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amended fee 2/29/2022

CHAPTER XIII.

BOAT OPERATION AND USE OF LILLY LAKE

SECTION 13.00. Definitions. For the purpose of this Chapter:

13.01. The word "person" includes any individual, firm, partnership, corporation, company, association, or body politic; and includes any agent, trustee, executor, receiver, assignee, personal representative, or other similar representative thereof.

13.02. The word "motorboat" means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of the propulsion.

13.03. The term "slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

SECTION 13.10. Adoption of State Regulations of Boating. All of the provisions of Wisconsin Statutes Section 30.50 to 30.80, inclusive, are herewith adopted as though fully set forth herein.

SECTION 13.20. Restrictions on Hours of Operation. No person shall operate any motorboat upon the waters of Lilly Lake in the Town of Wheatland, Kenosha County, Wisconsin, between the hours of 8:00 p.m. or sunset, whichever comes first, and 10:00 a.m. the next day at more than "slow-no-wake" speed.

SECTION 13.30. Other Restrictions.

13.31. Swimming, diving, snorkeling regulations. No person shall swim, dive, or snorkel from any boat unless such boat is anchored and attended by an observer inside the boat and unless the swimmers, divers, or snorkelers stay within twenty-five (25) feet of the boat.

13.32. Boating Restrictions.

- A. Direction. Every person must operate any motor boat and personal watercraft in a counterclockwise pattern when traveling at a speed greater than Slow-No Wake.
- B. Water Skiing. No person shall operate a motor boat or personal watercraft pulling water skiers with more than two (2) persons behind any such watercraft.
- C. Applicability. The restrictions of this Section shall not apply to water ski exhibitions, shows, competition events, or rehearsals therefore, if the same are duly authorized and permitted by the specific action of the Town Board.
- D. Motorized bikes and motorcycles. Motorcycle riding on the frozen waters of Lilly Lake is prohibited except for the hours of 10:00 a.m. to 2:00 p.m. on Saturdays and 10:00 a.m. to 4:00 p.m. on Sundays. All motorized bikes and motorcycles operated on the frozen waters of Lilly Lake are required to have a muffler system installed on the motorized bike or motorcycle.

13.33. Racing. No person shall operate a motorboat in a contest of speed or maneuverability unless such contest or competition is duly authorized by the Town Board.

13.34. Littering. No person shall leave, deposit, place, or throw in Lilly Lake, on the shores of Lilly Lake, or upon any other public or private property adjacent to Lilly Lake, any cans, bottles, debris, refuse, or other solid waste material of any kind.

13.35. Removal of Boats, Piers, Rafts, etc. No person shall leave, allow, or permit any boat, pier, raft or other object in Lilly Lake between December 1 and March 1 unless duly authorized and permitted by the specific action of the Town Board.

13.36. Use of Boat as Residence. No person shall use a boat in Lilly Lake as a place of temporary or permanent residence. No person shall use, or allow the use of, a boat in Lilly Lake as and for an overnight sleeping facility for more than two (2) consecutive nights or for more than five (5) nights in any calendar month.

13.37. Lilly Lake Beach Park Area Boat Parking Restrictions. No person shall allow his or her boat to be docked, grounded, or remain unattended on the shore of the Lilly Lake Beach Park area. Whether or not such boat is attended, no person shall allow his or her boat to be docked, grounded, or otherwise remain on the shore of Lilly Lake in the Lilly Lake Beach Park area situated southwest of the boat ramp.

13.38. Possession of Alcoholic Beverages at Lilly Lake Beach Park Prohibited. No person shall have in his possession at the

Lilly Lake Beach area, any open container of fermented malt beverages or intoxicating liquor.

SECTION 13.40. Town of Wheatland Water Patrol.

13.41. Pursuant to §60.56(1)(a)(3), Wis. Stats., the Town Board of Supervisors of the Town of Wheatland, Kenosha County, is hereby authorized to retain and appoint as many water patrol officers as the Board deems necessary, one (1) of whom shall be designated as the Director, to provide law enforcement on and within five hundred (500) feet of Lilly Lake and Lilly Lake Beach Park and to provide contract services to surrounding communities if deemed appropriate by the Board, as hereinafter provided.

13.42. The selection, hiring and compensation of said water patrol officers shall be at the sole discretion of the Town Board of the Town of Wheatland and such water patrol officers shall serve at the direction of the Town Board. The scheduling of water patrol officers and compliance with all administrative duties required by the Wisconsin Department of Justice (DOJ) including reports for training and certification of water patrol officers shall be the responsibility of the Director of Water Patrol.

13.43. Any such water patrol officer as hired by the Town Board of the Town of Wheatland and acting on behalf of the Town of Wheatland, Kenosha County shall:

1. Cause to be enforced and prosecuted all violations of the law and this Code of Ordinances, except as hereinafter restricted, of which such officer has knowledge or information.
2. Keep and preserve the peace within the Town, and shall have the full peace powers to arrest and apprehend any person in violation of the provisions of this Code of Ordinances, except as hereinafter restricted, and for the purposes of carrying out such duties, shall be considered a peace officer as defined by §939.22(22), Wis. Stats., as revised and amended from time to time.
3. Attend sessions of the Municipal Court of the Town of Wheatland or such municipality(ies) as the Town may have contractual relationship(s) with for the provision of water patrol services when required by the Municipal Judge, or the Municipal Attorney and the Circuit Court of Kenosha County when so required by the Sheriff of Kenosha County.

4. Act on behalf of and/or at the direction of the Town Board as directed to obtain necessary assistance, if available, in case of emergency, except as provided under Chapter 166 of the Wisconsin Statutes for emergency government.

13.44. Any such water patrol officer retained and appointed by the Town Board as provided hereunder shall be authorized to issue a citation for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists as contemplated and authorized by Section 1.50 of this Code of Ordinances or similar Ordinances of municipalities with whom the Town may have a contractual relationship with for the provision of water patrol services.

13.45. Notwithstanding the foregoing, no water patrol officer retained and appointed hereunder shall have the authority to enforce the provisions of Chapter XXIV of this Code of Ordinances and shall under no circumstances be considered a traffic officer as defined in §340.01(70), Wis. Stats.

13.46. Notwithstanding the foregoing, the authority and discretion of any water patrol officer retained and appointed as provided hereunder shall be limited to the enforcement of violations of the law and this Code of Ordinances which occur on or within five hundred (500) feet of Lilly Lake and Lilly Lake Beach Park, or within five hundred (500) feet of any lake where the Town has a contractual relationship with another municipality or provide water patrol services.

SECTION 13.50. Penalties.

13.51. Any person violating the provisions of this Chapter for which a penalty is not otherwise specifically provided shall forfeit not more than \$50 for the first offense and shall forfeit not more than \$100 upon conviction of the same offense for a second or subsequent time within one year.

13.52. Any person violating the provisions of this Chapter adopting Section 30.67(1) or (2) or 30.68(1) or (2) of the Revised Statutes of the State of Wisconsin shall pay a forfeiture of not more than \$200. Any person violating the provisions of this Ordinance adopting Section 30.68 of the Revised Statutes of the State of Wisconsin shall be required to obtain a certificate of satisfactory completion of a safety course under Section 30.74(1) of the Revised Statutes of the State of Wisconsin.

SECTION 13.60. Use Of the Lilly Lake Boat Launch.

13.61. It is the declared policy of the Town of Wheatland to encourage the use of the facilities maintained by the Town for access to Lilly Lake in a fashion so as to allow equal access to all who wish to use this facility and to do so in a manner in which the facility is self-sustaining.

13.62. No person shall launch a watercraft from the Lilly Lake boat launch between May 1 and October 1 without first obtaining a permit from the Town of Wheatland for the same. Boat launch permits shall be of two (2) types: daily, which shall be maintained on the person who launches a watercraft on Lilly Lake until such time as the watercraft has been recovered from the lake and seasonal, which shall be displayed on the watercraft and affixed in a fashion so that it cannot be transferred.

13.63. The fees for daily permits and for annual permits shall be as established from time to time by the Town Board and reflected in the attached Exhibit "A" which is incorporated herein by reference. Daily permits may be obtained at the Lilly Lake launch site from the permit box located at the launch site. Seasonal permits, which shall be good from May 1 through October 1 of each calendar year, may be obtained at the Town Hall and shall contain the dates for which the permit is valid and the name and address of the permit holder.

13.64. Violations of this Ordinance, 13.60, may be enforced by any duly authorized water patrol officer or the Town Constable. Violations of this section shall result in the imposition of a fine pursuant to Section 13.51 of the Code of Ordinances of the Town of Wheatland.

Resolution No. 2022-002
Town of Wheatland, County of Kenosha
A Resolution to establish the fee for Lilly Lake Boat Launch Permits

WHEREAS, the Town Board of the Town of Wheatland has adopted Chapter 13 of the Code of Ordinances of the Town of Wheatland - Boat Operation and Use of Lilly Lake, which requires the establishment of a fee for daily launch permits and a fee for seasonal launch permits (Exhibit "A") to launch boats at the Lilly Lake Public Boat Launch,

WHEREAS, the Wisconsin Department of Natural Resources has guidelines and requirements which must be followed when establishing boat launch permit fees,

WHEREAS, the Town Board has followed those guidelines and requirements and hereby proposes the following fee schedule:

1. Daily permit fee - \$9.00
2. Seasonal permit fee (May 1 – October 1 of each year) - \$35.00

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Wheatland sets a fee of \$9.00 for a daily boat launch permit and a fee of \$35.00 for a seasonal boat launch permit for the public boat launch at Lilly Lake.

BE IT FURTHER RESOLVED, this resolution replaces the existing Resolution No. 1-2011 (Exhibit "A") dated April 11, 2011,

BE IT FURTHER RESOLVED, this resolution is designated as Chapter 13, Section 13.63, Exhibit "A" of the Code of Ordinances of the Town of Wheatland.

Adopted by action of the Town Board of the Town of Wheatland this 28th day of February, 2022.

TOWN OF WHEATLAND

By: 
William M. Glembocki, Chairperson

Attest: 
Sheila M. Siegler, Town Clerk