

TITLE 23

Navigation and Waters

CHAPTER 17. DREDGING AND BEACHES

§ 1701 Removal of dredgings beyond limits of State; penalty.

Whoever knowingly and wilfully transports or removes or attempts to transport or remove to any point or place of deposit beyond the territorial limits of the State, by any process or in any manner, any dredging, earth, dirt, mud, soil, sand, silt or other material of any kind, either in a solid or liquid state, that is taken, dug, dredged or excavated from under the waters of the bays, rivers and creeks within the limits of the State, in the prosecution of works of improvement or maintenance of any channelway or harbor within the State, shall be fined not less than \$250 nor more than \$2,500, or imprisoned for not less than 30 days nor more than 1 year, or both.

25 Del. Laws, c. 249, § 1; Code 1915, § 3530; Code 1935, § 4021; 23 Del. C. 1953, § 1701.;

§ 1702 Depositing dredged material outside State; penalty.

Whoever, being in any manner engaged in the work of dredging or excavating any earth, soil, dirt, mud, sand, silt or other material of any kind from any channelway or harbor within this State, or of removing the same therefrom, in the prosecution of works of improvement or maintenance thereof, wilfully deposits and discharges any of such material outside the territorial limits of this State shall be fined \$5 for every cubic yard of earth, soil, dirt, mud, sand, silt or other material of any kind which is so deposited or discharged.

25 Del. Laws, c. 249, § 4; Code 1915, § 3533; Code 1935, § 4024; 23 Del. C. 1953, § 1702.;

§ 1703 Liability of masters, pilots and engineers.

Whoever, being a master, pilot, engineer or other person acting in such capacity on board of any boat or vessel, knowingly engages in towing any scow, boat, vessel or other craft loaded with any such matter or substance described in § 1701 of this title to any point or place of deposit beyond the territorial limits of this State shall be guilty of a violation of §§ 1701 and 1702 of this title, and shall be fined not less than \$250 nor more than \$2,500 or imprisoned for not less than 30 days nor more than 1 year, or both.

25 Del. Laws, c. 249, § 2; Code 1915, § 3531; Code 1935, § 4022; 23 Del. C. 1953, § 1703.;

§ 1704 Vessels liable for pecuniary penalties; enforcement of lien.

Any boat, vessel, scow or other craft used or employed in violating any of the provisions of §§ 1701 and 1703 of this title shall be liable to the pecuniary penalties imposed by such sections, and the penalties shall be a lien upon the boat, vessel, scow or other craft and may be enforced summarily by the Attorney General in the name of the State by way of libel in any court having jurisdiction thereof.

25 Del. Laws, c. 249, § 3; Code 1915, § 3532; Code 1935, § 4023; 23 Del. C. 1953, § 1704.;

§ 1705 Removal of building materials.

Sections 1701-1704 of this title shall not be construed to prevent any person from dredging, excavating or removing from this State clay, sand or other mineral or substance intended to be used in building or any other art or trade.

25 Del. Laws, c. 249, § 5; Code 1915, § 3534; Code 1935, § 4025; 23 Del. C. 1953, § 1705.;

§ 1706 Removing sand from beach areas.

No sand shall be dug, mined, removed or carried away from any public or private beach extending from mean high watermark to the Ocean Highway between Rehoboth and the Maryland state line.

41 Del. Laws, c. 197, § 1; 42 Del. Laws, c. 178, § 1; 45 Del. Laws, c. 277, § 1; 23 Del. C. 1953, § 1706.;

§ 1707 Permission for sand removal; exception of gravel.

No person shall dig, mine, remove or carry away, or cause to be dug, mined, removed or carried away, any sand from any public or private beach along the Delaware Bay or along the Atlantic Ocean within 500 feet from mean high watermark, whereby, because of such digging, mining, removal or carrying away of such sand, the beaches or lands abutting thereon or adjacent thereto would become flooded or barrier dunes would be destroyed, or so nearly destroyed, as to become ineffectual in holding back any of the waters from the Delaware River or Delaware Bay or the Atlantic Ocean, or the probability of the flooding of such lands would be materially increased, without first obtaining written consent from the Department of Transportation to dig, mine, remove or carry away the quantity of sand desired from the place designated from which such sand is to be taken, provided that this section shall not prohibit the digging or removal of gravel therefrom.

For the purpose of §§ 1706-1708 of this title, gravel shall be construed to mean any gravel or coarse sand suitable for concrete masonry such as can be had or found between high and low watermark.

41 Del. Laws, c. 197, § 1; 42 Del. Laws, c. 178, § 1; 45 Del. Laws, c. 277, § 1; 23 Del. C. 1953, § 1707; 60 Del. Laws, c. 503, § 27.;

§ 1708 Penalties for removing sand; enforcement.

(a) Whoever violates §§ 1706 and 1707 of this title shall be fined not less than \$10 nor more than \$50, or imprisoned for not less than 5 nor more than 30 days.

(b) The justices of the peace shall have jurisdiction to hear and determine violations of §§ 1706 and 1707 of this title.

41 Del. Laws, c. 197, §§ 2, 3; 23 Del. C. 1953, § 1708.;

§ 1709 Exemption.

The provisions of this chapter shall not apply to the transport or removal from this State of any dredging, earth, dirt, mud, soil, sand, silt or other material of any kind, either in a solid or liquid state, from the Nanticoke River.

74 Del. Laws, c. 10, § 1.;