

SEP 02 2010

ATV Boating Snowmobile
Recreational Enforcement & Education

21.01 SUMMER REGULATIONS.

1. INTENT.

The intent of this Ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.

2. APPLICABILITY AND ENFORCEMENT.

The provisions of this Ordinance shall apply to the water of Pewaukee Lake within the jurisdiction of the Town of Delafield, the Village of Pewaukee, and the City of Pewaukee. The provisions of this Ordinance and Wisconsin statutes, when applicable, shall be enforced by the officers of the Water Safety Patrol Unit of the joint jurisdiction of the Town of Delafield, the Village of Pewaukee and the City of Pewaukee, under the direction of the City of Pewaukee Police Chief as the Chief of the Pewaukee Lake Water Safety Patrol, the Waukesha County Sheriff's Department and the Wisconsin Department of Natural Resources.

3. STATE OFFENSES ADOPTED. (Cr. #05-23, rep. & rec. 2006-009 T, 06-26 City & 2006-28 V)

a. Whenever an incident within the provisions of current or future Chapters 939 to 948, §§ 86.06, 86.192, 134.66, 254.92, 961.472, and 961.571-961.577, Stats., occurs upon the water or ice of Pewaukee Lake, below the ordinary high water mark as that is defined by NR§322.03(8), Wis. Adm. Code, the City of Pewaukee Police Department shall investigate and provide police services regardless of the jurisdiction of the Town or City over that portion of the Lake where the incident occurred and only provide assistance to the Village when requested by the Village Police Department for that portion of the Lake within the Village's jurisdiction. The Village shall maintain authority and jurisdiction to investigate and oversee all criminal investigations on portions of the Lake within the Village's jurisdiction.

b. All municipal citation tickets shall be returnable to the City of Pewaukee Municipal Court, regardless of the jurisdiction of the municipality where the incident occurs on Pewaukee Lake.

4. STATE WATERCRAFTING AND WATER SAFETY LAWS ADOPTED.

The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities in Wisconsin Statutes 30.50 through 30.71 inclusive and as amended from time to time, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any statute incorporated herein by reference is required or prohibited by this ordinance.

5. DEFINITIONS.

a. "Designated Mooring Area": An area of water established and marked as a mooring area by lawful authority or with authorization from such authority pursuant to Section 30.773, Wis. Stats.

- b. "Navigation Lane": An area designated by authorized aids to navigation
- c. "Personal Flotation Devices":
 - (1) Type I - life preserver (jacket type).
 - (2) Type II - buoyant vest (horse collar type).
 - (3) Type III - special purpose type (ski-vests, fisherman's vests, or float coats).
 - (4) Type IV - buoyant cushions and ring buoys (throwable devices not designed to be worn).
 - (5) Type V - Coast Guard-approved suits when worn
- d. "Sensitive Environmental Areas: Waters of Pewaukee Lake or flowing into Pewaukee Lake designated and posted as sensitive environmental areas by the three authorizing communities based upon recommendations of the Wisconsin Department of Natural Resources with use restrictions posted by the communities based upon recommendations of the DNR
- e. "Public Access": Any access to the water by means of authorized public property.
- f. "Shore Zone": All surface water within two hundred (200) feet of any shore
- g. "Slow-No-Wake": The slowest possible speed so as to maintain steerage
- h. "Swimming Zone": An authorized area marked by regulatory markers to designate a swimming area.

6. SPEED RESTRICTIONS.

- a. Speed Limit.
Unless limited otherwise herein, no person shall operate a watercraft at a speed in excess of 50 mph
- b. General Limits.
No person shall operate a motor watercraft at a speed in excess of 10 mph between the published time of sunset and one hour after sunrise on all waters of Pewaukee Lake, provided that this provision shall not apply to watercraft participating in permitted races over a course laid out plainly marked and adequately patrolled.
- c. Special Limits.
No person shall at any time operate a watercraft at a speed in excess of slow-no-wake within two hundred (200) feet of any shore, swimmer not in a designated swimming area, marked public swimming area, diving flag, canoe, rowboat, sailboat, non-operating motor watercraft, bridge, public access, or designated anchorage or mooring area or sensitive environmental area.

d. Weekend Limits.

No person shall operate a watercraft at a speed in excess of 40 mph from twelve o'clock noon to the published time of sunset on Saturdays, Sundays and the following holidays: Labor Day, Memorial Day, 4th of July and any intervening day celebrated as part of the holiday.

7. CAPACITY RESTRICTIONS.

No person shall operate or loan, rent or permit a watercraft to leave the place where it is customarily kept for operation on the waters with more passengers or cargo than a safe load.

8. ADDITIONAL TRAFFIC RULES.

In addition to the traffic rules adopted herein, the following rules shall apply to watercraft using the waters of Pewaukee Lake:

a. Houseboats.

Unless specifically permitted by the Water Safety Patrol, watercraft with sanitary facilities, living or camping facilities are prohibited.

b. Tie Ups of Watercraft.

Unless specifically permitted by the Water Safety Patrol, prolonged anchoring, mooring or drifting of nested watercrafts for more than 2 hours is hereby declared to be in conflict with the intent and purpose of the ordinance and is hereby prohibited.

9. MOORINGS AND STATIONARY OBJECTS.

a. Moored and anchored objects.

No person shall erect or maintain any raft, ski jump, stationary platform, or any other obstacles to navigation more than two hundred (200) feet from the shore at any time unless a permit is obtained from the Chief of the Water Safety Patrol. All rafts and/or obstacles herein described shall be so constructed or anchored so that it has at least six (6) inches of free board above the water line, to the extent possible painted white, and has attached thereto not less than twelve (12) inches from each side of each corner or projection a red reflector not less than three (3) inches in diameter. All such objects shall be inscribed with the name and address of the owner and marked pursuant to Sections 30.12 and 30.13, Wis. Stats.

b. Designated Moorings.

The shore zone is designated a mooring zone except in areas of heavy traffic where mooring may be prohibited by order of the Chief of the Water Safety Patrol. Unless permitted by the chief of the Water Safety Patrol, mooring for more than twenty-four (24) hours is prohibited other than by riparian owners or persons exercising riparian rights and as provided by the local community. Mooring of a watercraft other than an emergency craft is prohibited in swimming zones. Mooring for more than twenty-four (24) hours is prohibited elsewhere on the lake.

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- c. Public Accesses.
Mooring or anchoring of watercraft at public accesses other than at piers, as designated by the controlling governmental agency, is prohibited.
- d. Mooring Lights Required.
No person shall moor or anchor any unoccupied watercraft, raft, buoy, or other floating object more than two hundred (200) feet from the shoreline between sunset and sunrise unless a permit has been obtained from the Chief of the Water Safety Patrol and there is prominently displayed thereon a white light of sufficient size and brightness to be visible from any direction for a distance of two (2) miles on a dark night with a clear atmosphere. This provision shall not apply to the shore zone, objects moored in designated mooring areas or buoys marking race courses as provided herein.
- e. Buoys Marking Race Courses.
Such buoys may be set without lighting provided that a permit has been obtained from the Chief of the Water Safety Patrol and that they are a bright color and are made of materials which will not damage a watercraft if struck.
- f. Mooring Buoys.
All mooring buoys placed on the waters of the lake must comply with regulations of the Department of Natural Resources. Special permits shall be issued by the Chief of the Water Safety Patrol for temporary non-conforming buoys necessary during regattas and sporting events.

10. SAFE OPERATION REQUIRED.

- a. No person shall operate, direct, or handle a watercraft in such a careless manner as to endanger the occupants of their or other watercrafts.
- b. No watercraft shall be operated in a repetitive circular, figure eight or other similar pattern in an area less than 300' in diameter and in a manner that creates a wake.
- c. In addition to the provisions of Section 30.62, Wis. Stats., no person shall modify, tamper or alter any watercraft or the original equipment of any watercraft which increases the standard operating decibel level of said watercraft in violation of Section 30.62, Wis. Stats.
- d. Unless specifically permitted by the Lake Patrol, no person shall operate, direct, or handle a motorized watercraft in a racing manner.

11. SWIMMING REGULATIONS.

- a. Unmanned Watercraft.
No person shall swim from any unmanned watercraft unless such watercraft is anchored.
- b. Distance from shore.

No person shall swim more than two hundred (200) feet from the shore unless in a designated swimming zone or when accompanied by a competent person in a watercraft.

c. Hour Limitations.

No person shall swim more than two hundred (200) feet from the shoreline between sunset and one hour after sunrise.

12. WATER SKIING.

a. Distance From Shore, Public Accesses, And Beaches.

No person shall operate a watercraft for the purpose of towing a person on water skis, aquaplane, glider, kite, parachute, or similar device or permit himself to be towed for such purpose within two hundred (200) feet of the shoreline, outside limits of any swimming zone, other water craft, any swimmer not in designated swimming area, diving flag, of any public access, of any designated anchorage or mooring area of any buoyed/marked race course.

b. Personal Flotation Device.

No person shall operate a watercraft for the purpose of towing a person on water skis, aquaplane, glider, kite, parachute, or similar device or permit himself to be towed for such purpose unless the person being towed is wearing a type I, II, III or V personal flotation device.

c. Length of Tow.

The maximum length of any tow rope for towing a person water skiing, aquaplaning, gliding, kite flying, parachuting, or similar device shall be seventy-five (75) feet.

d. Exceptions.

The limitations of this Section shall not apply to participants in ski meets or exhibitions authorized and conducted as provided in subsection (14).

13. RACES, REGATTAS, SPORTING EVENTS AND EXHIBITIONS.

a. Permit Required.

No person shall direct or participate in any watercraft race, regatta, water ski meet, or other water sporting event or exhibition unless such event has been authorized and a permit issued therefore by the Chief of the Water Safety Patrol.

b. Permit.

A permit issued under this Section shall specify the course or area of water to be used by participants in such events and the permittee shall be required to place markers, flags, or buoys approved by the Chief of the Water Safety Patrol designating the specific area or the general race course. Permits shall be issued only if in the opinion of the Chief the proposed use of the water can be carried out safely and without danger to or substantial obstruction of other watercrafts or persons using the lake. Permits shall be valid only for the hours and areas specified thereon.

- c. Right-Of-Way Of Participants.
Watercrafts and participants in any such permitted event shall have the right-of-way on the marked area and no other person shall obstruct such area during the race or event or interfere therewith.

14. MARKER AND NAVIGATION AIDS, POSTING ORDINANCE.

- a. Duty of Chief.
The Chief of the Water Safety Patrol unit is authorized and directed to place authorized markers, navigation aids, and signs in such water areas as shall be appropriate to advise the public of the provisions of this Ordinance and to post and maintain a copy of this Ordinance at all public access points within the jurisdiction of the Village of Pewaukee, the Town of Delafield, City of Pewaukee, and the County of Waukesha
- b. Standard Markers.
All markers placed by the Chief of the Water Safety Patrol or any other person upon the waters of the lake shall comply with the regulations of the Department of Natural Resources.
- c. Interference With Markers Prohibited.
No person shall without authority remove, damage, or destroy or moor or attach any raft/watercraft to any buoy, beacon, or marker placed in the waters of the lake by the authority of the United States, state, county, town, village, city or by any private person pursuant to the provisions of this Ordinance.

15. EMERGENCIES. (repealed and recreated 2008- 005)

- a. When the elevation of the lake is in excess of 853.4 above sea level as measured at the Village of Pewaukee dam, no person shall operate a watercraft in excess of slow-no-wake in any area of the lake.
- b. The Chief of the Water Safety Patrol is authorized to impose additional speed limit or other additional special emergency restrictions regarding the use of Pewaukee Lake when the water exceeds the established water level in subsection (a). Any order for additional special emergency restrictions shall be in effect for no longer than 48 hours, unless extended in conformity with the procedure stated herein. In the event the Chief believes that additional special emergency restrictions should be in effect for a period longer than 48 hours, the Mayor, Village President and Town Chairman or their designees may approve such additional time after consultation with and recommendations of the Chief of the Water Safety Patrol, Village Director of Public Works, the Town's Director of Public Works, and the Lake Pewaukee Sanitary District Superintendent. Upon written approval of a majority of the parties, the additional special emergency restrictions shall be implemented upon the terms approved by the parties.
- c. Lake Patrol shall post slow-no-wake and additional special emergency restrictions, if any, at all public accesses. When possible, the slow-no-wake

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and additional special emergency restrictions should be posted on each municipal website.

16. PENALTIES AND DEPOSITS.

Any officer of the Pewaukee Lake Water Safety Patrol has authority to issue citations and when warranted to arrest a person for violation of this Ordinance or applicable Wisconsin statutes and shall either permit such person to make a money deposit as provided in the approved bail/deposit schedule pursuant to Section 30.80, Wis. Stats., or bring the person arrested before the Municipal Court for the City of Pewaukee or Waukesha County Circuit Court as the case may be without unnecessary delay. Deposits may be made by mail or delivery to locations designed by the Chief of the Water Safety Patrol.

17. PERMITS.

Permits referred to in this ordinance shall be issued by the Pewaukee Lake Water Safety Patrol. There shall be no permit fee for single activities. There shall be one \$20.00 permit fee for recurrent and like activities including supporting activities, conducted throughout the boating season by a person or entity.

18. POSTING.

As provided in Section 30.77 of Wisconsin Statutes posting of this Ordinance at public access point is required.

21.02 WINTER REGULATIONS.

1. INTENT.

It is the intent of this subsection to provide the basic guidelines and parameters for the safe and healthful use of and conduct of activities on Pewaukee Lake during periods when the lake is frozen or partially frozen, subject to the grant of authority under §30.81, Wis. Stats.

2. APPLICABILITY AND ENFORCEMENT. (created 06-004)

The provisions of the Pewaukee Lake Winter Regulations and previously enacted Winter Regulations, not inconsistent with this ordinance, shall apply to the icebound water of Pewaukee Lake, within the jurisdiction of the Town of Delafield, City of Pewaukee or Village of Pewaukee. The provisions of this ordinance and Wisconsin Statutes, when applicable, shall be enforced by the officers of the Water Safety Patrol Unit of the joint jurisdiction of the Town of Delafield, City of Pewaukee and Village of Pewaukee, under the direction of the City of Pewaukee Police Chief as the Chief of the Pewaukee Lake Water Safety Patrol; the Waukesha County Sheriff's Department and the Wisconsin Department of Natural Resources.

3. STATE OFFENSES ADOPTED. (amended and created 06-004)

(a) Whenever an incident within the provisions of current or future Chapters 939 to 948, §§ 86.06, 86.192, 134.66, 254.92, 961.472, and 961.571-961.577, Stats., occurs upon the water or ice of Pewaukee Lake, below the ordinary

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high water mark as that is defined by NR§322.03(8), Wis. Adm. Code, the City of Pewaukee Police Department shall investigate and provide police services regardless of the jurisdiction of the Town, City or Village of that portion of the lake where the incident occurred.

(b) All municipal citation tickets shall be returnable to the City of Pewaukee Municipal Court, regardless of the jurisdiction of the municipality where the incident occurs on Pewaukee Lake.

4. DEFINITIONS OF SELECTED WORDS AND TERMS

Activities and Events. Shall include, but not be limited to, sporting events, fisheries, ice boat races, exhibitions and vehicle races.

ATV; All-Terrain Vehicle. Any engine driven device as defined in §340.01(2g), Wis. Stats., and any other multi-axle, 2, 3 and 4 wheeled vehicles, or combination wheel and track (runner) vehicles not otherwise defined herein, powered by a small motor(s) or fan and designed to be operated on snow, ice, grass, dirt, gravel, sand and wetland whether required to be licensed by State law.

Automobile. Any motor vehicle as defined by §340.01(4), Wis. Stats., and including mini-vans.

Ice Boat. A sailboat-like structure with runners or wheels intended to be wind powered on a solid surface.

Ice Shanties. Those structures parked or erected on the ice for use as warming buildings and ice fishing shelters and not including RVs, trucks and automobiles.

Motor Truck. Any motor vehicle as defined by §340.01 (34) and including pickup trucks, regular size vans and combination automobile/trucks.

Motorcycle. Any motorized vehicles as defined by §340.01 (32) and including motorized bicycles and scooters.

RV; Recreational Vehicle. Means any Recreational Vehicle as defined by §340.01(29), (6m) and (33m), Wis. Stats., designed or constructed to operate either under their own power or towed and designed to be used for temporary habitation.

Snowmobile. Means any engine drive vehicle as defined in §340.01(58a), Wis. Stats.

Vehicles. Includes all the above vehicles plus any other vehicle powered by motor or wind.

5. DRIVING AUTOMOBILES OR OTHER MOTOR DRIVEN VEHICLES ON THE ICE. (created 06-004)

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Except as otherwise specifically provided in the Pewaukee Lake Winter Regulations, the current and future statutory provisions of Chapters 110, 340 to 348 and 350, Stats., and Wis. Adm. Code Trans. 305 describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions relating to penalties to be imposed and exclusive of any regulation for which the statutory penalty is a term of imprisonment, and exclusive of rules pertaining to federal motor carrier safety standards, are adopted and by reference made part of the Pewaukee Lake Winter Regulations as if fully set forth herein. Any act required to be performed or prohibited by any current or future statute incorporated herein by reference is required or prohibited by this Ordinance, unless conflicting with this Winter Regulation.

6. DESIGNATION OF PEWAUKEE LAKE ZONES.

There shall be designated 2 zones on Pewaukee Lake as follows:

- (a) Shore Zone . All area of the lake between the lakeshore and a point 500' distance from the lakeshore.
- (b) Lake Zone . All area of the lake more than 500' from each and all shores of Pewaukee Lake.
- (c) Regulation Within the Shore Zone .
 1. Maximum Speed . Maximum speed limit within the shore zone shall be 10 mph for all vehicles.
 2. Activities and Events . Activities and events within the shore zone are limited to those requiring no motor or wind powered vehicle.
 3. Parking . All vehicles, except ice boats, are prohibited from parking within the shore zone between 1:30 a.m. and dawn. Ice boats shall be securely tethered at a dock or at the shore and outside of traveled lanes.
- (d) Regulation Within the Lake Zone .
 1. Speed Limit . Maximum speed limit within the lake zone shall be as follows:
 - a. Ice boats . No ice boat shall be operated at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing.
 - b. Snowmobiles . 50 mph in daylight and 25 mph at night.
 - c. ATVs . 35 mph in daylight and 25 mph at night.
 - d. Other vehicles . All other vehicles including, but not limited to, automobiles, motor trucks, RVs and motorcycles, other than ice boats, snowmobiles or ATVs - 20 mph.
 - e. Maximum . No vehicle may be operated anywhere on Pewaukee Lake over the speed of 10 mph within 200' of an ice shanty, parked vehicle or person.

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2. Activities and Events . Activities and events within the lake zone featuring motorized vehicles of any type are prohibited.
 3. Parking . Parking of all vehicles is prohibited within the lake zone between the hours of 1:30 a.m. and dawn. In addition, no vehicle may be parked unattended within the lake zone.
6. General Regulations of Vehicle Operation in Both Shore and Lake Zones .
- (a) No vehicle may be operated anywhere on Pewaukee Lake between the hours of 1:30 a.m. and dawn.
 - (b) All vehicles shall avoid and may not operate on cleared skating areas and in areas where prohibited events are being held.
 - (c) No person shall use or operate any vehicle in any manner so as to endanger persons on the ice.
 - (d) No person while operating a vehicle shall push, pull or tow any person on skates or skis.
 - (e) No person while operating a vehicle shall push, pull or tow any device whether occupied or unoccupied unless such device is attached by a rigid tow bar to the frame of the towing vehicle. Such devices shall include, but not be limited to, sleds, toboggans and inner tubes.
 - (f) No person shall operate any motorized vehicle in an erratic, free wheeling manner, all maneuvers including, but not limited to, "wheelies," "donuts," "skating" the vehicle, "spinning out" and wheel spinning are specifically prohibited on Pewaukee Lake.
 - (g) Excluding municipal and emergency personnel, no person shall operate any propeller or fan driven surface vehicle on Pewaukee Lake.
 - (h) No person shall operate any internal combustion powered vehicle which is not properly equipped with a muffler and shall, generally, operate in a manner so as not to create excessive noise.
 - (i) No person shall operate any motorized vehicle during the period beginning 1/2 hour after sunset and ending at dawn, unless equipped with and using adequate operating headlights and taillights.
 - (j) No person shall throw, place or permit to remain on or below the surface of Pewaukee Lake any glass, earth, stones, grass, brush, leaves, petroleum product, garbage, excrement, refuse, waste, filth or other litter.
7. Ice Shanties .
- (a) No ice shanty may be placed or left on the ice after March 5 or before December 1, unless a shorter period is ordered by the Chief of the Lake Patrol. Any ice shanty placed or left in violation of this regulation shall

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be impounded and the owner fined as stipulated herein.

- (b) Ice shanties shall at all times display a red light reflective material of at least 9 sq. in. in size on all sides approximately 3 1/2 from the bottom of the shanty and visible from 100' away.
- (c) Ice shanties or shelters left on the lake overnight shall display the name, address and phone number of the owner on or near the door or entryway on the exterior of the shanty.
- (d) Ice shanties shall be constructed of materials which will not be destroyed or quickly deteriorated by wind and rain.

8. Ice Cutting .

- (a) Holes cut, augured or chiseled in the ice for purposes of fishing shall be no larger than 12" in the largest dimension.
- (b) Holes cut, augured or chiseled in the ice for purposes of diving may be larger than 12" in the largest dimension, but such holes must be clearly marked with light reflective markers and when not in use, the ice replaced in the hole and markers placed until the hole freezes solid and is not a hazard.

9. Winter Lake Patrol Designated . (repealed and r ecreated 06-004)

Any officer of the Pewaukee Lake Water Safety Patrol has authority to issue citations and, when warranted, to arrest a person for violation of the Pewaukee Lake Winter Regulations or applicable Wisconsin Statutes and shall either permit such person to make a money deposit as provided in an approved bail/deposit schedule per §30.80, Stats., or bring the person arrested before the City of Pewaukee Municipal Court or Waukesha County Circuit Court, as the case may be, without unnecessary delay. Deposits may be made by mail or delivery to locations designated by the Chief of the Water Safety Patrol. All municipal citation tickets shall be returnable to the City of Pewaukee Municipal Court, regardless of the jurisdiction of the municipality where the incident occurs on Pewaukee Lake.

10. Special Events, Risks and Liabilities . (repealed and recreated 06-004)

No specific sporting event, fisheree, iceboat race or exhibition shall be conducted on Pewaukee Lake unless such event has been authorized and a permit issued in writing by the Chief of the Water Safety Patrol for such activity or event. There is no cost for a permit for a one-time only event, but for any activity or event reoccurring through the ice season, there shall be a one-time \$20.00 permit fee. The permit application shall specify the course

or area of the lake to be used by participants in such events and the permittee shall be required to place markers, flags or other similar devices approved by the Chief of the Water Safety Patrol to designate the specific event area or course. Permits shall only be issued if, in the opinion of the Chief, the proposed use of the ice can be carried out safely and without danger to or substantial obstruction of other persons and craft using the ice. Permits shall be valid only for the hours and areas specified therein.

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PENALTIES

21.03 PENALTIES AND DEPOSITS.

- (1) STATE STATUTES. Any person violating the provisions of any statute adopted by reference in this chapter shall be subject to a forfeiture not to exceed the maximum forfeiture allowed under the comparable State offense, including any variations or increases for second and subsequent offenses, plus costs and assessments where applicable.
- (2) LOCAL PROVISIONS. Any person violating any other provision of this chapter shall be subject to a penalty as provided in §25.04 of this General Code of Ordinances.
- (3) MONEY DEPOSITS. Any officer arresting a person for violation of a provision of this chapter who is unable to bring the person arrested before the court without unnecessary delay shall permit such person to make a money deposit as provided in §30.76, Wis. Stats. Such deposit shall be made to the Law Enforcement Officer or other person designated for collections.