to conserve** ~~The conservation of the natural topography, sand and dunes~~ provide economic and recreational advantages to **these attributes for** future generations.

The provisions of this Ordinance are established with the following intent:

- Preserve traditional access to and the use of the Public Trust Lands of Lake Michigan as a public recreational resource for the citizens of Long Beach and the State of Indiana.
- Protect the integrity of the shoreline area that is a distinctive and valuable feature of the Long Beach community.
- Recognize the potential for coastal hazards to adversely affect life and property.
- Protect coastal property values by maintaining the attractive natural landforms, character and environment
- Protect the stability of the Lake Michigan Shoreline in **a manner that** ~~order to~~ reduces coastal erosion **and** ~~conserves the natural dune and beach environment.~~ ~~sand and~~ **promote dune development.**
- Prevent water pollution and damage to **neighboring coastal properties and structures from activities and development that** ~~cause, accelerate, or contribute to~~ ~~structures by~~ **controlling** erosion.
- Maintain the high quality of life along the shoreline by maintaining and restoring native vegetation, landforms and wildlife habitat.

The provisions of this Article XV, Section 154.200, *et. seq.*, shall apply to the repair, maintenance, and construction of Shoreline Protection Structures.

154.201 DEFINITIONS: (NOTE: Definitions were rearranged to place in alphabetical order)

In addition to the definitions provided in other Chapters of Title XV of the Long Beach Town Code, the following definitions apply to the interpretation and application of this Ordinance. In the event there is conflict between this ordinance and other ordinances provided in the Code of the Town of Long Beach, the more restrictive ordinance shall apply---except where specifically noted.

“Accessory Structure ” means a detached structure---roofed or unroofed, surface or sub-surface---that is clearly incidental to, and found in connection with, the principal structure or use to which it is related and is located on the same zoning lot as the principal structure or use, including, but not limited to, patios, gazebos, swimming pools, garages, workshops, sheds, and carports.

“Coastal Engineer” A ~~registered Indiana Professional~~ licensed and certified Coastal Engineer authorized to provide services in the State of Indiana with ~~experience in coastal engineering for projects on the shore of the~~ Great Lakes. ~~coastal experience.~~ The ~~Town of Long Beach Office of the Building Commission~~ shall maintain ~~a~~ the approved list of ~~pre-approved~~ Coastal Engineers.

“Coastal Planning Guide” refers to the publication “Coastal Hazards Planning Guidance for Indiana Coastal Communities,” Indiana Department of Natural Resources, July 2016.

“Coastal Slope” refers to the first major slope or greatest vertical drop north of Lake Shore Drive.

“Coastal Zone” see definition for Lake Michigan Shoreline Preservation ~~And Enhancement~~ Overlay Zoning District.

“~~Delineation Coastal Consultant~~” A ~~consultant consulting engineer~~ with the ~~education, training, and experience to delineate determine the location of the Natural Ordinary High Water Mark of Lake Michigan on the shore~~ according to the ~~principles and~~ methodology provided in ~~Sections 3-162 through 3-172~~ of the U.S. Bureau of Land Management’s 2009 “Manual of Surveying Instructions” (~~Sections 3-162 through 3-172~~), the U.S. Army Corps of Engineers’ Wetland Delineation Manual and Regulatory Guidance on “Ordinary High Water Mark Identification, ”and the Indiana Supreme Court’s decree in Case No. 46S03-1706-PL-423. The Long Beach Office of the Building Commission maintains a list of pre-approved Delineation Consultants.

~~“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures, or accessory structures; the construction of additions or substantial alterations of buildings, structures, or accessory structures; ditching, dredging, filling, grading, paving, excavation, or drilling operations; and the deposition or extraction of earthen material.~~

“Lake Michigan Shoreline Preservation ~~And Enhancement~~ Overlay Zoning District” shall mean all lands located between the northern boundary of LSD in the Town of Long Beach and the natural OHWM of Lake Michigan. This is also referred to as the “Coastal Zone.”

“Lake Shore Drive (LSD)” shall mean the dedicated public way that is the entire width between the dedicated street boundaries of fifty-feet (50) in the Town of Long Beach. This includes paved and unpaved portions.

“LOMA Letter” is a letter of map amendment obtained from FEMA verifying an amendment to FEMA’s flood plain map.

“Natural Ordinary High Water Mark (OHWM)” The US Army Corps of Engineers (USACE) at 33 Code of Federal Regulations 328.3 states: “...OHWM means the ~~that~~ line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of the soil destruction of terrestrial vegetation, the presence of litter or debris, or other appropriate means that consider the characteristics of the surrounding area, **as provided in Clean Water Act regulations at 33 C.F.R. 328.3 and stated in the Indiana Supreme Court decision in Case No. 46S03-1706-PL-423.**

~~” And “...the following physical characteristics should be considered when making an OHWM determination:~~

Scour	Sediment sorting
Deposition	Water Staining
Shelving	Changes in the character of the soil
Destruction of terrestrial vegetation	Natural line impressed on the bank
Presence of litter or debris	Multiple observed flow events
Wracking	Bed and banks
Vegetation matted down, bent or absent	Leaf litter disturbed or washed away
Change in plant community.	

~~This is further described in Sections 3-162 through 3-172 of the U.S. Bureau of Land Management’s 2009 ‘Manual of Surveying instructions’~~

“**Principal Use Structure**” means any primary living quarters, and any functional appurtenances to those structures such as septic systems and related infrastructure except roads, utilities, and accessory structures.

“**Public Trust Lands**” shall mean all lands below lakeward of the natural OHWM.

“**Revetment**” is a Protection Structure consisting of concrete blocks, stone rubble or cast concrete slabs over the slope of a shoreline protecting the slope from erosion and/or waves. See the “Natural and Structural Measures for Shoreline Stabilization Brochure” (sagecoast/docs/SAGE.LivingShorelineBrochure-Print.pdf).

“**Seawall**” is a Protection Structure that is vertical or slanted parallel to the shoreline sometimes constructed of sheet piling but also concrete or geometric blocks.

“**Shoreline Preservation and Enhancement Structure (Protection Structure)**” includes any and all structures designed to prevent erosion, conserve sand and/or promote the development of landforms such as dunes as well as protect public and private properties adjacent to the Public Trust Lands. These structures are described in the Coastal Planning Guide, See, Shoreline Stabilization Techniques page 21, figure 19.

“**Town Engineer**” is a registered Indiana Professional Licensed Engineer selected by the Long Beach Building Commission to verify compliance with this ordinance regarding structural, Environmental, and other regulations.

154.202 COASTAL ZONE BOUNDARY

The Coastal Zone (Lake Michigan Shoreline Preservation and Enhancement Overlay Zoning District) shall apply as a mapped overlay zone. The boundaries of the Coastal Zone shall be applicable to all land lying northward of the northern boundary of the dedicated right-of-way known as Lake Shore Drive and extend across all underlying and existing zoning districts in Long Beach and to the Natural OHWM of Lake Michigan. ~~All Development (see definition) in the Coastal Zone shall be subject to the terms of this Ordinance as well the applicable provisions set forth in Code of Ordinances of the Long Beach.~~

The Natural OHWM is the northern most boundary of any public or private property within the Town’s jurisdiction and subject to this Ordinance. Where the Natural OHWM is the northern boundary of a Zoning Lot, the Natural OHWM shall be established (and re-established as necessary to remain current) by a delineation performed by a Delineation Consultant in accordance with the principles and methods provided in the U.S. Bureau of Land Management’s 2009 “Manual of Surveying Instructions (Sections 3-162 through 3-172) and the U.S. Army Corps of Engineers’ Wetland Delineation Manual and Regulatory Guidance on “Ordinary High Water Mark Identification.”

154.203 Permissible Shoreline Preservation ~~and Enhancement~~ Structures and Specifications

The Town of Long Beach acknowledges that seawalls, revetments, retaining walls, groins, and other such structural methods designed with the intention of forestalling erosion also alter natural shoreline processes that result in a variety of negative effects on coastal resources, including but not limited to effects on sand supply, public access, coastal views, natural landforms, and overall beach dynamics. See Coastal Planning Guide and “Natural and Structural Measures for Shoreline Stabilization,” developed with support and funding by NOAA and the US Army Corps of Engineers.

Only after the property owner and Coastal Engineer (post review and approval by the Town’s Engineer) establish that the proposed Protection Structure is in fact required and is the minimum necessary to reasonably preserve the shoreline and protect the property, complies with the terms of all Long Beach Town Ordinances and is in receipt of ~~the~~ all applicable federal, state, county, and Town permit(s) and approval(s), shall a Building Permit for the construction of a Protection Structure be issued. ~~constructed subject to the following:~~

The following conditions shall apply to the issuance of Building Permits or variances within the Coastal Zone:

1. No Protection Structure or structure of any kind---except Town information signs---is to be located ~~at a distance~~ greater than 106.6’ lakeward from the northern boundary of Lake Shore Drive or ~~within 20’~~ lakeward of the Natural OHWM, whichever is most restrictive.
2. The installation of a seawall ~~contributes to the rapid erosion and transport of sand and other materials. This increases the degradation of the shoreline from its natural state and therefore~~ is not permitted as the first line of protection between Lake Michigan and the Principal Use Structure.
3. A seawall may only be installed between a revetment and the Principal Use Structure. It may not be installed greater than five (5) feet from the lakeward foundation of the primary structure and not greater than three (3) feet from the side foundation, footing or piling of that same primary structure. It may not extend into the side setback by more than three (3) feet.
4. A revetment may be installed on a private property for the purpose of protecting the property. Any such revetment shall be installed with the lakeward toe of the structure not

to extend greater than 106.6' from the northern boundary of Lake Shore Drive or within 20' lakeward of the Natural OHWM, whichever is most restrictive.

5. ~~No vertical seawalls shall be allowed.~~ The slope of a seawall shall be 2:1 or less. ~~the revetment~~ The slope of any revetment shall be 2:1.5:1 or less for dumped stone or rip rap and 1:5:1 or less for hand-placed stone or rip rap. ~~shall be 1:1.5 or less and~~ The stone size shall be based on the determination and recommendation of a Coastal Engineer.
6. The crest elevation of a Protection Structure shall not exceed the elevation of the existing grade with no fill. The height of a Protection Structure shall not exceed the lesser of 590' or the current elevation. ~~All plans must include soil borings performed by a state licensed soil engineer and plans certified by a structural engineer.~~
7. The revetment may be constructed within the traditional side setback for the purpose of connecting to a neighboring Protection Structure with the permission of the abutting or adjoining neighbor.

154.204 SITE PLAN AND ADDITIONAL STANDARDS FOR DEVELOPMENT ACTIVITIES WITHIN THE COASTAL ZONE

In addition to the usual site plan requirements set forth in Title XV of the Town Code, the following standards will be required in the Coastal Zone:

1. A site plan for Development within the Coastal Zone shall include a survey depicting the current location of the Natural Ordinary High Water Mark, as located, delineated, and certified by a Delineation Consultant approved by the Town. The site plan shall be accompanied by written evidence that the delineation of the Natural Ordinary High Water as depicted in the survey has been reviewed and determined to be an accurate representation by the U.S. Army Corps of Engineers.
2. The site plan must comply with the Town's Flood Hazard Areas Ordinance(s) as set forth in Title IV, Chapter 155 of the Town Code.
3. ~~The site plan must be in compliance with the Town's Topographic Ordinance located at Title XV, Chapter 154, Section 154.112 of the Town Code shall be followed and all required pre-/post-construction elevations shall be current (within thirty (30) days) and shall be certified on the site plan by a licensed Indiana Professional Surveyor. Pre-construction grades are to be maintained. However in the event a storm or other natural event causes damage to the existing topography, a property owner may only restore the damaged topography to the elevation existing prior to such storm or event. Except as otherwise allowed under the Town Code, sand shall not be moved to increase the view from any property nor shall it be removed from any property. Wind-blown sand may be removed from patios and other living areas; however, it may not be moved off the subject property nor moved into Lake Michigan or onto the Public Trust Lands.~~
3. All applicable authorizations and permits for access for heavy equipment to properties within the Coastal Zone and to the Public Trust Lands shall be obtained from the Town, the U.S. Army Corps of Engineers, and the Indiana Department of Natural Resources

prior to the access or operation any heavy equipment within the Coastal Zone, and copies of all such permits or approvals shall be provided to the Town with the application for a Heavy Equipment access permit.

Heavy Equipment access permits must be obtained from the Town regardless of the method of access to the Coastal Zone. Photographs of the proposed construction site shall be submitted to the Building Commission before the access permit is issued. No work other than the work specified in the access permit application shall be performed. Permits are restricted to certain calendar days. ~~and time of day.~~ Heavy equipment may remain within the Coastal Zone for no more than thirty (30) days. Extensions may only be granted for periods longer than thirty (30) days and in such case will only be effective between Labor Day and Memorial Day.

- ~~4. Sand shall not be moved to increase the view from any property nor shall it be removed from any property. ORD. 154.111~~
- ~~5. Pre-construction grades are to be maintained. However, in the event a storm or other natural event causes damage to the existing topography that affects the elevation existing prior to the storm or event, a property owner shall only restore the damaged topography to the elevation existing prior to such storm or event.~~
- ~~6. Pictures of the proposed construction site shall be submitted to the Building Commission before the access permit is issued.~~
- ~~7. Heavy equipment may remain within the Coastal Zone for no more than 30 days. Extensions may only be granted for periods of longer than 30 days only to be in effect between Labor Day and Memorial Day.~~
- ~~8. No work other than the work specified for which an access permit was obtained shall be done.~~
- ~~9. Though wind blown sand may be removed from patios and other living areas it may not be moved off property it may not be moved into Lake Michigan or onto the Public Trust Lands.~~

154.205 PROTECTION STRUCTURE PERMIT REVIEW

Requirements:

1. Any property owner desiring to install a Protection Structure within the Town shall first apply for a Protection Structure Permit prior to beginning construction.
2. Application shall be made to the Town Building Commission.
3. A review fee of \$500 shall be due and payable at the time the application is submitted for review. The payment of the application fee does not guarantee issuance of a Protection Structure permit and the fee is nonrefundable.
4. A deposit of \$7,500 shall also be payable at the time of application which shall be used to pay for the review and approval process performed by the Town's Coastal **Engineer**, **Delineation** Consultant, and/or Structural Engineer. If the Town's expense is less than

the \$7500 deposit, the balance will be refunded. An overage will result in it being payable by the applicant to the town to be used to pay the engineers. The applicant shall be responsible for all fees of his chosen Coastal Engineer. This Coastal Engineer is to be chosen from a list approved by the Town and available from the Building Commission.

5. Forms and related materials for the Protection Structure application shall be available from the Town's Building Commission.

6. All applications must include:

~~A.~~ A. An original and five (5) copies of scale drawing(s), including topography elevations certified by a licensed Indiana Surveyor and site photographs of the Zoning Lot certified by a licensed Coastal Engineer with Great Lakes experience that provide accurate and complete information. ~~as to each of the following elements:~~

B. A site plan and dimensions of the Zoning Lot. At minimum, the site plan must show the dimensions of the property, the length and location of the proposed Protection Structure, all setbacks, the 106.6' line, and the Natural OHWM. The Natural OHWM location is to be certified on the site plan by the applicant's Town approved Delineation Consultant and affirmed as accurate by the U.S. Army Corps of Engineers. ~~Town's Coastal Consultant.~~

~~A site topography of the Zoning Lot.~~

C. A soil borings report performed by a state licensed soil engineer and plans certified by a structural engineer. (Note: Lettering changed below, D-G)

D. Identification of the applicant's Coastal Engineer, Delineation Consultant, and licensed Contractor registered with the Town who will be installing or otherwise constructing the Protection Structure, a statement of their respective experience and qualifications to delineated the Natural Ordinary High Water Mark and to design and construct the proposed Protection Structure within the Coastal Zone, and a certification that each has read and will comply with this Ordinance.

E. All drawings must be drawn utilizing an industry standard engineering scale.

F. The distance of the proposed Protection Structure to any other existing Protection Structures on adjoining lots.

G. Subsections ~~A-E-F, above, 1-5~~ shall be certified by the applicant's Coastal Engineer and structural engineer architect.

7. Review Standards. Each applicant for the installation, construction or repair of a Protection Structure is required to demonstrate:

~~A. There is no feasible and prudent non-structural alternative to the construction of the proposed shoreline Protection Structure, including an inability to relocate any structure threatened.~~

A. The proposed Protection Structure has been designed to prevent minimize erosion

and other adverse impacts on ~~neighboring other properties~~, the Public Trust and Lands, ~~and the lakebed of Lake Michigan~~ while simultaneously protecting the subject property. (NOTE: Lettering changed to reflect accurate order)

- B. The proposed Protection Structure ~~involves~~ is the minimum shore hardening necessary to provide for the level of protection necessary to achieve the purpose and intent of this Ordinance.
 - C. Access to the lakeshore and Public Trust Lands at Town Beach Stops is not adversely affected.
 - D. The applicant's Protection Structure will not encroach on any neighboring private or public property ~~or any conservation, drainage, utility, or any other easements of record~~.
 - E. The Protection Structure ~~will not~~ ~~is not be likely to~~ ~~is the least likely alternative or option to~~ cause a measurable increase in erosion, including lakebed erosion at the development site or at other locations along the shoreline of Coastal Zone.
 - F. The Protection structure ~~will prevent~~ ~~is the least likely alternative or option to~~ adverse effects upon natural protective features, existing erosion protection structures, and natural resources, such as significant wildlife habitats, including the transport of sand known as littoral flow.
~~The Protection Structure will not illegally encroach upon neighboring properties or any conservation, drainage, or utility easement.~~
 - G. All installations of a seawall are to comply with the Steep Slope Resolution #301 of the Town of Long Beach. The slope shall be measured at its steepest point and is not measured as the average slope of the lot.
 - H. A certified statement of the Coastal Engineer that the Proposed Structure fully complies with the requirements of this Ordinance.
8. Additional Requirements.
- A. Project plans must be prepared according to USACE Coastal Engineering Manual and certified by a Coastal Engineer from the Town's approved list.
 - B. The proposed Protection Structure must have reasonable probability of ~~controlling~~ ~~minimizing~~ erosion on the immediate and adjacent properties, ~~including the lakebed~~, for a minimum of 30 years.
 - C. A long-term maintenance plan developed by a Coastal Engineer that includes at minimum specifications regarding how to maintain the integrity of the structure, shoreline and neighboring property. Same shall be recorded as a restriction and condition on the subject property to run with the land in perpetuity upon approval of the Application.
 - D. All necessary permits or other authorizations required by other local, state, and federal authorities, including, but not limited to, the Indiana Department of

Natural Resources, Indiana Dept. of Environmental Management, U.S. Army Corps of Engineers, and FEMA ~~must be~~ ~~have been~~ secured.

9. Applications shall be reviewed and processed by the Building Commission in accordance with the provisions of this Ordinance.
10. After approval of the Building Commission, the Town may issue a Permit for the proposed Protection Structure.

154.206 EXCEPTION FOR EXISTING NONCONFORMING USES OR STRUCTURES

An exception shall be made for the repair or replacement of ~~legally an~~ existing Protection Structures to their previous specifications. Additionally, an exception shall be made for the ~~as well as~~ installation of a seawall within five (5) feet of an existing foundation of a property owner's Primary Use Structure if the foundation is determined to be more than 106.6' lakeward from the northern boundary of Lake Shore Drive but south of the Natural Ordinary High Water Mark provided that the all other requirements set forth in this Ordinance as well as the provisions of Title XV, Chapter 154, Section 154.125, *et. seq.* of the Town Code are met.

154.207 MISCELLANEOUS PROVISIONS

(a) This Ordinance and the below listed Chapters of the Long Beach Town Code are interrelated and should be understood before preparing any plan submissions:

- Ch. 34.30 Enforcement of Town Ordinances on Properties in the Coastal Zone
- Ch. 154.020 Definitions
- Ch. 154.048 Maximum Building Height
- Ch. 154.060 Waterfront Setback And View Protection
- Ch. 154.111 Sand mining and mineral extraction prohibited
- Ch. 154.112 Permit required for earth changes and to alter topography
- Ch. 154.125, *et. seq.* Nonconforming Uses and Structures
- Ch. 154 Appendix A, Zoning District Regulations (Note: In the R-1 Zoning District, the 20' rear setback shall not apply to Protection Structures that otherwise fully comply with the terms of this Ordinance)
- Ch. 155 Flood Hazard Areas

(b) All costs associated with the retention of and services to be provided by the Town's engineer and the applicant's engineer(s), including, but not limited to, coastal, geotechnical, and structural engineers and **Delineation Consultants**, shall be borne solely by the applicant.

(c) The Town will maintain and provide a list of Coastal Engineers and **Delineation Coastal Consultants** which shall be reviewed and updated from time to time and shall serve as the

exclusive list of acceptable engineers to provide services under this Ordinance. It is available in the Office of the Building Commission,

154.298 LAW ENFORCEMENT POLICIES

Enforcement of Chapters 154.201 thru 154.299 shall be ~~in accordance with~~ ~~according to Long Beach Town Ordinance 34.30~~ **in accordance with** ~~according to Long Beach Town Ordinance 34.30~~ **Title III, Chapter 34, Section 34.30 of the Town Code.**

154.299 PENALTIES FOR NON-COMPLIANCE

Any person violating any of the provisions of this Ordinance, including ~~un~~**non**approved alteration of the topography, shall be subject to the following penalties:

(a) Fines.

1. One Thousand Dollars (\$1,000.00/**day**) for the first violation;
2. Two Thousand Five Hundred Dollars (\$2,500.00/**day**) for the second violation;
3. Seven Thousand Five Hundred Dollars (\$7,500.00/**day**) for the third and each subsequent violation

(b) Revocation of Contractor Registration. If a **permit holder or** contractor is found to be in **knowing** violation of this Section, the **permit and the** contractor's registration **with the Town** ~~shall~~ **may** be revoked **subject to any administrative appeal provided for under the Town Code.**

(c) Each day that any violation continues shall be considered a separate violation punishable as provided in this Section.

The Sections of this Ordinance shall be codified and made part of the Town of Long Beach Code of Ordinances and all sections and subsections may be renumbered or re-lettered as necessary to achieve such purpose.

It is the intent of the Town Council of the Town of Long Beach, LaPorte County, Indiana, and is hereby provided, that if any section, subsection, sentence, clause or phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed to render invalid or unconstitutional the remaining provisions of this Ordinance.

This Ordinance shall become effective upon adoption by the Town Council and publication as required by Indiana Code.

ALL OF WHICH IS PASSED AND ADOPTED by the Town Council of the Town of Long Beach, LaPorte County, Indiana, this _____ day of _____, 2018.

LONG BEACH TOWN COUNCIL

By:

Robert LeMay, President

Peter Byvoets

Joy Schmitt

Jane Neulieb

Nicholas Meyer

ATTEST: _____ Date: _____
William DeFuniak, Clerk-Treasurer