

ORDINANCE NO. 5-01-337

An ordinance repealing Ordinance 3-00-330 and recreating an ordinance to regulate water traffic, boating and water sports upon the waters of Lake Delton, Blass Lake and Dell Creek, and prescribing penalties for violation thereof pursuant to Sections 30.76, 30.77, 61.34 and 66.0109 of the Wisconsin Statutes.

WHEREAS, Lake Delton, Blass Lake and Dell Creek are navigable waters subject to the local jurisdiction of the Village of Lake Delton; and

WHEREAS, in the absence of local regulations establishing areas for the protected exercise of certain water rights, conflicts among persons competing to use Lake Delton, Blass Lake and Dell Creek for commercial navigation, fishing, pleasure boating, swimming, water skiing and other public and private purposes may arise due to the relative size of the lake, its congestion and its location in an area predominately devoted to tourism; and

WHEREAS, conflict among competing water users threatens the public health, safety and welfare of all water users and the community, and impairs use of the waters of Lake Delton for particular activities, such as organized water skiing events and public swimming, which require unobstructed use of certain portions of the lake if they are to be conducted safely; and

WHEREAS, the promotion and regulation of commercial, recreational and other public and private uses of the navigable waters of the lake are matters of local concern which are essential to the economic well-being of the Village of Lake Delton and consistent with the public trust in which the waters of this State are held, and

WHEREAS, the areas hereinafter designated as public swimming areas have been traditionally used as public swimming areas where other water activities have been restricted in order to protect swimmers; and

WHEREAS, the area hereinafter designated as a water exhibition restricted area has been used for forty-five years as an area for the public presentation of a water skiing exhibition; and

WHEREAS, it will promote the general welfare of the municipality and the public to have such areas continue to be used for such purposes; and

WHEREAS, it is the desire of the enactors to promote and regulate compatible uses of Lake Delton, Blass Lake and Dell Creek in strict compliance with the laws of the State of Wisconsin and the applicable regulations of the Wisconsin Department of Natural Resources;

NOW THEREFORE, the Village Board of the Village of Lake Delton, Sauk County, Wisconsin, do ordain as follows:

#### PART I INTRODUCTION

Section 1. Intent. The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of Lake Delton, Blass Lake and Dell Creek consistent with public and private rights and the capability of the lake.

Section 2. Applicability and Enforcement. The provisions of this ordinance shall apply to the waters of Lake Delton Blass Lake and Dell Creek and water related activities in and around these waters. The provisions of this ordinance shall be enforced by the officers of the Water Safety Patrol of the Village of Lake Delton and/or the Lake Delton Police Department, as herein established.

Section 3. State Boating and Water Safety Laws Adopted. The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities and safety in Chapter 30 of the Wisconsin Statutes are hereby adopted by reference and made a part of this ordinance.

Section 4. Safety Patrol Unit Designated. Upon a grant of authority to the Village of Lake Delton pursuant to §30.79(4) Wis. Stats., the officers of the Police Department of the Village of Lake Delton are hereby designated as the "Lake Delton Safety Patrol Unit." The Chief of the Village Police Department shall be Commander of the Unit and be responsible for assignment of duties. The Unit is hereby charged with the special responsibility of policing Lake Delton, and enforcing this ordinance.

Section 5. Official Map of Lake Delton. There is hereby established, as the Official Map of Lake Delton, the map which accompanies and is made a part of this Ordinance bearing the date of March 15, 2000. The Official Map of Lake Delton shall show the location and extent of all public accesses, municipal beaches,

public beaches and restricted areas as heretofore platted, laid out, adopted, and established by law. This map is hereby designated as the "Official Map of Lake Delton" and shall be hereinafter referred to as the "Map," and all notations, references, and other information shown thereon shall be as much a part of this Ordinance as though the matters and information thereon were fully described herein. Upon enactment of an ordinance changing the Map or any part thereof, the Map shall be changed to correspond to the ordinance.

## PART II WATER EXHIBITIONS

Section 1. Water Exhibition Regulations. No person shall conduct or participate in a water ski tournament, competition, exhibition or trial therefor which is sponsored or operated as a public presentation (hereinafter "water exhibition"), unless the water exhibition and its sponsor are duly licensed hereunder to operate in a water exhibition restricted area. Between the dates and during the hours when exclusive use of a water exhibition restricted area by a water exhibition licensee is authorized, the use of the navigable waters of the area by persons other than law enforcement officials and the water exhibition licensee is prohibited. In accordance with Section 30.68(7), Wis. Stats., this prohibition shall not apply in the case of an emergency, or to patrol or rescue craft.

Section 2. Additional Water Exhibition Regulations. The use of a water exhibition restricted area is subject to the following additional requirements:

(A) Lighting. A water exhibition restricted area shall be sufficiently lighted by the licensee to permit the reasonably safe presentation of a water exhibition.

(B) Observers. Any boat towing one or more water skiers in a water exhibition need not have an observer other than the driver if the area is lighted as provided in paragraph (A) above. Operators of boats in a licensed water exhibition shall comply with Wis. Adm. Code Section NR 5.13.

(C) Boats. No boat may remain untended in a water exhibition restricted area.

(D) Pickup Areas. A water exhibition licensee shall maintain all pickup and dropoff areas authorized in the licensee's license, which areas shall be as shown on the Map as part of the water exhibition restricted area.

(E) Jumps. A water exhibition licensee shall maintain all waterski jumps authorized in the licensee's license. The jumps shall be securely moored, lighted during the hours between sunset and sunrise by a white light visible all around the horizon, and shall be authorized and maintained in accordance with the Laws of the State of Wisconsin and the applicable regulations of the Wisconsin Department of Natural Resources.

(F) Intoxicants. In addition to the provisions of ss. 30.681 and 30.69 (4), Wisconsin statutes, No boat operator or water exhibition participant otherwise authorized to use a water exhibition restricted area shall do so, if under the influence of an intoxicant, as defined in Section 125.02 Stats. or a controlled substance as defined in Section 961.01, Wis. Stats.

(G) Sounds. A water exhibition shall be conducted so that the sound level of all activities is reasonable.

Section 3. Water Exhibition Restricted Area "A." The following shallow area in the navigable waters of the Village of Lake Delton is hereby declared to be suitable for use as a water exhibition restricted area by reason of its location in a portion of Lake Delton where conflicts among water sports can be minimized. The area is hereby established as a water exhibition restricted area to be known as Water Exhibition Restricted Area "A":

That area of Lake Delton, Sauk County, Wisconsin, lying within and bounded by the following described lines:

Beginning at a point on the North and South 1/4 line of Section 21, Township 13 North, Range 6 East, Sauk County, Wisconsin which is 25 feet southeasterly from the shore line: thence North 64° East, 330 feet; thence South 64° East, 65 feet: thence southerly to a point on the south line of the Northwest 1/4 of the Northeast 1/4 of said Section 21, which is 360 feet easterly from the Southwest corner thereof, thence continuing southerly on the same course, 60 feet; thence southwesterly to a point that is 25 feet northwesterly from the most northerly tip of the shoreline at Lot 1, Block 2, Plat of the Village of Delton, thence southwesterly to a point that is 30 feet northwesterly from the point where the east line of North Delavan Street intersects the shore line; thence southwesterly to a point 25 feet northwesterly from the point where the west line of Lot 1, Block 3, Plat of the Village of Delton intersects the shore line; thence southwesterly, 320 feet more or less to a point that is 25 feet northwesterly from the shore line; thence northwesterly at right angles from the last mentioned course to the northwesterly shore

line; thence northeasterly along the shore line to a point opposite the point of beginning; thence southeasterly, 25 feet to the point of beginning.

The shore lines referred to in this description are at normal water level of the lake and all distances from the shore line are at right angles from the shore line. All bearings are referenced to Grid North.

The boundaries of Water Exhibition Restriction Area "A," and the waterway markers establishing those boundaries, are illustrated on the Map, which is attached hereto and made a part of this Ordinance.

Section 4. Additional Water Exhibition Restricted Areas: General. The Village of Lake Delton may, in the interest of the public health, safety and welfare, upon application by prospective water exhibition sponsors, establish additional water exhibition restricted areas after consideration of the suitability of the proposed areas for general water exhibition use. All water exhibition restricted areas and their licensed users shall be governed by this Ordinance, the laws of the State of Wisconsin, and the applicable regulations of the Wisconsin Department of Natural Resources.

Section 5. Licensing. The terms and conditions of the authorized use by a water exhibition licensee of a water exhibition restricted area established hereunder shall be established by the Village Board which shall consider the following factors when determining whether to license a water exhibition and its sponsor:

- (1) The character of the license applicant,
- (2) The license applicant's experience, financial responsibility and technical competence,
- (3) The suitability of the proposed water exhibition for the water exhibition restricted area, and
- (4) The general public health, safety and welfare.

The Village Board shall also seek to protect existing values of land, riparian rights, investment, and enterprise. In the event two or more license applicants shall apply for authority to use the same water exhibition restricted area, the Village Board shall, during a public hearing, also consider the relative value to the community and public of the proposed uses.

Section 6. Licensing Procedure. A license to use a water exhibition restricted area shall be granted by the Village Board, acting in accordance with Section 30.77, Wis. Stats., after consideration of the license applications submitted to it on forms provided by the Village Clerk. A license application shall require the applicant to provide the following information:

- (A) The name, mailing address and telephone number of the license applicant: and if the applicant is a corporation, the state of its incorporation and the names and addresses of its officers.
- (B) A description of the water exhibition proposed, (including the proposed dates and hours of licensed restricted use, and the locations of water skiing jumps and pickup and drop off areas, if any, which shall be illustrated on a map attached to the application),
- (C) A brief description of the license applicant's experience, financial responsibility and technical ability to present the proposed water exhibition.

The Village of Lake Delton may require additional information from any applicant, if it deems it necessary in order to exercise its judgment. All applications filed with the Village Clerk shall be considered at the next following regular or special meeting of the Village Board, and shall be granted or denied by a majority vote of those present at the meeting. If there is more than one applicant, the judgment of the Village Board shall be final since the license is a privilege. The applicant shall amend an application to conform to reasonable requests of the Village Board. Applications for renewal licenses shall be considered in the same manner as original applications. The Village Board may provide for a public hearing for consideration of the grant of an original or renewal license, and shall do so upon the request of a license applicant. At a public license hearing, an applicant shall be permitted to present evidence in his own behalf and rebut evidence offered by others.

Section 7. Insurance. Before any water exhibition license applicant shall be granted a license by the Village Board, a copy of a liability insurance policy written by a company licensed to do business in Wisconsin, with coverage of \$300,000.00 per person and \$100,000.00 for property damage shall be filed with the clerk of the Village Board.

Section 8. Water Show Licenses. A license to use a water exhibition restricted area shall be in a written form prepared by the clerk of the Village Board in accordance with its direction. It shall state:

- (A) The duration of the license, which shall not exceed four years,
- (B) The days and hours of licensed use, and
- (C) In general, the type of water exhibition authorized. In addition, a license shall include a map which shall describe the boundaries of the water exhibition restricted area, the authorized location of waterway markers as provided in Wis. Adm. Code Section NR 5.09, the location of water skiing jumps and pickup and dropoff areas, if any, and the days and hours of authorized restricted use by the licensee.

Section 9. License Fees. The clerk of the Village Board shall collect an annual License fee of \$100 upon issuance of a water exhibition license, and a \$100 fee at one-year intervals thereafter until expiration of the license. Fees collected shall be used to defray the cost of administering this ordinance.

Section 10. Exemption from certain statutes. Persons participating in water exhibitions or races in accordance with a license issued hereunder are exempt from complying with the requirements of §§ 30.61 (1) or (10), 30.62 (2), 30.66, 30.68 (4m), 30.69 (1) (a) (c) or (3) (a) to (c), Wis. Stats. and part VII, Section 4 of this ordinance.

Section 11. Prohibited activities; Anchored Boats. It shall be unlawful for the owner or operator of any boat to anchor or permit a boat to be anchored in the area designated as Restricted Area "X" during those times in which a water exhibition has been duly licensed to be performed in Water Exhibition Restricted Area "A" under this Ordinance, provided however, that nothing contained herein shall restrict the rights of a riparian owner to moor an unoccupied boat to a duly authorized permanent mooring buoy. In accordance with §30.68(7), Wis. Stats., this prohibition shall not apply in the case of an emergency, or to patrol or rescue craft.

Section 12. Restricted Area X. The following shallow area located in the channel along the southern boundary of Water Exhibition Restricted Area "A" on the waters of Lake Delton is hereby declared to be a restricted area within which anchoring of boats shall be prohibited during times at which licensed shows are performed in Water Exhibition Restricted Area "A" to minimize interferences with navigation and conflicts among waterway users. The restricted area hereby established shall be known as Restricted Area "X," described more particularly as follows:

That area of Lake Delton, Sauk County, Wisconsin, lying within and bounded by the following described lines: Beginning at the waterway marker which establishes the southwestern corner of Water Exhibition Restricted Area "A", as created and defined by this Ordinance; thence southerly on a line parallel with the north-south quarter section line of Section 21 to the intersection with the shore line; thence easterly along the shore line to a point on the shoreline which is 200 feet easterly from the north-south quarter section line of Section 21; thence northerly on a line parallel with the north-south quarter section line to the intersection with the south boundary line of Water Exhibition Restricted Area "A"; thence westerly along the south boundary line of Water Exhibition Restricted Area "A" to the point of beginning. The shore line referred to in this description is the actual shore line as determined by the water level of the lake at any given time.

Section 13. Waterway Markers-Restricted Areas A and X. The boundaries of Restricted Areas A and X shall be marked by waterway markers placed and maintained by the Lake Delton Public Works Department, or others designated to specifically place such markers, at locations authorized by the Village of Lake Delton. Authorized locations of the waterway markers are depicted on the Map, which shall be appropriately posted in accordance with §30.77(4), Wis. Stats. These markers shall be placed immediately prior to the performance of the licensed show and shall be removed immediately after the completion of the licensed show. In the event permanent markers are placed, such markers shall have clearly marked the times that anchoring in Restricted Areas "A" and "X" is prohibited. All waterway markers placed and maintained under authority of this Ordinance shall conform to §30.74(2), Wis. Stats., and Wisconsin Administrative Code Section NR 5.09.

### PART III PUBLIC AND PRIVATE SWIMMING AREAS

Section 1. Public Swimming Areas; General. Upon application by any person and after due consideration of riparian rights, the Village of Lake Delton may in the interest of the public health, safety and welfare and in conjunction with municipal bathing beaches or beaches which are open to the general public or used by

large numbers of people, operated by resorts, clubs, civic organizations or subdivisions, establish additional public swimming areas. Permits for the placement of swimming areas or informational buoys shall not be approved until it has been determined that the placement of such buoys will not infringe upon the rights of riparians or the public. Before establishing an additional public swimming area, the Village of Lake Delton shall make a joint application to the Wisconsin Department of Natural Resources to obtain the necessary clearances. Applications shall be prepared by the person petitioning the Village Board for the establishment of a public swimming area and shall be made in duplicate and give the owner's name and legal description of the property in front of which the public swimming area buoys are to be placed. Applications shall be accompanied by a chart or sketch showing the exact location of the buoys expressed in distance and direction from one or more fixed objects whose precise location is known. The duration of a public swimming area permit shall not exceed four years, but authority to continue operation of a public swimming area may be renewed upon petition to the Village of Lake Delton. All public swimming areas heretofore established by authority of the Village of Lake Delton, or the Wisconsin Department of Natural Resources shall be governed by this ordinance and their operators shall apply to the Village Board for authority to restrict such areas to swimming. For purposes of this Part III of this Ordinance, the term "public swimming areas" includes both municipally owned and privately owned beaches.

Section 2. Park Drive Public Beach. The following area is hereby established as a public swimming area to be known as Park Drive Public Beach Restricted Area "B":

That area of Lake Delton, Sauk County, Wisconsin lying within and bounded by the following described lines:

Beginning at the intersection of the shore line with the southeasterly extension of the southwesterly line of Lot 12, Plat of Hiawatha at the Dells; thence southeasterly along the extension of the southwesterly line of Lot 12 a distance of 170 feet; thence southwesterly at right angles with the last mentioned course, 66 feet; thence northwesterly at right angles with the last mentioned course to the shore line; thence northerly and northeasterly along the shore line to the point of beginning. The shore lines referred to in this description are at normal water level of the lake. The boundaries of the above area and the locations of waterway markers establishing those boundaries are illustrated on the Map, which is attached hereto and made a part of this Ordinance. No person shall operate a boat within a public swimming area.

Section 3. Waterway Markers - Swimming Areas. The boundaries of Public Swimming Area "B" and the boundaries of all water exhibition restricted areas shall be marked by waterway markers placed and maintained by the Lake Delton Public Works at locations authorized by the Village Board. The boundaries of other public swimming areas shall be marked by waterway markers placed and maintained by the operator of the public swimming areas at locations authorized by the Village Board.

Section 4. Public Swimming Area Markers. The following rules apply to the placement of markers designating public swimming areas in accordance with the provisions of Section 30.74(2), Wis. Stats., and Wis. Adm. Code Section NR 5.09.

(A) No boats shall operate in bathing beach areas which are marked by the placement of buoys pursuant to this Ordinance.

(B) All buoys shall mean state approved buoys for bathing beach markings.

Section 5 Regulation of Private Fishing and Swimming Rafts. The Village Board of the Village of Lake Delton having determined that Lake Delton is a popular recreational lake that is highly congested and having further determined that the placement of swimming rafts and fishing rafts on Lake Delton are deemed to interfere with the public's right in navigable waters, enacts this ordinance regulating the mooring of swimming and fishing rafts on Lake Delton. No person, firm or corporation shall install, moor or maintain a swimming or fishing raft as defined in 30.01 (6e) and/or (1p), without first obtaining a permit. The provisions of s. 30.13 Stats. regulating swimming rafts and fishing rafts are adopted and incorporated herein. Each applicant for a raft permit shall establish that said raft shall comply with the provisions of s.30.13 Stats., and the provisions of subparagraph (b) below. Each permit issued hereunder shall run from July 1 through June 30 of the following year. The permits fees shall be established by the Village Board. Criteria for issuance of fishing and swimming rafts. No permit for a swimming or fishing raft shall be issued unless the raft shall meet the following criteria:

1. the raft shall not be more than 100 feet from the nearest shoreline.

2. the raft shall have reflective markings
  3. the owner shall provide proof of insurance
  4. the raft shall not exceed 150 square feet in area
  5. the water depth shall be at least six (6) feet
  6. diving boards and trampolines are prohibited.
  7. If a written protest from a neighboring parcel located within 100 feet of the applicant's parcel, is filed with the Village Clerk no permit authorizing the placement of a fishing or swimming raft shall be issued except upon the 2/3rd majority vote of the Village Board.
- (c) Village Clerk. The Village Clerk shall prepare application forms and upon filing of an application for a swimming or fishing rafts the Village Clerk shall notify adjoining landowners within 100 feet of the applicants land of the application and scheduled hearing date.

#### PART IV REGULATING THE LANDING OF COMMERCIAL AIRCRAFT ON LAKE DELTON

##### Section 1. Aircraft Landing Regulated.

- (A) It shall be unlawful for any person to ascend or land with any commercial aircraft, including gliders, balloons, seaplanes and helicopters, upon the body of water in the Village of Lake Delton, Sauk County, Wisconsin, known as Lake Delton. This proscription shall not apply to emergency landings, or to military or National Guard personnel or to any medical helicopter.
- (B) For the purposes of this ordinance, the term "commercial aircraft" shall include any aircraft carrying passengers or goods for hire or operated in connection with any other business and/or carrying passengers or goods primarily for amusement or recreational purposes.
- (C) It shall be unlawful for any aircraft, whether "commercial" or otherwise, to make continuous landings and takeoffs, commonly known as "touch and goes," upon the body of water in the Village of Lake Delton, Sauk County, Wisconsin known as Lake Delton.

#### PART V REGULATING ACCESS TO LAKE DELTON

Section 1. Findings. The Village Board, having discussed the matter of the use of public accesses to Lake Delton by heavy vehicles and having reviewed the matter of the construction and design of the public accesses to Lake Delton, makes the following findings:

- (A) There are three public accesses to Lake Delton identified as:
- (1) the Adams Street Boat Ramp, located adjacent to the Adams Street Bridge; and
  - (2) the Claire Isle Boat Ramp, located on the northeastern end of Lake Delton; and
  - (3) the East Hiawatha Boat Ramp located on the northern end of Lake Delton adjacent to the Thunderbird Motel.
- (B) The public accesses differ in their design and construction, and the use of those public accesses that are not designed or constructed for use by heavy vehicles can lead to damage to the public accesses.

##### Section 2. Restrictions on Use of Public Access.

- (A) All public accesses described above in Section 1. (A) shall be closed to all vehicles weighing in excess of Ten Thousand (10,000) pounds gross vehicle weight.
- (B) The East Hiawatha Boat Ramp shall be open to use by amphibious motor vehicles as described in §341.05(20) Wis. Stats. when the use of the access is part of the approved route as described in Ordinance No. 1-78-175(2).
- (C) The Department of Public Works shall install signs at these public accesses notifying the public of the 10,000-pound weight restriction.

#### Part VI REGULATING THE RENTAL OF MOTORIZED WATERCRAFT

Section 1. Licenses Required. It shall be unlawful for any person, firm or corporation to rent, or offer to rent, any motorized watercraft without having first secured a license therefore. Application for such license shall be made to the Village Clerk and shall be issued only by the approval of the Village Board.

##### Section 2. License Terms. Conditions and Fees.

- (A) The following licenses shall be granted for the type of establishment renting or offering to rent to the public motorized watercraft:
- (1) General License permitting the rental of all types of motorized watercraft subject to the limitations of this section.

- (2) Limited License permitting the rental of motorized watercraft excluding personal watercraft.
- (3) Motel & Resort License for those establishments renting motorized watercraft, excluding personal watercraft, to overnight guests staying at the motel or resort.
- (B) There shall be a maximum of four general licenses issued for the rental of motorized watercraft to the public in the Village of Lake Delton. This provision shall be effective on July 1, 2000.
- (C) Each licensee must have its motorized watercraft in safe operating condition and equipped so as to comply with all state boating regulations.
- (D) Each license shall limit the maximum number of motorized watercraft available for rent to Twenty-five (25) and General Licenses shall further limit the maximum number of personal watercraft available for rent to Four (4).
- (E) At the time of application for each license, there shall be paid to the Village Clerk/Treasurer, a fee according to the following schedule:
- (1) General License \$500.00
  - (2) Limited License \$300.00
  - (3) Motel & Resort License \$ 10.00
- (F) No license shall be granted until there has been deposited, with the Village Clerk, a true and correct copy of the applicant's liability insurance policy with minimum limits, for General Licenses of \$1,000,000 personal injury and \$100,000 property damage and for Limited and Motel & Resort Licenses of \$300,000 personal injury and \$100,000 property damage issued by insurance companies acceptable to the Village Board, covering personal injury or property damage arising out of the operation for which the license is required, such copy to be kept on file during the license term. The Village Clerk shall notify the agent issuing such policy that in the event of cancellation of such policy, the said Clerk is to be immediately notified thereof

#### Section 4. Other Provisions.

- (A) Each licensee, or its employees, is required to personally instruct each operator on the safe operation of the motorized watercraft and on the rules and regulations governing water traffic on Lake Delton. Each licensee is required to provide to the operator a written list of boating rules and regulations governing the operation of the motorized watercraft. Each licensee is required to post in a conspicuous place a Notice of Water Traffic Rules for Lake Delton as established by this Ordinance and as subsequently modified or amended by the Village Board. Failure to comply with these provisions constitutes a violation of this ordinance.
- (B) Each licensee is required to supervise and assist the operation of its motorized watercraft by its clientele. When either four or more of its personal watercraft or a total of 15 or more of its motorized watercraft are on the lake, the licensee is required to have an employee in a motorized boat on the lake so as to be able to supervise and assist its motorized watercraft. Each licensee shall provide each person authorized to operate its personal watercraft, or other motorized watercraft with motors of 50 horsepower or more, with an identifying wristband signifying the consent of the licensee to operate the motorized watercraft.
- (C) Unauthorized operation of motorized watercraft. Operation of any motorized watercraft by one other than the lessee of the licensee or one whom the licensee has specifically authorized to operate motorized watercraft shall be a violation of this Ordinance.

Section 5. Non-Operational Hours. No licensee shall permit the use of any of its personal watercraft between the hours of 8:00 p. m. and 8:00 a. m. each day.

Section 6. Application for License. Application for each license shall be made to the Village Clerk and shall be valid only for the establishment designated in such license, if issued.

Section 7. Revocation of License by Chief of Police. In addition to the penalties set forth in Part X 1. (B) of this Ordinance, if any licensee violates any provision of this Ordinance, the chief of police shall notify the licensee in writing that the violation occurred, and shall state that repeated violations will result in the revocation of the license. Upon repeated violations of this Ordinance, the chief of police shall revoke the license. In the absence of extenuating circumstances, three violations during any license year shall be considered repeated violations sufficient to require revocation of the license.

Section 8. Revocation of License by Village Board. In addition to the penalties as set forth in Part X 1. (B) of this Ordinance, if any licensee violates any provision of this Ordinance said license may be suspended or revoked by the Village Board after a hearing for good cause shown, or in any case where the provisions of this ordinance are violated. The Village Board shall give the licensee at least 10 days written notice of the date of such hearing and of the charges and be afforded the opportunity to present evidence bearing on the question.

## PART VII SPEED RESTRICTIONS ON CERTAIN WATER AREAS OF LAKE DELTON

Section 1. Need. Because of the danger of erosion of the lake shore adjoining the water areas of Lake Delton as hereinafter described, the intensive public use being made of those areas, and in the interest of public safety, health and welfare, and the capability of the water resource, local boating restrictions are necessary on such water areas of the lake.

Section 2. Speed Restriction. No person shall operate any boat in the following described area at greater than a slow no-wake speed:

(A) Extending from the Sarrington Mill site Southerly over that part of Lake Delton, Blass Lake and Dell Creek, ending at the Mirror Lake Dam (Timme Mill Dam), more particularly described as:

A SLOW-NO WAKE ZONE OF LAKE DELTON located in the SW 1/4 of the NE 1/4, the NW 1/4 of the SE 1/4, the NE 1/4 of the SW 1/4, the SE 1/4 of the SW 1/4, and the SW 1/4 of the SW 1/4, all in Section 21, T 13N R6E, Village of Lake Delton, Sauk County, Wisconsin, more particularly described as follows: All water from shore line to shore line in Lake Delton, Blass Lake and Dell Creek in the area commencing in the SW 1/4 of the NE 1/4, approximately 900 feet north of the East and West 1/4 line of said Section 21: thence continuing southerly through the SW 1/4 of the NE 1/4 and continuing southwesterly through the NW 1/4 of the SE 1/4, the NE 1/4 of the SW 1/4, and the SE 1/4 of the SW 1/4; thence westerly through the SW 1/4 of the SW 1/4 to the Mirror Lake Dam (Timme Mill Dam).

(B) Extending westerly Outlot 2 Plat of First Addition to Hiawatha at the Dells on Lake Delton to the line separating Lots 20 and 21, Plat of First Addition to Hiawatha at the Dells on Lake Delton:

A SLOW-NO WAKE ZONE OF LAKE DELTON lying north of a line running westerly from the most western point of Outlot 2 to the lot line between Lots 20 and 21 all located in the Plat of First Addition to Hiawatha at the Dells on Lake Delton all located in the SE1/4 of the NE 1/4, in Section 16, T13N, R6E, Village of Lake Delton, Sauk County, Wisconsin.

A copy of the Map outlining these areas is attached hereto and incorporated herein by express reference.

Section 3. Area Markings. Each of the above-described areas shall be marked by regulatory markers as required by Section 30.74 (2)(a), Wisconsin Statutes, and shall be placed as approved by the Department of Natural Resources of the State of Wisconsin, as prescribed by Wisconsin Administrative Code, Section NR 5.09. Authorized locations shall be depicted on the Map.

Section 4. Slow No-wake during specified hours. No person shall operate any boat greater than a slow, no-wake speed, which is defined as the slowest possible speed so as to maintain steerage, between the hours of 8:00 PM and 8:00 A.M. This restriction only applies from 8:00 P.M. on the Friday before Memorial Day through 8:00 a.m on the Tuesday following Labor Day.

## PART VIII MOORING OF BOATS ON LAKE DELTON.

Section 1. Moorings Prohibited Without Permit. No moorings for boats or watercraft of any type shall be placed upon or under the waters of Lake Delton without first obtaining a permit therefor from the Village Board.

Section 2. Permits. Applications for permits shall in the form prescribed by the Wisconsin Department of Natural Resources, "Waterway Marker Placement Application - In Water." Completed forms are to be filed with the Village Clerk and shall contain the following information:

(A) Name, address and telephone number of the applicant.

(B) The name, address and telephone number of the owner of the land in front of which the mooring is to be placed.

- (C) The description of the real estate in front of which the mooring is to be placed.
- (D) The written consent of the aforesaid landowner to the placing of such mooring.
- (E) A sketch or chart showing the proposed location of the mooring, its distance from the ordinary high water mark, and its relationship, if any, to other existing moorings, established traffic lanes, marked swimming or bathing areas, and structures including piers, rafts, docks and wharves located within 500 feet of the proposed mooring.
- (F) A description of the type of mooring, including its physical description, markings, approximate depth of water, and the approximate length of rope or cable connecting the mooring buoy to its anchor.

Section 3. Restrictions. No mooring permits shall be issued for any of the following:

- (A) Any mooring which obstructs or interferes with public rights or interests in the navigable waters.
- (B) Any mooring for which the riparian owner has not given written permission for the placement and use.
- (C) Any mooring which interferes with the rights of other riparian owners.
- (D) Any mooring which adversely affects critical or significant fish or wildlife habitat.
- (E) Any mooring which is determined by the Village Board to be a safety hazard because of its proximity to any other mooring, any properly marked and established lane, any properly marked swimming or bathing area, or any structure, including any pier, raft, dock or wharf.
- (F) Any mooring which will have more than one boat attached.
- (G) Any mooring which would be in violation of or in conflict with the "Uniform Navigation Aids" rules established by the Department of Natural Resources.

Section 4. Department of Natural Resources Approval. Any permit issued for any mooring more than 150 feet from the ordinary high water mark shall also be submitted to the Department of Natural Resources for approval, unless the permit is for a mooring within a designated mooring area. No mooring shall be placed pursuant to such permit until the Department of Natural Resources approval has been received.

## PART X PENALTIES

Section 1. Penalties.

- (A) Wisconsin state boating penalties as found in §30.80 Wis. Stats., and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference with all references to fines amended to forfeitures and all references to imprisonment deleted.
- (B) Any person, agent, firm or corporation violating any provision of this Ordinance not constituting a state boating penalty as identified above, shall, upon conviction thereof, forfeit not more than \$100.00 for the first offense with a deposit required of \$ 100.00 and not more than \$500.00 for the second offense, with a deposit required of \$500.00, and the costs of prosecution. In default of payment of such forfeiture and costs, such violator shall be imprisoned in the County jail of Sauk County, Wisconsin until the forfeiture and costs are paid, but not exceeding 30 days for each violation. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

## PART XI GENERAL

Section 1. Enactment. This ordinance shall be signed by the President of the Village of Lake Delton and it shall be countersigned by the Clerk of the municipality to attest its adoption by the Village.

Section 2. Public' Notice. Notice of the local regulations adopted under this Ordinance, and copies of water exhibition licenses and public swimming area maps shall be posted at all public access points on Lake Delton and filed with the Department of Natural Resources, pursuant to §30.77(4), Wis. Stats.

Section 3. Severability. If any portion of this Ordinance is for any reason 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 hereby enacting this Ordinance declares that it would have enacted the valid portions of this Ordinance regardless of the invalidity of one or more portions of this Ordinance.

Section 4. Repeal of Prior Ordinances. All ordinances adopted by the Village Board of Lake Delton prior to the adoption of these Ordinances, which are in conflict, are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 7th day of may, 2001.

Dated and introduced: May 7, 2001

Published before passage: May 12, 2001

Passed: May 14, 2001

Published after passage: May 19, 2001