

## Chapter 15

### REGULATION OF PADDOCK LAKE

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#### 15.01 INTENT.

The intent of this Chapter is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests.

#### 15.02 APPLICABILITY AND ENFORCEMENT.

The provisions of this Chapter shall apply to the waters of Paddock Lake within the jurisdiction of the Village of Paddock Lake. The provisions of this Chapter shall be enforced by the Kenosha County Sheriff and Paddock Lake Water Safety Patrol.

#### 15.03 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 the following enumerated sections of the Wisconsin Statutes, 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 Chapter as follows:

- 30.50 Definitions. Except 30.50(4).
- 30.51 Operation of unnumbered boats prohibited; exceptions.
- 30.52 Certificates of number; applications; issuance; renewals; fees.
- 30.53 Identification number to be displayed on boat; certificate to be carried.
- 30.54 Transfer of ownership of numbered boat.
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- 30.60 Classification of motorboats.
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- 30.63 Sale and use of certain outboard motors restricted.
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- 30.65 Traffic rules.
- 30.66 Speed restrictions.
- 30.67 Accidents and accident reports.
- 30.675 Distress signal flag.
- 30.68 Prohibited operation.
- 30.681 Intoxicated boating.
- 30.682 Preliminary breath screening test.
- 30.683 Implied consent.
- 30.684 Chemical tests.
- 30.69 Water skiing.
- 30.70 Skin diving.
- 30.71 Boats equipped with rollers.

#### 15.04 WEED HARVESTER.

(a) No persons or mechanically powered water craft shall come within a thirty (30) foot radius of a weed harvester when it is positioned in the lake either in an operating or stationary manner.

(b) The weed harvester while in operation shall have the exclusive right-of-way above all other mechanically powered water craft.

#### 15.05 DEFINITIONS.

(a) "Swimming Zone" shall mean an authorized area marked by official buoys to designate a swimming area.

(b) "Moorage" shall mean an area where continuous mooring of boats for more than twenty-four (24) hours is permitted.

(c) "Public Access" shall mean a marina or landing facility and the adjoining public shoreline under the ownership of the state, county or municipality.

#### 15.06 SPEED AND OPERATING RESTRICTIONS.

(a) In addition to the regulations of Section 30.66,

Wis. Stats., no person shall operate a motorboat after 7:00 p.m. and before sunrise at such a speed as to cause a wake, except as provided in Section 15.10 of this Code.

(b) Whenever the waters of Paddock Lake reach or exceed Seven Hundred Ninety-four and seven/tenths (794.7) feet above sea level, for a period of three (3) consecutive hours in any one (1) day, as measured by the water level gauge set by the Village of Paddock Lake and secured to the Paddock Hooker Lake Association sea wall located within the channel of Paddock Lake, the Village Administrator or designee, may at his or her discretion, upon notifying the Village Board of Trustees, establish a SLOW NO-WAKE restriction on Paddock Lake.

The SLOW NO-WAKE restriction shall become effective upon a date specified by the Village Administrator or designee and shall remain in effect until the water level of Paddock Lake has receded to a level below Seven Hundred Ninety-four and seven/tenths (794.7) feet below sea level.

The Village Administrator or designee shall notify the public of both implementation and removal of the NO-WAKE restriction.

(c) Every motor-powered boat and self-propelled personal water craft or similar device must operate in a counter-clockwise pattern on the lake.

(d) No person shall operate a boat faster than SLOW-NO WAKE in the area between the shore and any SLOW-NO WAKE marker authorized in §15.08(i) of these Ordinances.

(e) No person shall anchor any boat, watercraft or other device within fifty feet (50') of any NO ANCHORING marker authorized by §15.08(j) of these Ordinances.

#### 15.07 CAPACITY RESTRICTIONS.

No person shall operate, loan, rent or permit a boat to leave the place where it is customarily kept for operation on the waters covered by this Chapter with more passengers or cargo than shall be stated on the Capacity Information Plate as required by Section 30.501, Wis. Stats.

#### 15.08 BUOYS, PIERS, AND RAFTS.

(a) Except as is provided in subsection (1) below, the Village of Paddock Lake may remove all buoys, markers, piers and their supports, privately owned or placed, which are not removed by November 1st of each year and charge the cost and expense of such removal to the riparian owner. If such charge is not paid within thirty (30) days after request therefore, a penalty of ten

(10%) percent shall be added to such charge and the same shall constitute a lien on the property of the riparian owner and be inserted on the Village of Paddock Lake tax roll by the Village Clerk/Treasurer upon order of the Village Board and after notice to the riparian owner.

(1) The provisions of §15.08(a), above, notwithstanding, owners of piers which are properly placed on the lake bed within the area bounded on the south by Lot 58 through 85 of Huntoon Woods Subdivision, on the west by 248th Avenue, on the north by Lots 320, 329, 107 through 97 and 86 through 91, all a part of Huntoon Woods Subdivision, and on the east by the channel of water which forms a portion of Paddock Lake and which is located on a line from the eastern most portion of Lot 91 of Huntoon Woods Subdivision directly south to the south shore of Paddock Lake (commonly known as "the channel" in Paddock Lake) shall not be required to remove their piers from the lake during the winter provided that the construction and location of such pier is in conformance with all state laws and local ordinances and further provided that each side of each vertical support at the end of such pier has placed upon it at a height of not more than thirty-six inches (36") nor less than twenty-four inches (24") above the water line (or the highest point of the supports in the event that they are less than twenty-four inches [24"]) a high visibility reflector to warn any pedestrians or operator of snowmobiles or other vehicles approaching from any direction of the location of such pier. Nothing contained herein shall relieve the owner of a pier located within the area identified herein of the responsibility to comply with all local and state ordinances and statutes relating to zoning, building or the deposit of materials on a navigable waterway.

(b) All mooring buoys must comply to §30.74(2), Wis. Stats., and shall also have affixed to them the permit issued by the Village pursuant to subsection (f) below. Such permit shall be located at least twelve inches (12") above the water line.

(c) Wharfs & Piers.

(1) Purpose and authority. This ordinance is adopted to secure the public welfare in and to the waters of Paddock Lake through the regulation of the location of wharves, piers and berths pursuant to Sections 30.13(2), 30.772(3) and 144.26 of the Wisconsin Statutes.

(2) Findings and declaration of intent. The near shore zone of Paddock Lake is a highly productive area which provides important biological functions for the maintenance of aquatic plants and for the feeding, breeding and other habitat needs of terrestrial and aquatic fauna. Riparian owners have the limited right to place wharves, piers and berths on the bed of Paddock Lake to moor watercraft and provide access to deeper waters of the lake. The placement of such structures in near-shore waters has potentially detrimental impacts on water quality, fish and wildlife habitat, navigation, natural scenic beauty and other public rights in waters and on the rights of other riparian owners. Ecologically significant areas are especially vulnerable to these impacts. Excessive or inappropriate construction of structures in waterways can adversely affect public rights and interests and the rights of other riparian owners. In some cases, the cumulative effect of individual structures may have a substantial adverse effect on such interests. This ordinance is enacted to minimize the adverse effects of such construction to protect navigation and other public interests in waters, to reduce conflicts between adjacent riparians by separating their respective uses of the water and to promote public safety by establishing construction standards for wharves and piers.

(3) Applicability. The provisions of this Ordinance shall apply to the waters of Paddock Lake, located in Section 2, Town 1 North, Range 20 East (Village of Paddock Lake), Kenosha County, Wisconsin.

(4) Definitions. The definitions as set forth in Section 30.01 of the Wisconsin Statutes, are incorporated herein by reference as though fully set forth herein, except as follows.

(a) "Berth" means a single space at a pier, wharf, boat shelter, boat hoist, mooring buoy, boathouse or other location for one watercraft appropriate for the site and commonly in use at similar sites on the same waterway.

(b) "Ecologically significant area" means an area in which native aquatic plants are present in sufficient abundance and density to support native aquatic plants and fauna, significant spawning, seasonal or lifestage

habitat for fish or other aquatic life (including rare, threatened or endangered species) or which are otherwise significant to the protection of water quality or other public interests in water and which have been delineated on a map incorporated into this ordinance.

(c) "Historic easement holder" means an owner of an easement who is entitled to maintain a pier pursuant to Section 30.131 of the Wisconsin Statutes.

(d) "Ordinary high water mark" means the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristic.

(e) "Pier" means any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a seasonally removed boat shelter, a boat hoist, an access ladder and a bench.

(f) "Riparian owner" means the owner of a fee title interest in lands abutting the ordinary high water mark of a navigable water body.

(g) "Wharf" means any structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built and maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft.

(5) Construction allowed without permit under certain circumstances: general standards. A riparian owner or historic easement holder may construct a wharf, pier or berthing without a permit, provided that the structure conforms with the following standards:

(a) General standards:

(1) The wharf or pier shall be

constructed to allow the free movement of water underneath and in a manner which will not cause the formation of land upon the bed of the waterway.

(2) The wharf or pier shall not completely enclose any portion of navigable waters.

(3) No pier or wharf shall interfere with public rights in the waters or with the rights of other riparian owners.

(4) Every pier or wharf shall be constructed in compliance with state and federal law, specifically including Chapter 30, Wis. Stats. and Ch. NR 326, Wis. Adm. Code.

(5) The docks shall be of earthtone colors or shall be visually inconspicuous as viewed against the shoreline.

(b) Construction standards:

(1) Construction materials. Piers and wharves (including floatation devices) may be constructed of wood, metal or other materials, except that the following materials may not be used:

(a) Materials that include any container previously used to store toxic or hazardous material as defined in Ch. NR 181.12., Wis. Adm. Code., or any product residue or pollutant. Wood classified as CCA is not approved. Wood classified as ACQ is environmentally approved.

(b) Material that is unprotected against corrosive forces.

(c) Material that may readily fragment such as unprotected polystyrene or polyurethane floats.

(2) Floatation devices shall be securely attached to the raft and maintained in serviceable condition.

(3) Accessory construction. A pier or



wharf shall be designed and used exclusively in aid of navigation and related incidental uses requiring a waterfront location. Decks, platforms, roofs, canopies and other construction not essential for mooring of watercraft are prohibited. A pier or wharf may include only the following accessory construction:

(a) A seasonal boat shelter or boat hoist in conformance with Ch. NR 326, Wis. Adm. Code.

(b) A permanent boat shelter for which a permit pursuant to Ch. NR 326, Wis. Adm. Code has been issued by the Wisconsin Department of Natural Resources and is in effect.

(c) A single bench not to exceed 6 feet long and 3 feet high.

(d) Boarding ladders where required for safety.

(c) Dimensional standards:

(1) Length. No pier or wharf may extend waterward from the ordinary high water mark (or from an established bulkhead line) more than the lesser of fifty (50') feet or the length necessary to access three (3') feet of water depth nor beyond any duly established pierhead line.

(2) Width. A pier or wharf may not exceed 4 feet in width except for accessories permitted under Section (c) (5) (b) (3). A "T" or "L" configuration may exceed four (4') feet in width as measured parallel to the shoreline, but the component sections of such elements may not exceed 4 feet in width. Total length of any "T" or "L" section shall not exceed sixteen (16') feet.

(d) Location standards:

(1) No pier, wharf or berthing structures may be placed less than twelve (12') feet from common riparian

rights lines between adjacent owners nor in any location where approach and docking at such structures will interfere with another riparian owner's riparian zone. If such setback would prohibit placement of a single simple pier, a pier and watercraft may be located so as to provide the maximum setback possible from both riparian rights lines. If disputed, the location of riparian rights lines shall be determined by methods for apportionment of the line of navigation described in Ch. NR 326.07, Wis. Adm. Code. Owners of contiguous lots in separate ownership may waive this requirement by written agreement in order to share common berthing and mooring facilities.

(2) Piers, wharves and berthing structures shall be consolidated as close together as practical at a single location for each lot.

(3) Piers, wharves and berthing structures shall be located immediately waterward from the shoreline where any boathouse or boat lift is located.

(4) No pier or wharf may be constructed within an ecologically significant area.

(e) Density standards. The total number of berths and moorings (whether at piers, wharves, boatlifts, bonus or otherwise) for each lot shall not exceed one pier or wharf and one boat lift. Contiguous lots in common ownership may be considered for an additional pier, wharf or boatlift, subject to application to and approval of the Village Board and only so long as such contiguous lot remains a separate parcel. Except for major bays and peninsulas, shoreline frontage shall be measured as a straight line connecting the points where side lot lines meet the ordinary high water mark.

(6) Permit required, exceptions. Except as authorized under Section (c)(5) or Section (c)(6)(d), no person may locate, erect, construct or maintain a wharf, pier or berth in Paddock Lake, without first obtaining a permit therefor from the Village Building Inspector, as provided in this Section (c)(6).

(a) Application and plans. A riparian owner desiring to locate, construct or maintain a wharf, pier or berth in Paddock Lake shall make and file in the office of the Village Building Inspector a written application for a permit. The application shall include all of the following:

(1) The legal descriptions or tax parcel numbers of the riparian lot or parcel from which the proposed structure is proposed.

(2) The name and address of each owner of the riparian parcel.

(3) The name and address of the owner of the adjoining riparian parcels.

(4) A description of each existing and proposed pier, wharf or berth on the property owned by the applicant(s) and/or any proposed modification of an existing pier, wharf or berth, including:

(a) A scale drawing illustrating the dimensions and configuration of the proposed structure, the boundaries of the property and the adjoining riparian properties illustrating the proposed location of the structure, the shoreline, the water depth contours, the distances from the lakeward end of the structure to any established bulkhead line or pierhead line and the distance from the proposed structure to the property lines of adjoining riparian properties.

(b) A description of the construction of the proposed structure including materials and design of representative sections.

(c) Such other information concerning the proposed structure as the Village Building Inspector requires.

(b) The Village Building Inspector shall grant the permit, with conditions it deems necessary, if it finds that all of the

following conditions are met:

(1) The wharf or pier does not interfere with public interest in navigable waters, including any ecologically significant area.

(2) The wharf or pier does not interfere with rights of other riparian proprietors.

(3) The wharf or pier does not extend beyond an established pierhead line.

(4) The wharf or pier does not violate any provision of state or federal law, specifically including Chapter 30, Wis. Stats. and Ch. NR 326, Wis. Adm. Code.

(c) If the Village Building Inspector does not so find, it shall, by order, declare its findings and deny the application.

(1) Appeals from any actions, decisions or rulings of the Village Building Inspector or for a variance from the strict application of the specific requirements of this ordinance may be made to the Village Board of Trustees.

(2) Request for all appeals shall be made in writing to the Village Building Inspector and Board of Trustees not later than thirty (30) days of the act, decision or ruling from which relief is sought.

(a) Appeal fees shall be established by the Village Board.

(b) Appeals for piers, wharfs and rafts shall adhere to the requirements and procedures of the Zoning Variance Board of Appeals.

(c) In making its determination, the Village Board shall take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment of the community by such grant.

(d) No permit under this section shall be

required for:

(1) A lawfully placed wharf or pier which placed by a riparian owner or historic easement holder in the same location and general configuration in which it was placed prior to the effective date of this ordinance. The seasonal removal of a wharf or pier does not affect its status as a permissible preexisting wharf or pier under this subsection. The Village Building Inspector shall prepare and maintain a registry of existing piers and wharfs.

(2) A wharf or pier for which a permit issued by the Wisconsin Department of Natural Resources pursuant to Section 30.12 of the Wisconsin Statutes is in effect.

(3) A pre-existing pier with a Village permit number painted thereon.

(7) Permit fee. Each application for a permit under this Ordinance shall be accompanied by a permit fee in an amount established by a resolution duly adopted from time to time by the Village Board.

(8) Ecologically significant areas map. A map delineating the ecologically significant area is attached to this Ordinance and incorporated herein. The delineation of such areas may be amended by an ordinance map amendment adopted by the Village Board.

(9) Nonconforming structures a nuisance. Any pier, wharf or swimming raft not located in compliance with this ordinance constitutes a public nuisance.

(10) Removal of unlawful obstruction. Any pier or wharf not in compliance with this ordinance constitutes an unlawful obstruction of navigable waters and may be removed by the Village pursuant to Section 66.0495 of the Wisconsin Statutes.

(11) Other remedies. This ordinance is not intended to limit the remedies of the Village any riparian owner or citizen under other laws.

(12) Severability. If any section, clause, provision or portion of this Ordinance is adjudged

invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

(13) Effective date. This ordinance shall become effective on April 1, 2000.

(d) No pier or mooring buoy shall be placed in the waters located within the boundary of a designated fire lane (extended into the water) unless so authorized in writing by the Village Board of the Village of Paddock Lake.

(e) No person shall place or maintain any raft or platform more than one hundred feet (100') from the shore unless prior written approval is obtained from the Board of Trustees of the Village of Paddock Lake or, in the case of rafts more than one hundred fifty (150') from shore, from the Department of Natural Resources. Rafts and platforms shall be anchored, have at least eighteen inches (18") of freeboard above the water line, be painted white, and have attached thereto, not more than twelve inches (12") from each corner or projection a red reflector at least three inches (3") in diameter. In addition, each such raft or platform shall have conspicuously placed no less than twelve inches (12") above the waterline the permit required by subsection (f), below.

(f) No raft, platform, bathing beach marker, speed zone marker, information marker, mooring buoy, or other marker shall be anchored or placed on Paddock Lake, unless a written application is approved by the Village Board of the Village of Paddock Lake. As to all such devices located on Paddock Lake, an annual application, accompanied by an annual Five (\$5.00) Dollars permit fee, must be made to the Village of Paddock Lake and approved by the Village Board. As part of the application, each owner of any mooring buoy or raft shall annually complete a certification on a form provided by the Village attesting to the owner's name, address and the address of all property owned within the Village by the owner. Upon approval by the Village Board, a self-adhesive permit shall be issued to the owner which shall be affixed to the raft, platform, buoy or other marker no less than twelve (12") inches above the water line.

(g) The Chief of Water Safety Patrol 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 Chapter and to post and maintain a copy of this Chapter at all public access points within the jurisdiction of the Village of Paddock Lake, provided such markers have been authorized by the Department of Natural Resources.

(h) The Village will maintain swimming area marker buoys for the public swim area in the waters of Paddock Lake adjacent to Hoag Park, which is a Village park located between

Lots 20 and 21 in Block 2, Paddock Lake Dells Subdivision, in the Northwest Quarter of the Southeast Quarter of Section 1, Town 1 North, Range 20 East in the Town of Salem, Kenosha County, Wisconsin. The area to be marked by buoys shall be approximately 100 feet by 100 feet.

(i) The Village will place and maintain SLOW-NO WAKE markers at the following authorized locations:

(1) North bay of Paddock Lake.

(a) One hundred feet (100') +/- from shore at 6422 238th Avenue - Latitude 42.5775476 N Longitude -88.0977370 W.

(b) One hundred feet (100') +/- from shore at 6414 238th Avenue - Latitude 42.5774265 N Longitude -88.0989026 W.

(c) One hundred feet (100') +/- from shore at 6425 240th Avenue - Latitude 42.5783445 N Longitude -88.0990494 W.

(d) One hundred fifty feet (150') +/- from shore at 24301 64th Place - Latitude 42.5771395 N Longitude -88.1013917 W.

(e) Two hundred feet (200') +/- from shore at 6513 243rd Court - Latitude 42.5770861 N Longitude -88.1016500 W.

(f) One hundred fifty feet (150') +/- from shore at 6553 243rd Court - Latitude 42.5777410 N Longitude -88.1029000 W.

(2) 68th Street boat launch.

(a) Seventy-five feet (75') +/- from shore at a point fifty feet (50') +/- north of 68th Street, extended - Latitude 42.5742820 N Longitude -88.0970393 W.

(b) Seventy-five feet (75') +/- from shore at a point fifty feet (50') +/- south of 68th Street, extended - Latitude 42.5742273 N Longitude -88.0969920 W.

(3) Channel Buoys.

(a) At a point at the mouth of the channel in the center of the channel on the southwest corner of Paddock Lake - Latitude 42.5695788 N Longitude -88.1039045 W.

(b) At a point midway between the entrance of the channel from the lake to the far west end of the channel or public fishing pier, north channel - Latitude 42.5711858 N Longitude -88.1069641 W.

(c) At a point midway between the public fishing pier and the entrance to the channel from the lake south channel - Latitude 42.5704591 N Longitude -88.1062821 W.

(j) The Village will maintain and place a NO ANCHORING marker at the following authorized locations in Paddock Lake:

(1) Dry hydrant. On the west side of the channel located in the southwest corner of Paddock Lake, located east of 248th Avenue between 73rd Street and 72nd Street - Latitude 42.5697729 N Longitude -88.1084888 W.

#### 15.09 SWIMMING REGULATIONS.

(a) Swimming from Boats Prohibited. No person shall swim from any unmanned boat unless such boat is anchored.

(b) Distance from Shore or Boats. No person shall swim more than one hundred feet (100') from shore (unless within marked authorized areas) or more than twenty-five feet (25') from anchored rafts or boats unless he is accompanied by a boat manned by a competent person and having readily available a ring buoy. Such boat shall stay reasonably close to and guard such swimmer.

#### 15.10 TOWING WATER DEVICES.

(a) Hours. Water skiing, aquaplaning or similar activities shall be limited to the hours of 10:00 a.m. to 7:00 p.m., except Tuesday and Thursday of each week, when such activities shall be permitted until sunset and except Sundays, when such activities shall be permitted until 6:00 p.m. Persons being towed must wear personal flotation devices as defined in Section 30.62(3), Wis. Stats.

(b) Towing.

(1) Towing of water skis, water tubes or aquaplaning devices:

(a) There shall be not be more than two (2) towing lines per boat.

(b) The human capacity of each water tube or aquaplaning device shall not exceed that



recommended by the device manufacturer.

(c) No vessel towing a person or persons on water skis, water tube or aquaplaning device may come within one hundred (100) feet of other occupied anchored vessels, a personal watercraft, a buoy-marked swimming area or a public boat landing.

(c) Exceptions. The limitations of this section shall not apply to participants in ski meets or exhibitions authorized and conducted as provided in Section 15.12 of this Code.

#### 15.11 LITTERING WATERWAYS PROHIBITED.

(a) Any boat or craft which is designed for living, sleeping or camping activities (commonly referred to as a "House Boat") shall be equipped with suitable sanitation facilities and comply with Section 30.71, Wis. Stats.

(b) No person shall leave, deposit, place or throw on the waterways, ice, shores or waterways or upon any other public or private property adjacent to waterways, any cans, bottles, debris, refuse or other solid waste materials of any kind.

#### 15.12 RACES, REGATTAS, SPORTING EVENTS AND EXHIBITIONS.

(a) Permit Required. No person shall direct or participate in any boat race, regatta, waterski meet or other water sporting event or exhibitions on Paddock Lake unless such event has been authorized by the Village Board of the Village of Paddock Lake pursuant to Section 30.77, Wis. Stats.

(b) Permit. A permit issued under this section shall specify the course or area of water to be used by participants and require the permittee to place markers, flags or buoys approved by the Chief of the Water Safety Patrol designating the specified area. Permits shall be issued only when the proposed use of the water can be carried out safely and without danger to or substantial obstruction of other watercraft or persons using the lake.

Application for said permit shall be made at least 14 days prior to the competitive event or exhibition, and the applicant shall, if required by the Board, post a bond in the amount of \$500.00. Said bond shall be returned within 48 hours after the event if all litter and debris caused by participants and spectators has been removed and properly disposed. The Board may, in its discretion, require the applicant to provide proper personnel or devices for the protection, safety and welfare of the public or participants.

(c) Right-of-way of Participants. Boats and participants in any such permitted event shall have the right-of-way on the marked area and no other persons shall obstruct such area during the race or event or interfere therewith.

#### 15.13 DRIVING AUTOMOBILES OR OTHER VEHICLES ON THE ICE.

(a) Speed. No person shall use or operate any automobile at a speed in excess of ten (10) miles per hour on the ice.

(b) Hours. No person shall use or operate any automobile on the ice between 10:30 p.m. and 7:00 a.m.

(c) Definitions.

(1) "Automobile" as used in this Chapter shall be construed to mean all motor vehicles of the type and kind permitted to be operated on the highways in the State of Wisconsin.

(2) "Other Vehicles" includes, but is not limited to, snowmobiles, go-carts, bicycles and motorcycles not permitted on state highways.

#### 15.14 SENIOR CITIZENS PARK RESTRICTIONS.

(a) Boat Launching. No person shall launch a boat or park a boat trailer from or on Senior Citizens Park located in the Village. In addition, no person shall leave an unattended boat on a mooring in the waters adjacent to Senior Citizens Park.

(b) Automobile and Truck Access. No person shall access or attempt to access the frozen waters of Paddock Lake from any portion of Senior Citizens Park by truck, automobile or any other motor vehicle which, under the applicable provisions of the motor vehicle code of the State of Wisconsin, would be required to be registered and licensed.

(c) Signage. Appropriate signage shall be placed at Senior Citizens Park alerting any person to the violations described in subparagraphs (a) and (b) above and to the penalties for violating such sections pursuant to Section 15.15 of these ordinances.

#### 15.15 USE OF PADDOCK LAKE BOAT LAUNCH.

(a) Policy. It is the declared policy of the Village to encourage the use of the facilities constructed by the Village for access to Paddock Lake in a fashion so as to allow equal

access to all who wish to use this facility.

(b) Prohibitions. No operator of any vehicle shall park or stop or leave standing such vehicle on any street or highway or public way or in any parking space at or adjacent to the Paddock Lake boat launch, except in conformance with the permitting provisions of this ordinance. For purposes of this ordinance, vehicles shall include all motor vehicles as well as trailers, boats, motor homes or any other device which is defined as a vehicle under the Wisconsin Statutes, which are incorporated herein by reference.

(1) Presumption. Ownership of a vehicle is sufficiently related to causing, allowing, permitting or suffering a vehicle parked so as to require the owner to be responsible for the parking of said vehicle. It shall be presumed, upon a showing by the Village, that a parking violation occurred and upon a showing that the party charged pursuant to this ordinance, was the registered owner of the unlawfully parked vehicle on the date of the violation that said registered owner is responsible for and guilty of the violation charged.

(2) Overcoming Presumption. The presumption stated in the preceding subparagraph, when established as therein specified, shall constitute a prima facie case and a basis for judgment, except where the person or other legal entity to which the vehicle is registered overcomes said presumption by the submission of proof of any of the following:

(a) The vehicle is stolen at the time the violation occurred, and reported as such to law enforcement authorities within a reasonable time thereafter.

(b) The vehicle was lawfully parked.

(c) The ownership of the vehicle was lawfully transferred to another prior to the violation.

(c) Parking Passes. Parking passes are printed passes issued by the Village for a designated period of time, to an individual for the purpose of allowing such individual to legally park in a properly marked parking stall at the Paddock Lake boat launch for the period of time specified on the pass. Parking passes shall be of two (2) types as follows: Daily and seasonal.

(d) Fees. Fees for parking passes shall be as follows:

- (1) Seasonal (May 1 through October 31)
  - (a) Wisconsin resident - \$35.00
  - (b) Non-resident - \$40.00
- (2) Daily - \$7.00
- (3) Seasonal (May 1 through October 31) good for both Paddock Lake and Hooker Lake
  - (a) Wisconsin resident - \$45.00
  - (b) Non-resident - \$55.00

(e) Properly Displayed Passes. A properly displayed parking pass means that the parking pass must be displayed in the inside lower left hand corner of the front windshield. Operators of vehicles lawfully possessing and displaying valid parking passes, shall be permitted the privilege of parking in a lawful and orderly manner in a properly marked parking stall at the Paddock Lake boat launch without incurring the issuance of legal process and the imposition of forfeiture or penalty for failure to pay said fee.

(f) Form. Parking passes shall be obtained from the office of the Village Clerk/Treasurer and shall contain the date(s) for which the pass is valid and the name and address of the parking pass holder.

(g) Fine. Violation of this section shall result in the imposition of a fine of Twenty-five (\$25.00) Dollars for a first offense and Fifty (\$50.00) Dollars for a second and any subsequent offense.

#### 15.16 RESTRICTIONS AND USE AT PADDOCK LAKE BOAT LAUNCH.

It shall be unlawful for any person to utilize the pier maintained at, or the shoreline or adjacent waters of the Paddock Lake boat launch for swimming, fishing or other aquatic activities other than the launching and recovery of watercraft. In addition, it shall be unlawful for any person to loiter either on shore or in the waters immediately adjacent to the Paddock Lake boat launch. Any person found guilty of any of the acts prohibited in this ordinance shall be subject to the penalties prescribed in Section 15.17 of this Code of Ordinances.

#### 15.17 PENALTIES.

Any person violating any provision of this Chapter except Section 15.15, shall, upon conviction, be subject to a forfeiture of not more than Fifty Dollars (\$50.00) for the first

offense, and not more than One Hundred Dollars (\$100.00), for each subsequent offense with one (1) year. Any person violating Section 30.67(1) or (2), Wis. Stats., or 30.68(1) or (2), Wis. Stats., shall be referred to State authorities for prosecution. Violations of Section 15.15 of these ordinances shall be subject to the fines stated in Section 15.15(g).

Citation for violations of this Chapter shall be drafted on forms prepared by the Department of Natural Resources. Bonds may be posted for violations pursuant to Section 23.66, Wis. Stats.