

ORDINANCE NO. 2001- 01

AN ORDINANCE TO REPEAL ORDINANCES NO. 98-1, AND TO A NEW ORDINANCE TO CREATE RULES PERTAINING TO WATER TRAFFIC AND OTHER MATTERS ON LAKE REDSTONE IN THE TOWN OF LAVALLE, SAUK COUNTY, WISCONSIN. THE TOWN BOARD OF THE TOWN OF LAVALLE, SAUK COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION 1.

A. That ordinance 98-1 is hereby repealed in it's entirety.

SECTION 2.

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.

SECTION 3.

Applicability and Enforcement. The provisions of this ordinance shall apply to the waters of Lake Redstone within the jurisdiction of the Town of LaValle. The provisions of this ordinance shall be enforced by the LaValle Police Department.

SECTION 4.

State Boating; and Safety Laws Adopted. Statutory provisions found in Sections 30.50 to 30.71 inclusive of the Wisconsin Statutes are hereby adopted by reference as 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 by reference herein is required or prohibited by this ordinance.

SECTION 5.

Definitions in this ordinance:

- (a) "Shore zone" means all surface water within 200 feet of the shoreline.
- (b) "Swimming zone" means an authorized area of water established by regulatory markers to designate a swimming area.
- (c) "Public access" means any access to the water by means of public property.
- (d) "Navigation lane" means an area designated by authorized aids to navigation. (e) "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.
- (f) "No Ski" means an area in which no person shall operate a water craft at a speed no greater than slow no wake while towing a water skier, aqua plane, knee board, inner tube or similar device from such water craft.

SECTION 6.

Boat Excluded Areas.

Public Swimming Area on Lake Redstone:

(a) Public Swimming Area. When properly marked by buoys as described in this section, a public swimming area shall be created and exist in the Southwestern part of Lake Redstone, Town of LaValle, Sauk County, Wisconsin, adjacent to the beach area presently owned by Sauk County. The beach shoreline of the Sauk County Park on Lake Redstone is determined and described as follows: Beginning at the Southwest corner of Outlot "A" on the East side of West Redstone Drive, Plat of Bluebird Addition to Lake Redstone; then South 62 degrees 00 minutes E along the South line of said Outlot "A", 196.26 feet; then North 47 degrees 14 minutes E, 87.37 feet, then South 70 degrees 25 minutes E, 80 feet, more or less, to the water's edge of Lake Redstone: (the beach shoreline) then Easterly along said water's edge to the West line of Lot One (1). Plat of Lake Redstone.

The public swimming area shall be located Northerly of the Lake Redstone Dam. The public swimming area shall be a rectangular area two hundred (200') feet long and parallel to the beach shoreline and eighty (80') feet wide and perpendicular to the beach shoreline.

(b) Marking Swim Areas. The public swimming area shall be marked by five (5) swimming area buoys placed as follows: One (1) buoy at the Southeast corner and located eighty (80') feet from the beach shoreline, one (1) buoy on the South line

of the public swimming area and located forty (40') feet from the beach shoreline, one (1) buoy at the Northeast corner of the public swimming area located eighty (80') feet from the beach shoreline, one (1) buoy on the North public swimming area line and located forty (40') feet from the beach shoreline; and one (1) buoy located on the East line of the public swimming area eighty (80') feet from the beach shoreline and midway between the buoys located on the Southeast and Northeast corners of the public swimming area. Swim buoys shall be removed or covered with a cover which conforms to Section 30.74(2) Wisconsin Statutes, as from time to time amended, at those times public swimming is not permitted.

(c) Shoreline. The shoreline referred to in the above description is at normal water levels. The boundaries of the public swimming area and the location of the buoys marking those boundaries are illustrated on Exhibit "A" which is attached hereto and made a part of this ordinance.

#### SECTION 7. Controlled Areas.

(a) Slow No-Wake Zones. Slow no-wake zones on Lake Redstone are hereby created as follows:

1. One such slow no-wake zone shall exist at North Mourning Dove Bay and one such slow no-wake buoy shall be placed midway between a point beginning on the North shoreline and located on the extension of the lot line between Lots 64 and 65 of the Mourning Dove Addition, Lake Redstone Subdivision and a point on the South shoreline of Lake Redstone which point is the lot line between Lots 41 and 42 of said Mourning Dove Addition.

2. One such slow no-wake zone shall exist at Mourning Dove Bay and one such slow no wake buoy shall be placed mid-way between a point beginning on the North shoreline and located on the extension of the lot line between Lots 33 and 34 of the Mourning Dove Addition, Lake Redstone Subdivision and a point on the South shoreline of Lake Redstone between Lots 33 and 34 of Oriole Addition, Lake Redstone Subdivision."

3. One such slow no-wake zone shall exist at Oriole Bay and one such slow no wake buoy shall be placed mid-way between a point beginning on the North shoreline and located on the extension of the lot line between Lots 20 and 21 of the Oriole

Addition, Lake Redstone Subdivision and a point on the South shoreline of Lake Redstone which point is the lot line between Lots 54 and 55 of said Canary Addition, Lake Redstone Subdivision."

4. One such slow no-wake zone shall exist at Bluebird Bay and one such slow no-wake buoy shall be placed mid-way between a point beginning on the West shoreline and located on the extension of the lot line between Lots 30 and 31 of the Bluebird Addition, Lake Redstone Subdivision and a point on the East shoreline of Lake Redstone which point is the lot line between Lots 212 and 213 of the Original Addition, Lake Redstone Subdivision."

5. One such slow no-wake zone shall exist at Bluebird Bay and one such slow no-wake buoy shall be placed mid-way between a point beginning on the South shoreline and located on the extension of the lot line between Lots 24 and 25 of the Bluebird Addition, Lake Redstone Subdivision and a point on the North shoreline of Lake Redstone which point is the lot line between Lots 211 and 212 of the Original Addition, Lake Redstone Subdivision."

6. One such slow no-wake zone shall exist at Bluebird Bay and one such slow no-wake buoy shall be placed mid-way between a point beginning on the South shoreline and located on the extension of the lot line between Lots 18 and 19 of the Bluebird Addition, Lake Redstone Subdivision and a point on the North shoreline of Lake Redstone which point is the lot line between Lots 210 and 211 of the Original Addition, Lake Redstone Subdivision."

7. One such slow no-wake zone shall exist at Bluebird Bay and one such slow no-wake buoy shall be placed mid-way between a point beginning on the South shoreline and located on the extension of the lot line between Lots 14 and 15 of the Bluebird Addition, Lake Redstone Subdivision and a point on the North shoreline of Lake Redstone which point is the lot line between Lots 209 and 210 of the Original Addition, Lake Redstone Subdivision."

8. One such slow no-wake zone shall exist at Bluebird Bay and one such slow no-wake buoy shall be placed mid-way between a point beginning on the South shoreline and located on the extension of the lot line between Lots 11 and 12 of the Bluebird Addition, Lake Redstone Subdivision and a point on the North shoreline of Lake Redstone which point is the lot line between Lots 207 and 208 of the Original Addition, Lake Redstone Subdivision."

9. One such slow no-wake zone shall exist at Bluebird Bay and one such slow no-wake buoy shall be placed mid-way between a point beginning on the South shoreline and located on the extension of the lot line between Lots 09 and 10 of the Bluebird Addition, Lake Redstone Subdivision and a point on the North

shoreline of Lake Redstone which point is the lot line between Lots 203 and 204 of the Original Addition, Lake Redstone Subdivision."

10. One such slow no-wake zone shall exist at Bluebird Bay and one such slow no-wake buoy shall be placed mid-way between a point beginning on the South shoreline and located on the extension of the lot line between Lots 07 and 08 of the Bluebird Addition, Lake Redstone Subdivision and a point on the North shoreline of Lake Redstone which point is the lot line between Lots 57 and 58 of the Original Addition, Lake Redstone Subdivision."

11. One such slow no-wake zone shall exist at Bluebird Bay and one such slow no-wake buoy shall be placed mid-way between a point beginning on the West shoreline and located on the extension of the lot line between Lots 02 and 03 of the Bluebird Addition, Lake Redstone Subdivision and a point on the East shoreline of Lake Redstone which point is the Northwest corner of Lot 01 of the Original Addition, Lake Redstone Subdivision."

12. One such slow no-wake zone shall exist at Bluebird Bay and one such slow no-wake buoy shall be placed mid-way between a point beginning on the East shoreline and located on the extension of the lot line between Lots 18 and 19 of the Original Addition, Lake Redstone Subdivision and a point on the North shoreline of Lake Redstone which point is the lot line between Lots 34 and 35 of said Original Addition, Lake Redstone Subdivision

13. One such slow no-wake zone shall exist at Eagle Bay and one such slow no wake buoy shall be placed mid-way between a point beginning on the South shoreline and located on the extension of the lot line between Lots 10 and 11 of the Eagle Addition, Lake Redstone Subdivision and a point on the North shoreline of Lake Redstone which point is the lot line between Lots 3 and 4 of said Kingfisher Addition, Lake Redstone Subdivision."

14. One such slow no-wake zone shall exist at Kingfisher Bay and one such slow no-wake buoy shall be placed mid-way between a point beginning on the South shoreline and located on the extension of the lot line between Lots 16 and 17 of the Kingfisher Addition, Lake Redstone Subdivision and a point on the North shoreline of Lake Redstone which point is the lot line between Lots 30 and 31 of said Kingfisher Addition, Lake Redstone Subdivision."

15. One such slow no-wake zone shall exist at Tanager Bay and one such slow no-wake buoy shall be placed mid-way between a point beginning on the East shoreline and located on the extension of the Northwest corner of Lot One (1), OL., Lake Redstone Subdivision, and a point on the West shoreline of Tanager Bay, which point is the Southeastern corner of Lot 1 of Jay Addition, Lake Redstone Subdivision."

16. One such slow no-wake zone shall exist at Jay Bay and one such slow no wake buoy shall be placed mid-way between a point beginning on the East shoreline and located on the extension of the Northwestern corner of Lot One (1), OL., Lake Redstone Subdivision, and a point on the North shoreline of Jay Bay, which point is the lot line between Lots 7 and 8, Jay Addition, Lake Redstone Subdivision).

17. One such slow no-wake zone shall exist at Jay Bay and one such slow no wake buoy shall be placed mid-way between a point beginning on the South shoreline and located on the Northeast corner of Lot One (1), OL., Lake Redstone Subdivision, and a point on the North shoreline of Jay Bay, which point is the lot line between Lots 12 and 13, Jay Addition, Lake Redstone Subdivision."

18. One such slow no-wake zone shall exist at Jay Bay and one such slow no wake buoy shall be placed mid-way between a point beginning on the South shoreline and located on the extension of the lot line between Lots 17 and 18 of the Swallow Addition, Lake Redstone Subdivision, and a point on the North shoreline of Jay Bay, which point is the lot line between Lots 16 and 17, Jay Addition, Lake Redstone Subdivision."

19. One such slow no-wake zone shall exist at Woodpecker Bay and one such slow no-wake buoy shall be placed mid-way between a point beginning on the South shoreline and located on the extension of the lot line between Lots 22 and 23 of the Swallow Addition, Lake Redstone Subdivision, and a point on the North shoreline of Swallow Bay, which point is the lot line between Lots 19 and 20, Jay Addition, Lake Redstone Subdivision."

20. One such slow no-wake zone shall exist at Woodpecker Bay and one such slow no-wake buoy shall be placed mid-way between a point beginning on the East shoreline and located on the extension of the lot line between Lots 7 and 8 of the Woodpecker Addition, Lake Redstone Subdivision, and a point on the West shoreline of Woodpecker Bay, which point is the lot line between Lots 21 and 22, Jay Addition, Lake Redstone Subdivision."

21. One such slow no-wake zone shall exist at Woodpecker Bay and one such slow no-wake buoy shall be placed mid-way between a point beginning on the East shoreline and located on the extension of the lot line

between Lots 3 and 4 of the Woodpecker Addition, Lake Redstone Subdivision, and a point on the North shoreline of Woodpecker Bay, which point is the Southeast corner of Lot 28, Jay Addition, Lake Redstone Subdivision."

22. One such slow no-wake zone shall exist at Robin Bay and one such slow no wake buoy shall be placed mid-way between a point beginning on the West shoreline and located on the extension of the lot line between Lots 41 and 42 of the Goldfinch

Addition, Lake Redstone Subdivision, and a point on the East shoreline of Robin Bay, which point is the Northwest corner of Lot 14, Whippoorwill Addition, Lake Redstone Subdivision."

23. One such slow no-wake zone shall exist on the West shoreline and located on the extension of the lot line between Lots 45 and 46 of the Goldfinch Addition, Lake Redstone Subdivision, and a point on the East shoreline of Robin Bay, which point is the lot line between Lots 1 and 2 of Certified Survey No. 47."

24. One such slow no-wake zone shall exist on the Robin Bay and one slow no wake buoy shall be placed mid-way between a point beginning on the West shoreline and located on the extension of the lot line between Lots 48 and 49 of the Goldfinch

Addition, Lake Redstone Subdivision, and a point on the East shoreline of Robin Bay, which point is the Northwest corner of Lot 2 of Certified Survey No. 47."

25. One such slow no-wake zone shall exist at Robin Bay and one slow no wake buoy shall be placed mid-way between a point beginning on the West shoreline and located on the extension of the lot line between Lots 3 and 4 of the Robin Addition, Lake Redstone Subdivision, and a point on the East shoreline of Robin Bay, which point is the lot line between Lots 13 and 14, with the Whippoorwill Addition, Lake Redstone Subdivision."

26. One such slow no-wake zone shall exist at Robin Bay and one slow no wake buoy shall be placed mid-way between a point beginning on the East shoreline and located on the extension of the lot line between Lots 6 and 7 of the Robin Addition, Lake Redstone Subdivision, and a point on the West shoreline of Robin Bay, which point is the lot line between Lots 16 and 17, with the Whippoorwill Addition, Lake Redstone Subdivision).

27. One such slow no-wake zone shall exist at Mockingbird Bay and one slow no-wake buoy shall be placed mid-way between a point beginning on the West shoreline and located on the extension of the lot line between Lots 9 and 10 of the Robin Addition, Lake Redstone Subdivision, and a point on the East shoreline of Mockingbird Bay, which point is the lot line between Lots 18 and 19, Mockingbird Addition, Lake Redstone Subdivision."

28. One such slow no-wake zone shall exist at Mockingbird Bay and one slow no-wake buoy shall be placed mid-way between a point beginning on the West shoreline and located on the Southeast corner of Lot 1, Certified Survey No. 44, Lake Redstone Subdivision, and a point on the East shoreline of Mockingbird Bay, which point is the lot line between Lots 21 and 22 of the Mockingbird Addition, Lake Redstone Subdivision."

29. One such slow no-wake zone shall exist at Mockingbird Bay and one slow no-wake buoy shall be placed mid-way between a point beginning on the West shoreline and located on the Southeast corner of Lot 2, Certified Survey No. 44, Lake Redstone Subdivision, and a point on the East shoreline of Mockingbird Bay, which point is the lot line between Lots 27 and 28 of Mockingbird Addition, Lake Redstone Subdivision."

30. One such slow no-wake zone shall exist at Mockingbird Bay and one slow no-wake buoy shall be placed mid-way between a point beginning on the West shoreline and located on the Southeast corner of Lot 4, Certified Survey No. 45, Lake Redstone Subdivision, and a point on the East shoreline of Gull Bay, which point is the lot line between Lots 31 and 32, of Mockingbird Addition, Lake Redstone Addition."

31. One such slow no-wake zone shall exist at Killdeer Bay and one slow no wake buoy shall be placed mid-way between a point beginning at the North shoreline and located on the extension of the lot line between Lots 1 and 2 of Certified Survey No. 55, and a point on the West shoreline of Killdeer Bay, which point is the lot line between Lots 2 and 3, Killdeer Addition, Lake Redstone Subdivision."

32. One such slow no-wake zone shall exist at Chickadee Bay and one slow no wake buoy shall be placed midway between a point beginning at the north shoreline and located on the extension of the lot line between Lots 58 and 59 of the Chickadee

Addition, Lake Redstone Subdivision, and a point on the south shoreline of Chickadee Bay, which point is the lot line between Lots 38 and 39, Chickadee Addition, Lake Redstone Subdivision.

33. One such slow no-wake zone shall exist at Chickadee Bay and one slow no-wake buoy shall be placed midway between a point beginning at the south shoreline and located on the extension of the lot line between Lots 16 and 17 of the Chickadee Addition, Lake Redstone Subdivision, and a point on the north

shoreline of Chickadee Bay, which point is the lot line between Lots 37 and 38 Chickadee Addition, Lake Redstone Subdivision.

(b) No Ski Zones. No Ski zones on Lake Redstone are hereby created as follows:

1. One such No Ski zone shall exist at the north end of Lake Redstone and No Ski buoys shall be located as follows:

(a) One such No Ski buoy shall be placed at a point of the eastern half between a point beginning on the east shoreline and located on the extension of the lot line between Lots 14 and 15 of the Tanager Addition, Lake Redstone Subdivision, and a point on the west shoreline of Tanager Bay, which point is the lot line between Lots 4 and 5, Whippoorwill Addition, Lake Redstone Subdivision.

(b) One such No Ski buoy shall be placed at a point of the western half, between a point beginning on the east shoreline and located on the extension of the lot line between Lots 14 and 15 of the Tanager Addition, Lake Redstone Subdivision, and a point on the west shoreline of Tanager Bay, which point is the lot line between Lots 4 and 5, Whippoorwill Addition, Lake Redstone Subdivision.

2. One such No Ski zone shall exist at Tanager Bay and one such No Ski buoy shall be placed midway between a point beginning on the east shoreline and located on the extension of the northwest corner of Lot 28 of the Tanager Addition, Lake Redstone Subdivision, and a point on the west shoreline of Tanager Bay, which point is the lot line between Lots 3 and 4, V. Stout Addition, Lake Redstone Subdivision.

3. One such No Ski zone shall exist at Tanager Bay and one such No Ski buoy shall be placed midway between a point beginning on the east shoreline and located on the extension of the lot line between Lots 1 and 2, of CSM 0325 of the Tanager Addition, Lake Redstone Subdivision, and a point on the west shoreline of Tanager Bay, which point is the lot line between lots 6 and 7, V. Stout Addition, Lake Redstone Subdivision.

#### SECTION 8.

Additional Traffic Rules. In addition to the traffic rules in Section 30.65 of the Wisconsin Statutes adopted by reference in this ordinance, the following rules shall apply to boats using the waters covered by this ordinance:

(a) Water skiing. No person shall operate a boat for the purpose of towing a water skier, aquaplane or similar device or engage in water skiing, aquaplaning or similar activity at any time from sunset to sunrise on Lake Redstone.

#### SECTION 9. Water Exhibition.

(a) Water Exhibition Regulations. No person shall conduct or participate in a water ski tournament, competition, exhibition or trial (hereinafter "water exhibition"), unless the water exhibition and its sponsor are duly licensed by the Town Board of the Town of LaValle to operate on the waters of Lake Redstone. The Town Board of the Town of LaValle may authorize such water exhibitions. No swimming shall be allowed in the water exhibition area.

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

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

2. Boats. No boat may remain unattended in a water exhibition area.

3. Jumps. A water exhibition licensee shall maintain any and all water ski jumps authorized in the licensee's license. The jumps shall be securely moored, and all jumps located beyond one hundred fifty feet (150') from the shoreline shall be lighted from sunset to 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.

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

5. Water Safety. A water exhibition licensee shall conduct all water exhibitions in a safe manner and shall coordinate with the LaValle Police Department or the water safety patrol or otherwise provide for sufficient law enforcement presents at all water exhibitions in order to obtain compliance with this ordinance and to promote the safety of the public.

(c) Licensing Authority. The terms and conditions of a water exhibition license shall be established by the Town Board of the Town of LaValle. The Town Board shall consider the following facts 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 Town 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 area, the Town Board shall during a public hearing, also consider the relative value to the community and public of the proposed uses.

(d) Licensing Procedure. A license to use a water exhibition area after consideration of a license application submitted to it on forms provided by the clerk of the Town of LaValle. A license application shall require the applicant to provide the following information:

1. 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.
2. A description of the water exhibition proposed, (including the proposed dates and hours of licensed 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).
3. A brief description of the license applicant's experience, financial responsibility and technical ability to present the proposed water exhibition.
4. The Town Board may require additional information from any applicant, if it deems it necessary in order to exercise its judgment. All applications filed with the clerk of the Town of LaValle shall be considered at the next following regular or special meeting of the Town 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 Town Board shall be final, since the license is a privilege. The applicant shall amend an application to conform to reasonable requests of the Town Board. Applications for renewal license shall be considered in the same manner as original applications. The Town 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.

(e) Insurance. Before any water exhibition license applicant shall be granted a license by the Town Board of the Town of LaValle, a copy of a liability insurance policy written by a company licensed to do business in Wisconsin, with minimum coverage of \$100,000.00 per person and \$500,000.00 per incident for bodily injury, and \$50,000.00 for property damage, or a policy with an aggregate of \$500,000.00 coverage for bodily injury and property damage, shall be filed with the clerk of the Town of LaValle. The Town Board may require insurance in greater amounts if circumstances warrant.

(f) Water Show Licenses. A license to use a water exhibition area shall be in a written form prepared by the clerk of the Town of LaValle in accordance with its direction. It shall state:

1. The duration of the license, which shall not exceed one (1) year,
2. The days and hours of licensed use, and
3. 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 area, the authorized location of waterway markers as provided in Wisconsin Administration Code Section NR 5.09, the location of water skiing jumps and pickup and drop off areas, if any, and the days and hours of authorized restricted use by the licensees.

(g) License Fees. The Clerk of the Town of LaValle shall collect a license fee of \$5.00 per exhibition upon issuance of a water exhibition license.

## SECTION 10.

Penalties. The Wisconsin state boating penalties as set forth in Section 30.80 of the Wisconsin Statutes are adopted by reference.

SECTION 11.

Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If

any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Introduced and passed this 12th day of March, 2001.