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DNR Law Enforcement

DNR ID# 945

JUN 09 2011

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ORDINANCE 2011- 2011-2

AN ORDINANCE TO REPEAL, AMEND, AND RE-CREATE CHAPTER 11.02 OF THE CODE OF ORDINANCES, TOWN OF LA VALLE, SAUK COUNTY, WISCONSIN.

Whereas, the Town Board of La Valle and the Town Board of Woodland have received certain recommendations from the Dutch Hollow Lake Association regarding improvements and revisions to the Towns' joint ordinance on lake and water traffic regulations for Dutch Hollow Lake; and,

Whereas, the Town Board of La Valle and the Town Board of Woodland desire to implement those recommendations and revise the local boating and lake regulations for Dutch Hollow Lake to improve boating safety and compliance with boating regulations for the public's health, safety, and welfare.

NOW THEREFORE, the Town Board of the Town of La Valle, Sauk County, Wisconsin, does ordain as follows:

Section 1. Chapter 11.02 of the Code of Ordinances, Town of La Valle, Sauk County, Wisconsin entitled "Dutch Hollow Lake and Water Traffic Regulations" shall be repealed and recreated to read as follows:

**CHAPTER 11.02 DUTCH HOLLOW LAKE AND WATER TRAFFIC
REGULATIONS**

Sec. 11.02.01 Purpose

The intent of this Chapter 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.

Sec. 11.02.02 Applicability and Enforcement

The provisions of this Chapter shall apply to the waters of Dutch Hollow Lake within the jurisdiction of the Town of La Valle and Town of Woodland. The provisions of this Chapter shall be enforced by the appropriate law enforcement officers.

Sec. 11.02.03 **State Boating and Safety Laws Adopted**

Statutory provisions found in sec. 30.07, and secs. 30.50 to 30.71 inclusive, Wis. Stats., are hereby adopted by reference as a part of this Chapter 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 Chapter.

Sec. 11.02.04 **Definitions**

Definitions in this Chapter:

- 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.

Sec. 11.02.05 **Boat Excluded Areas**

- A. Swim areas on Dutch Hollow Lake. One swim area shall exist at the Northwest shoreline of Dutch Hollow Lake adjacent to the beach on the Southeast shore of the Clubhouse Grounds of the Dutch Hollow Lake Property Owners Association. The swim area is marked with buoys 7, 6, 8, and 9 as shown on the attached map, and shall be placed using the following GPS location data:

Buoy	Latitude	Longitude
6	43°36'22.82"N	90°11'00.55"W
7	43°36'22.62"N	90°11'01.42"W
8	43°36'22.38"N	90°11'03.01"W
9	43°36'22.23"N	90°11'04.94"W

Sec. 11.02.06 **Controlled Areas**

- A. Slow No-Wake Zones. Eight Slow no-wake zones are hereby created on Dutch Hollow Lake described and shall be marked as follows with

buoys numbered 1, 2, 3, 4, 5, 10, 11, and 12 as shown on the attached map and placed using the following GPS location data:

Buoy	Latitude	Longitude
1	43°35'42.12"N	90°11'22.66"W
2	43°36'12.67"N	90°11'04.12"W
3	43°36'17.63"N	90°10'52.33"W
4	43°36'12.45"N	90°11'52.35"W
5	43°36'22.21"N	90°10'47.69"W
10	43°36'18.44"N	90°11'55.10"W
11	43°36'15.56"N	90°11'57.10"W
12	43°36'01.86"N	90°11'39.95"W

B. Hours of Operation. No person shall operate a boat faster than *a slow no-wake* during the hours from sunset to sunrise on Dutch Hollow Lake. No person shall operate a boat for the purpose of sport towing on Dutch Hollow Lake between the hours of 8 p.m. and 10 a.m.

C. Emergency Slow-No Wake

- (1) No person shall operate a boat or personal watercraft faster than "slow-no-wake" in the waters of Dutch Hollow Lake when the water level exceeds an elevation of 956.5 feet above mean sea level as determined by the global water level logger installed at the Dutch Hollow Lake spillway.
- (2) This emergency slow-no-wake restriction will be posted at all public access points when in effect, and shall be lifted when lake elevation drops to 956.0 feet or below.

Sec. 11.02.07

Water Exhibitions

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 La Valle and the Town Board of the Town of Woodland to operate on the waters of Dutch Hollow Lake. The Town board of the Town of La Valle and the Town Board of the Town of Woodland may authorize such water exhibitions. No swimming shall be allowed in the water exhibition area.

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- B. Additional Water Exhibition Regulations. The use of the 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 Town Constable or the water safety patrol or otherwise provide for sufficient law enforcement presents at all water exhibitions in order to obtain compliance with this Chapter 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 La Valle and the Town Board of the Town of Woodland. The Town Boards 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 Boards 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 Boards 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 La Valle and Clerk of the Town of Woodland. 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.

The Town Boards 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 La Valle and the Clerk of the Town of Woodland shall be considered at the next regular or special meeting of the Town Boards, and shall be granted or denied by a majority vote of those present at the meeting. If there is a more than one applicant, the judgment of the applicant shall amend an application to conform to reasonable requests of the Town Boards. Applications for renewal license shall be considered in the same manner as original applications. The Town Boards 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 La Valle and the Town Board of the Town of Woodland, 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 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 and the clerk of the Town of Woodland. The Town

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Boards 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 La Valle and the clerk of the Town of Woodland 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 Section NR 5.09, Wis. Admin. Code, the location of water skiing jumps and pickup and dropoff areas, if any, and the days and hours of authorized restricted use by the licensees.

G. License Fees. The clerk of the Town of La Valle and the clerk of the Town of Woodland shall collect a license fee of \$10.00 per exhibition upon issuance of a water exhibition license and said license fee shall be divided equally between the Town of La Valle and the Town of Woodland.

Sec. 11.02.08 **Penalties**

- A. Wisconsin state boating penalties as set forth in sec. 30.80, Wis. Stats., and the La Valle Police Department Municipal Bond Schedule for Boating 2010 are herein adopted by reference. Any person violating any provisions of this Section shall upon conviction, be subject to the forfeiture as provided in the Bond Schedule except that the forfeiture imposed shall not exceed the maximum fine permitted under the statute.
- B. Any person violating any provision of this Chapter for which a forfeiture is not provided in this Chapter or on the aforementioned Bond Schedule shall forfeit Fifty Dollars (\$50.00) together with costs of prosecution and any applicable court costs and fees.

Section 2. This ordinance shall take effect upon passage and publication as required by law.

APPROVED:

ATTESTED:

Calvin Brey
Town Chairman

Jean Judd
Town Clerk

Adopted: _____

Published: _____

CERTIFICATION

I hereby certify that the above ordinance was duly adopted by the Town of LaValle, Sauk County, Wisconsin, by at least a majority vote of the members-elect of the Town Board on the ____ day of _____, 2011, and approved by the Town Chairman on the ____ day of _____, 2011.

Jean Judd, Town Clerk

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