

IMPORTANT NOTICE



Long Beach Community Alliance, Inc. *Long Beach "Beautiful" - Let's Keep it So!*

OPEN LETTER TO LONG BEACH RESIDENTS: OPPOSE PRIVATE CONSTRUCTION ON THE PUBLIC TRUST BEACH

On Monday, September 13, 2021, the Long Beach Town Council approved an amendment to the Town's Shoreline Preservation Ordinance that would allow construction of private stairs on the state-owned Public Trust beach lakeward of the "ordinary high water mark" (OHWM). In doing so, the Town Council ignored the bright line articulated by the Indiana Supreme Court and enacted by the Indiana General Assembly as the boundary of public and private property on the Lake Michigan shore. The Long Beach Community Alliance (LBCA) understands the need to balance the rights of Indiana citizens to use and enjoy the Public Trust beach with the rights of private property owners. Indeed, LBCA supports the rights of lakefront homeowners to build stairs on their own private property. But, on its face, the Town's adoption of an ordinance that "permits" private construction on the state-owned Public Trust beach is beyond the Town's jurisdiction and violates Indiana law.

LBCA, as one of the parties in the Gunderson case and a staunch advocate for the protection of the Public Trust Lake Michigan shore, stands in opposition to the Stair Amendment or any other local government ordinance that would purport to permit private construction on the Public Trust beach. The action taken by the Town Council is invalid as a matter of law and will only confuse people as to the legal boundary of private and public property on the Indiana Lake Michigan shore. While this illegal ordinance only addresses the construction of stairs, it violates the fundamental principle of the Public Trust Doctrine and will create a "slippery slope" for greater pressure on the Town and other local governments to "permit" illegal private construction on the Indiana Public Trust beach.

We urge the Town Council to reconsider its position on this matter as soon as possible. Citizens of the Town of Long Beach have a right to expect our Town Council Members will comply with Indiana law and only act within the legal boundaries of their jurisdiction. Sadly, instead of simply rejecting the adoption of Stair Amendment, as did the Town's Advisory Plan Commission when the same amendment was proposed before it, a majority of the Town Council chose to take an illegal, ultra vires action and by doing so have created confusion on an issue which both the Indiana Supreme Court and the General Assembly had put to rest.

This error must be corrected. LBCA has offered the Town Council alternative language which would once again align the Town's Shoreline Protection Ordinance with Gunderson and the General Assembly's intent. We urge all Long Beach residents to email Members of the Town Council to let them know that you expect that they will follow the law and demand that they repeal the Stair Amendment.

Go to the Long Beach Community Alliance webpage at www.lbcall.org for more information on this issue, how to email Town Council Members, and how to join LBCA in our mission to preserve good government in Long Beach.

Long Beach Community Alliance Board

LBCA is a 501(c)(3) non-profit organization. Your donation is tax deductible as allowed by law
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