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**ORDINANCE NO 7-99-220.A****AN ORDINANCE MODIFYING ORDINANCE NO 8-85-220 PROVIDING FOR RESTRICTIONS UPON CERTAIN WATER AREAS OF LAKE DELTON, PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING PRIOR ORDINANCES**

The Village of Lake Delton, Sauk County, Wisconsin, being a municipality as defined in Chapter 30 of the Wisconsin Statutes, being the only municipality abutting upon and adjoining the navigable waters known as Lake Delton and located entirely within Sauk County, Wisconsin, does hereby enact and ordain, in conformity with Section 30.77 Wisconsin Statutes as follows:

**SECTION 1. MODIFICATION OF ORDINANCE #8-85-220**

Ordinance No 8-85-220 is modified as of the effective date of this ordinance.

**SECTION 2. SPEED RESTRICTION**

No person shall operate any boat in the following described area at greater than a slow, no-wake speed, which is defined as the slowest possible speed so as to maintain steerage.

A SLOW-NO WAKE ZONE OF LAKE DELTON lying north of a line Running Westerly from Outlot 2 to the lot line between Lots 24 & 25 all located in the Plat of First Addition to Hiawatha at the Dells on Lake Delton all located in the SE1/4 of the NE1/4, in Section 16, T13N, R6E; Village of Lake Delton, Sauk County, Wisconsin

(a copy of the map outlining this area is attached hereto and incorporated herein by express reference as exhibit "a")

**SECTION 3 AREA MARKINGS**

The above described areas shall be marked by regulatory markers as required by the Department of Natural Resources of the State of Wisconsin, as prescribed by Wisconsin Administrative Code.

**SECTION 4 PENALTIES**

Any person violating any provisions of this ordinance shall forfeit not more than \$50.00 for the first offense and shall forfeit not more than \$100 upon conviction of the same offense a second or subsequent time within one year.

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**SECTION 5 ENFORCEMENT**

This ordinance shall be enforced by the Police Department of the Village of Lake Delton

**SECTION 6 SEVERABILITY**

If any portion of this ordinance is held to be invalid by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other portion of the ordinance. The Village Board in enacting this ordinance declares that they would have enacted the valid portions of this ordinance regardless of the invalidity of one or more portions of this ordinance.

**SECTION 7 PRIOR ORDINANCES REPEALED**

All ordinances or parts thereof heretofore enacted by the Village of Lake Delton, which are in conflict with this ordinance, are hereby repealed.

**SECTION 8 EFFECTIVE DATE**

This ordinance is effective upon passage and publication, marker placement and on-site posting of notification hereof as required by Section 30.77 of the Wisconsin Statutes.

\_\_\_\_\_  
Village President

\_\_\_\_\_  
Village Clerk

DATED: July 26, 1999

PUBLISHED BEFORE PASSAGE: July 31, 1999

PASSED: \_\_\_\_\_

PUBLISHED AFTER PASSAGE: \_\_\_\_\_

## CONDITION REPORTS

Any time a local unit of government adds or changes a regulation pursuant to Sec. 30.77(3), Wisconsin Statutes, the Department of Natural Resources requires that a Condition Report be submitted along with the ordinance for review. The Condition Report is integral to and justifies the ordinance, and it allows the reviewers in the Bureau of Law Enforcement to make a fair assessment of the reasonableness of the ordinance.

The Condition Report shall include the following items:

1. The problem necessitating the regulation.
2. How the regulation will abate or lessen the problem, and the impact that it will have on public health, safety and welfare.
3. Any negative effects of the regulation and who will be negatively affected.
4. What impact will there be on public health, safety and welfare if the regulation is not adopted.
5. A statement summarizing the arguments of public support or opposition to the regulation. (Public hearing summary or copies of letters received can be attached.)

State the facts surrounding the problem that is being addressed with the enactment of the regulation. Local conditions that you may want to mention in the Condition Report include, but are not limited to, size (surface area) of the body of water, width of a channel, depth of water, concentration of boaters and bathers due to natural or artificial conditions (e.g., shallow sandy area used as a beach or existence of a resort beach), natural or man-made constrictions, ingress and egress from landings, marinas, channels, etc. Support the statements with specific data or actual examples where possible such as number of accidents occurring at a location, complaints received, number of citations issued, number of boat slips or a count of boats or bathers using an area.

The Condition Report should explicitly state why the ordinance is in the public interest. This is important because any regulation that excludes or restricts navigation to any part of the general public may raise substantial and material questions of fact. A court test may be required to settle these questions. By showing how and why the regulation is in the public interest, the Condition Report may prevent a court test. The Department may also take action to contest local ordinances that do not provide for public health, safety, or welfare.

The Condition Report will enable the Department of Natural Resources to examine the pertinent local conditions that require the regulation, and provide an informed advisory review in a timely manner. In the advisory review, the Department will consider the effect the regulation will have on the State from the standpoint of uniformity and enforceability. The review will also consider whether or not the regulation is in the public interest, and if it is consistent with Chapter 30, Stats. The review is designed to prevent the enactment of special interest regulations that do not serve the general public.

An ordinance that is difficult to enforce, or difficult for the public to understand, is a burden and a source of conflict between the enforcing authority and the people that it was enacted to protect.



Placement  Discontinue  Change

BLE **2965** District \_\_\_\_\_

THE VILLAGE OF LAKE DELTON  
 COUNTY OF SAUK, WISCONSIN.

Instructions and qualifications on back of form. Complete form set (all 3 copies) and contact your local conservation warden.

SECTION I - APPLICANT AND PROPERTY OWNER

Property Owner's Name		Applicant's Name Village of Lake Delton	
Street or Route		Street or Route P O Box 87	
City, State, Zip Code		City, State, Zip Code Lake Delton, Wi 53940	
Telephone Number (include area code)		Telephone Number (include area code) 608-254-2558	
I consent to the placement of water marker(s) adjacent to the waters of my private property. Property Owner's Signature _____ Date Signed _____		Name of lake or body of water on which buoys are to be placed Lake Delton	
		Location of marker(s)	Township Range Section 13N 6E 16
Type of Marker(s)	Qty.	Type of Marker(s)	Qty. Message On Marker
Aid to Nav. Center	_____	Boat Excluded	_____ Name of Beach _____
Aid to Nav. Red	_____	Swim Area	<b>Swim Area</b>
Aid to Nav. Green	_____	Controlled Area	2 <b>Slow No Wake (location attached)</b> Buoys <b>000649</b>
Mooring	_____	Hazard Warning	_____
	_____	Informational <input type="checkbox"/>	_____
Non-standard _____ Qty. Describe:			

Attach a sketch(es) or chart(s) showing the proposed location of the marker(s). Express exact location of water marker(s) in distance from one or more fixed objects, whose location is known.

The above information provided in support of the application for placement of water marker(s) is true and correct.

Applicant's Signature Date Signed 7/29/99

SECTION II - POLITICAL SUBDIVISION

Approved -- The above named applicant may place and maintain, subject to DNR approval, the described marker(s).  
 Disapproved -- The placement of the described marker(s) may not take place.

Restrictions  None  Yes -Restrictions: \_\_\_\_\_

Approved By (Name)	Title	Date Signed
Agency - Political Subdivision or DNR	<b>Applicant Shall Comply with all State and/or Local Requirements.</b>	

LEAVE BLANK -- DEPARTMENT OF NATURAL RESOURCES USE ONLY

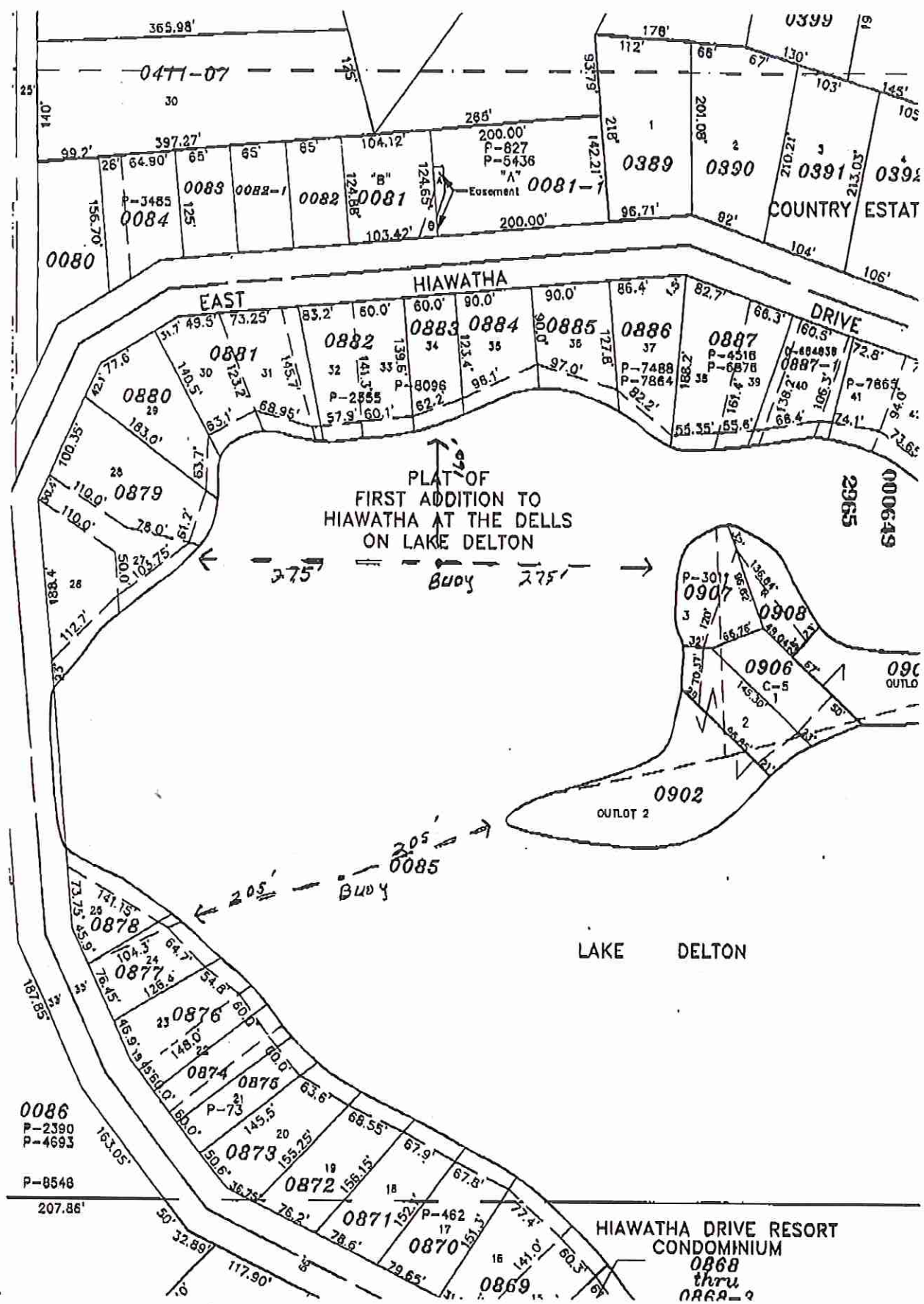
Warden's Recommendation <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	LE Safety Specialist <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
By (Warden's Signature) _____ Date Signed _____	By _____ Date Signed _____
Ordinance on File <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	Bureau of Law Enforcement <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
	By _____ Date Signed _____

Permit Distribution: Copy 1 - Dept. of Natural Resources, Madison, Copy 2 - Political Subdivision, Copy 3 - Permittee.

Waterway marker(s) may not be placed until all the requirements of Section NR 5.09, Wis. Adm. Code, are met.







PLAT OF  
FIRST ADDITION TO  
HIAWATHA AT THE DELLS  
ON LAKE DELTON

LAKE DELTON

HIAWATHA DRIVE RESORT  
CONDOMINIUM  
0088  
thru  
0089-9