Ordinance 05-01-06-03

An ordinance to amend Sections 54-9, 54-86, 54-87, 54-124, 54-125, 54-126, Article V., and Sections 54-162, 54-163, 54-164 and 54-165 of the Village of Fontana Municipal Code

The Board of Trustees for the Village of Fontana on Geneva Lake, Walworth County, Wisconsin do ordain as follows:

Section I. Sections 54-9, 54-86, 54-87, 54-124, 54-125, 54-126, Article V., and Sections 54-162, 54-164 and 54-165 of the Municipal Code of the Village of Fontana-on-Geneva Lake, is hereby amended as follows:

Sec. 54-9. Gasoline pumps and tanks prohibited.

No person shall erect or maintain a gasoline pump or tank within the beach or shoreline area on Geneva Lake from the public beach to the ~~public~~ Reid Park.

(Code 1989, § 12.25)

Secs. 54-10--54-40. Reserved.

Sec. 54-86. Wharf and pier permit required.

(a) *Permits required.*

(1) Riparian proprietors who construct or place a wharf or pier or cause the same to be done, shall, prior thereto, obtain a permit from the board. Once a permit is issued by the board, no future permit is required so long as the structure remains in ~~substantially~~ the same form and location. This subsection shall not apply to a permissible preexisting wharf or pier as defined in section 54-83(c)(2). Any extension or modification to a permissible preexisting wharf or pier, however, shall require a permit as provided in this subsection.

(2) No person shall erect, construct, place, extend or maintain any wharf or pier in such a manner that it violates any of the provisions of this section or any applicable laws or any rule, order or regulation of the state department of natural resources. However, any permit granted to a riparian proprietor by the state department of natural resources pursuant to § 30.12, Wis. Stats., shall deem the pier or wharf to be in compliance with this section, to the extent of the permit so granted. Any applicant seeking a permit shall by certified mail immediately notify the applicant's abutting neighbors that the applicant is seeking a permit. A copy of any application for a permit from the state department of natural resources pursuant to § 30.12, Wis. Stats., shall be filed with the clerk at the same time such application is filed with the state department of natural resources.

(b) *Application for permit.* The application for a permit shall describe the real estate and the location of the wharf or pier, or extension or modification, in detail with regard to the real estate, shoreline and pierhead line, setting forth the distances of the wharf or pier to the property lines of any abutting riparian lands, giving the details of the dimensions and kinds of materials to be used in the construction, all of which shall be depicted in a certified survey indicating both methods of measurement, lot line and knitter in addition to~~with~~ any other ~~additional~~ details and specifications which the board may require. The application shall also state the name and permanent residence or post office address of the applicant, and~~.~~shall also state the name and address of the owner of the land upon which it is to be erected or maintained, the location of the dock, buoy or other structure, including the dimensions and the materials of which it is to be constructed, its intended use.

(c) *Investigation.* Upon filing of such application, the clerk shall refer the application immediately to the building inspector, or such other person as may be designated by the board, for investigation and report. Such report shall indicate that all of the requirements of this section, applicable laws, and rules and orders of the state department of natural resources, will be complied with. The building inspector or other designated official shall thereafter file with the Lakefront and Harbor Committee~~village~~ a report of his findings. Such report shall also include a

recommendation and the reasons for such recommendation. Following the pre-approval from the Building Inspector and the Lakefront and Harbor Committee the applicant shall submit the proposed plan to the Department of Natural Resources for State approval. Once State Department of Natural Resources approval is granted, the applicant shall return to the Lakefront and Harbor Committee to confirm that the approved Department of Natural Resources plans have not been altered from the original submittal.
(Code 1989, § 12.17(6))

Sec. 54-87. Issuance, denial, revocation of permits; appeals; fees.
(a) After the filing and review of the application required by section 54-86(b) and (c) by the building inspector, or other designated person, the board shall act on the application. No permit shall be granted until the board determines all requirements of this article and all the applicable laws and rules and orders of the Wisconsin ~~State~~ Department of Natural Resources have been complied with. The reasons for the granting or denial of the permit shall be stated in the minutes.
(b) If the wharf or pier for which a permit has been granted is not erected, constructed or placed in accordance with the application, plans, specifications, details and drawings submitted by the applicant, or if the wharf or pier for which a permit has been issued violates any of the provisions of this article or applicable laws or rules or orders of the Wisconsin~~state~~ Department of Natural Resources, or interferes with rights of other riparian proprietors, the board may revoke the permit. The provisions of this subsection shall not affect the board's rights to pursue any other legal remedies it may have as provided in this article or otherwise by law.
(c) Any person having a substantial interest which is adversely affected by a decision of the board, or an officer, employee or agent of the board, relating to the issuance, denial or revocation of a permit as provided in this article, may have such determination reviewed pursuant to the provisions of ch. 68, Wis. Stats.
(d) The board may provide for the payment of a reasonable fee for the issuance of a permit under this section.
(e) Following the completion of the wharf or pier the applicant shall submit an as-built survey along with a photograph depicting the completed project.
(Code 1989, § 12.17(7))

Sec. 54-124. Shore structures and buoy permits.
(a) *Permit required.* No dock or other structure or addition shall be built, erected or maintained on the shore of Geneva Lake or in the water of Geneva Lake adjacent to the shoreline within the village between the north line of ~~Second Avenue~~ Bayview extended into Geneva Lake and the south boundary of the village property at the south end of the village beach unless ~~an annual~~ permit is first obtained by the owner or his agent from the board or its duly designated agent.
(b) *Application.* Permits for docks or other structures may be obtained by making a written application to the clerk upon a form furnished by the village. The application shall follow the same requirements as stated in 54-86 (a)(b) and (c). ~~shall state the name and address of the owner of the land upon which it is to be erected or maintained, the location of the dock, buoy or other structure, including the dimensions and the materials of which it is to be constructed, its intended use, and other information which the board may require.~~
(c) *No village liability.* The village shall in no way be responsible or liable for any damages or injury to persons or property upon or caused by any pier, dock, buoy or other obstruction in or on the lake within the village limits.
(Code 1989, § 12.22)

Sec. 54-125. Mooring buoys.
(a) *Regulations applicable to mooring buoys located up to 200 feet from the ordinary high water mark of Geneva Lake.*

(1) *Permits required.* No mooring buoy within the boundaries of the village shall be installed or maintained up to 200 feet from the ordinary high water mark of Geneva Lake unless a permit is issued for the placement and the use of the mooring buoy by the board. Once a permit is issued under this section, no subsequent permit may be required unless the mooring location is changed.

(2) *Application for permit.* Applications for permits shall be on the form prescribed by the board. Completed forms are to be filed with the 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, including frontage on lake, tax key number and address.

d. Written consent of the landowner to the placing of such mooring.

e. ~~A sketch or chart~~ A certified survey 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. The ~~sketch or chart~~ certified survey shall also indicate the total number of mooring buoys, the distance between mooring buoys, and the number and size of the boats to be placed on the 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.

(3) *Review and action by board.*

a. The clerk, upon receipt of the application, shall refer the application to the person designated by the board for investigation and report. The investigating official shall thereafter personally view the subject property and make and file his report with the board within 30 days from the filing of the application.

b. The board shall thereafter consider the application, together with the report and recommendation of the investigating official. No permit shall be granted until the board determines that all requirements of this section, applicable laws and rules and orders of the state department of natural resources have been complied with. The board shall state the reasons for granting or denying the permit, which shall be stated in the minutes of the meeting. The board may also place restrictions or conditions on any permit so issued under this section.

(4) *Revocation of permit.* The board may revoke a permit if the mooring buoy subsequently violates any provisions of this article or applicable laws or rules and orders of the state department of natural resources.

(5) *Review.* The provisions of this chapter shall apply to the granting, denial or revocation of a mooring buoy permit by the board.

(6) *Restrictions.* No permit for a mooring buoy located up to 200 feet from the ordinary high water mark of Geneva Lake shall be issued for:

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 its 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 buoy unless:

1. It has affixed a village permit sticker, with registration number for the current year; it is also recommended that the buoy owner's name be displayed on each buoy;

2. It is so placed in the water to provide for a clearance of:

i. At least 25 feet between any pier, dock, raft, wharf or any other structure; or

ii. At least ten feet between any moored boat and any other moored boats;

3. Painters (mooring lines) are not less than four feet nor more than eight feet in length;
4. The buoy chain slack is between two feet and three feet when extended above the water's surface; and
5. It is attached to a concrete anchor of such weight capable of holding in place the size of the attached boat.
f. A mooring anchor which is placed more than 200 feet from the ordinary high water mark unless:
1. A permit is obtained from the state department of natural resources;
2. A permit is obtained from the board and is approved by the state department of natural resources; or
3. The mooring is properly within a designated mooring area.
g. Any mooring which violates any condition or restriction placed on the permit issued for the mooring, any provision of this article, the applicable laws or rules and orders of the state department of natural resources.
h. Any mooring which would be in violation of or in conflict with the Uniform Navigation Aids rules established by the state department of natural resources.
i. Any mooring which is determined by the board to be a safety hazard because of its proximity to any properly marked and established traffic lane, properly marked swimming or bathing area, or in any other way is a hazard to the health, safety and welfare of the public. (Code 1989, § 12.225(2))

Sec. 54-126. Regulations applicable to mooring buoys located more than 200 feet from the ordinary high water mark of Geneva Lake.
(a) *Mooring buoys not within an approved designated mooring area.*
(1) Pursuant to § 30.74, Wis. Stats., and the pertinent provisions of the Wisconsin Administrative Code, no mooring buoy shall be installed or placed more than 200 feet of the ordinary high water mark unless a permit is issued for the placement and use of the mooring buoy by the board, and such permit is approved by the state department of natural resources. No mooring buoy shall be placed in the waters of Geneva Lake, in accordance with an application for a permit described in this section, if the application has been disapproved by the state department of natural resources.
(2) Applications pursuant to subsection (a)(1) of this section shall be on forms prescribed and approved by the state department of natural resources.
(3) Such applications shall be filed with the clerk and acted upon by the board, in accordance with the procedure set forth in section 54-125(a)(3), (4), (5), as far as practicable. The clerk shall, upon receipt transmit a copy of the application to the state department of natural resources.
(b) *Mooring buoys located within a designated mooring area.*
(1) Designated mooring areas may be established in accordance with the provisions of §§ 30.773 and 30.11, Wis. Stats., and other applicable provisions of the statutes and pertinent provisions of the Wisconsin Administrative Code. No designated mooring area shall be established unless and until approved by the state department of natural resources.
(c) *Regulations within designated mooring areas.*
(1) Notwithstanding the provisions of subsection (a) of this section, permits for mooring buoys within a designated mooring area are not required, as each designated mooring area shall show the number and location of each mooring located in the area. Each mooring buoy, however, shall be located in the same location as shown on the map so long as the buoy is placed in the water and shall not be moved, relocated or otherwise altered without the approval of the board and the state department of natural resources; except that any mooring buoy may be removed from the lake without such approval.
(2) The area and location of each designated mooring area shall not be changed, altered or modified without the permission of the board and the state department of natural resources.
(3) The regulations set forth in section 54-125(6) are incorporated in this section.

(d) *Procedures and regulations for use of village-operated designated mooring area (DMA) for village residents.* In recognition of the board's desire to address the legitimate needs of village residents for boat mooring facilities, who otherwise may not have access to such facilities, the board intends to establish a fair and uniform procedure for the use of those village-operated designated mooring areas (DMA) abutting village-owned property.

(1) *Village mooring buoy waiting list.* The use of a mooring buoy within the village DMA shall be allocated on a first come, first served basis, based upon the order of placement on the mooring buoy waiting list.

(2) *Eligibility.* Eligibility for placement on the waiting list shall be in the following priority~~be as follows~~ and subject to the payment of a waiting list deposit in an amount determined by the Village Board:

1. Year round Village of Fontana resident (taxpayer and registered voter).
2. Part time Village of Fontana resident (taxpayer but resident and voter in another municipality)
3. Fontana Property Owner of Vacant Lots, Dockominiums, and Condo/Hotel Unit Owners.
4. Non-residents.

a. ~~Only residents of the village who own improved real estate located within the village limits and who do not have any other noncommercial mooring facilities, including but not limited to mooring buoys, pier slips or ramps, located within the village limits shall be placed on the waiting list; and~~

a~~b~~. Prior to placement on the waiting list, such person shall pay to the village such waiting list fee as may be established by the board.

b. Any individual on the waiting list who passes on the available mooring space shall be moved to the bottom of the list. In the event the same individual passes on a mooring space three times they will be removed from the list.

(3) *Assignment of mooring buoys within the village DMA.*

a. Assignment of mooring buoys within the village DMA shall be made on an annual basis, from the waiting list, based upon the number of mooring buoys available, with priority given to those persons who were assigned a mooring buoy the previous year. As mooring buoys become available, those persons next in line on the waiting list shall be assigned a mooring buoy.

b. The mooring buoys shall be assigned to the owner of record of the improved property and shall only moor watercraft, which are registered in the state and in the name of such owner of record.

c. Annually, the user of the mooring buoy shall pay to the village such fee for the use of the mooring buoy as the board may determine. Such fee shall be in addition to the waiting list fee referred to in subsection (d)(2)b. of this section.

d. ~~The use of the mooring buoy shall not be transferable from the assigned person under any conditions, including but not limited to the sale, assignment or other transfer of such person's improved real estate, nor upon such persons' death. Upon the occurrence of any such event, the mooring buoy shall be assigned to the next person eligible on the waiting list.~~ If, in the event a lessee dies while the lease agreement is in force, and the ownership of the watercraft is transferred or passed down to an immediate family member (a parent to a spouse, son, or daughter), then the lease may be assumed or renewed by that immediate family member only, and for as long as the that family member continues as head of that household and is a property owner in Fontana. An immediate family member is defined as spouse, son or daughter only. All other relatives or descendents must apply separately for a mooring space. Approval of such transfer of family ownership of watercraft resulting in a name change on the lease agreement must be approved by the Village of Fontana Lakefront and Harbor Committee and where a family member(s) may be requested to be in attendance before final approval.

(4) *Other regulations.*

a. The village reserves the right to change any person's buoy assignment, the location of any mooring buoys within the DMA, and the right to reduce or increase the number of mooring buoys located within the DMA, and, therefore, the number of boats to be moored within the DMA.

b. Only those watercraft ~~30 feet long or less~~ 25 feet long or less may be moored within the village DMA.

c. All watercraft to be attached to the mooring buoys located within the village DMA shall be placed in the water no later than June 15 and removed from the water no later than October 15 of each year. If for some reason these time periods cannot be met, the administrator shall be notified immediately of any such problem. If the administrator is not notified within ~~ten~~ fifteen days of either of the dates set forth in this subsection, the person to whom the mooring buoy was assigned shall forfeit such assignment; and the next eligible person on the waiting list shall be assigned the mooring buoy.

d. The board shall prescribe an application form for the annual assignment of mooring buoys within the village DMA, setting forth such information as the board deems necessary and proper. Annually, every person using a mooring buoy within the village DMA shall submit to the clerk a fully completed application, together with the mooring buoy fee.

e. The regulations set forth in section 54-125(6) are incorporated in this section.

(Code 1989, § 12.225(3))

ARTICLE V. PUBLIC BEACH AND OTHER PUBLIC PLACES

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Parking area means that portion of the property owned by the village which is used as a public parking lot, and for which a charge is made on certain days for parking a vehicle.

Public beach means that portion of the shore of Geneva Lake which is owned by the village and which is enclosed by a wire fence.

(b) *Supervision.* The ~~park and recreation~~ Lakefront and Harbor committee shall, subject to the approval of the village board, have supervision of the operation and maintenance of the public beach.

(c) *Public beach rules, regulations and charges.* No person shall enter or be permitted to enter the public beach except under the following rules and regulations:

(1) *Public beach hours.*

a. The beach shall be open daily, commencing and closing on the dates and times set each year by the board provided a lifeguard is on duty or a sign is posted stating swim at your own risk if no lifeguard is on duty.~~and as long as lifeguards are provided and on duty~~.

b. People may use the beach at their own risk between the hours of 6:00 pm and 11:00 pm.

c. No one shall be permitted to use the beach between 11:00 p.m. and 9:00 a.m., during which time the gates shall be kept locked.

(2) *Passes.* Upon proper application, passes may be sold to all tax parcel owners in the Village~~,~~ and to all pupils who attend Fontana Grade School.

(3) *Badges.*. Following the purchase of a seasons pass the customer shall be provided with a cloth badge which shall be ~~sewn firmly and permanently~~ attached to ~~upon~~ the applicant's bathing suit. The badge shall be good only as long as it is used by the individual who has been properly registered. The use of any badge by any other individual shall terminate such ~~free~~ pass to whom it was issued, and the attendant shall see that the badge is removed from the bathing suit and turned in. Badges shall only be purchased at the Village Hall.

(d) *Fees and charges.*

(1) *Public beach charges.*

a. Every user of the public beach, shall be charged a fee for the use of the beach from Monday through Friday as follows:

1. Children under six years of age, no charge.
2. Children six years to 12 years of age, as may be determined by the board.
3. Persons 12 years of age and older, as may be determined by the board.

b. Every user of the public beach, shall be charged a fee for the use of the beach on Saturdays, Sundays and legal holidays as follows:

1. Children under six years of age, no charge.
2. Children six years to 12 years of age, as may be determined by the board.
3. Persons 12 years of age and older, as may be determined by the board.

c. The board may authorize the issuance of season passes and said~~t such~~ fee shall ~~as may~~ be determined by the board.

(2) *Buoy charges.* The board may lease the use of buoy space, provided that the watercraft utilizing the buoy does not exceed 25~~30~~ feet. The amount of the rent for the buoy shall be as determined by the board.

(3) *Ramp charges.* The board may lease the use of ~~an eight~~four-foot ~~ramp~~ by~~and a~~ 16-foot ramp, and the rent for each respective ramp shall be as determined by the board.

(4) *Launch access fees.* Launch access fees are imposed for each launch, as said term is defined herein, and shall be charged from April 15 through October 15 of each year as follows:

a. Said~~uch~~ launch access fee shall ~~as may~~ be determined by the board, including a sales tax for state residents, and said~~uch~~ launch fee shall~~as may~~ be determined by the board, including a sales tax for non-state residents for all~~the first 20~~ watercraft launched each day. All Village determined launch access fees shall be approved by the Wisconsin Department of Natural Resources and be in accordance with NR. 1.91 (11) (e)~~If within a 24-hour period any one of such 20 watercraft leaves the lake, the next watercraft launched thereafter shall be charged the same fee as determined by the board under this subsection.~~

b. ~~After the first 20 watercraft have been launched, as provided in subsection (d)(4)a., the launch fee for watercraft launched thereafter from 12:00 noon Monday to 12:00 midnight Friday, shall be as follows~~ The launch access fees as established by the board shall follow the format as listed:

1. Non-Motorized or Non-Trailered Boat, as shall be determined by the board and approved by the Wisconsin Department of Natural Resources
~~Any watercraft 16 feet or less in length, as may be determined by the board.~~

2. Any watercraft less than ~~17 feet to~~ 20 feet in length, as shall ~~may~~ be determined by the board and approved by the Wisconsin Department of Natural Resources.

3. Any watercraft 20ft but less than ~~21 feet to 25~~ 26 feet in length, as shall ~~may~~ be determined by the board and approved by the Wisconsin Department of Natural Resources.

4. Any watercraft 26 feet in length or over, as shall ~~may~~ be determined by the board and approved by the Wisconsin Department of Natural Resources.

~~c. After the first 20 watercraft have been launched, as provided in subsection (d)(4)a., the launch fee for watercraft launched thereafter from 12:00 noon Friday to 11:59 p.m. Sunday and holidays shall be as follows:~~

~~1. Any watercraft 16 feet or less in length, as may be determined by the board.~~
~~2. Any watercraft 17 feet to 20 feet in length, as may be determined by the board.~~
~~3. Any watercraft 21 feet to 25 feet in length, as may be determined by the board.~~
~~4. Any watercraft 26 feet in length or over, as may be determined by the board.~~

c~~d~~. Notwithstanding the fees set forth above ~~in subsection (d)(4)a., b. and c.~~, the owner of real estate or a resident located within the village may launch, at the launch access facility, upon obtaining a season sticker, for said~~such~~ fee as shall ~~may~~ be determined by the board and approved by the Wisconsin Department of Natural Resources. The property owner or resident shall obtain the season sticker from the clerk and shall display it in a conspicuous place on the boat. The season sticker shall not be transferable. This provision shall not apply to the launching of boats by those with a commercial lease or commercial rental arrangement with a property owner.

de. Notwithstanding the fees set forth above in subsection (d)(4)a., b., c. and d., an owner of real estate located within the village used for lake-related commercial activities such as boat launching ramps, liveries and docking facilities, boat storage, repair and maintenance facilities, including gasoline pumps for marine use only and bait sales, may launch, at the launch access facility, upon obtaining a season stickercommercial launch pass, for said uch fee as shall be may be determined by the Village board. The season sticker shall not be transferable. Commercial launch pass shall not be transferable to other commercial vendors.

fe. Notwithstanding the fees set forth above in subsection (d)(4)a., b., c., d. and e., anyone other than the owner of real estate or resident located within the village may launch a watercraft boat rigged for fishing, 18 feet or less, with a 50 horsepower motor or less, at the launch access facility upon obtaining a season sticker for such fee as shall may be determined by the Village board. The nonresident shall obtain the season sticker from the clerk and shall display it in a conspicuous place on the boat. The season sticker shall not be transferable. This provision shall apply to the launching of boats rigged for fishing by those with a commercial or commercial rental arrangement with a property owner.

gf. No watercraft equipped with propulsion machinery as its primary source of propulsion, over 30 feet in length shall be allowed to use the village launch access facilities at any time.

hg. For purposes of the launch access fees imposed pursuant to this subsection, a "launch" shall mean any of the following events:

1. The launch of a water craft at the village launch access facility.

2. The retrieval of a water craft at the village launch access facility not previously launched at the village launch access facility in the prior 24-hour period.

(5) *Parking lot fees.*

a. Until 1:00 p.m., on Saturdays, Sundays, holidays and, if so ordered by the board, from and after Fridays at 1:00 p.m., between the time of April 15 to October 15 of each year, the boat/trailer parking lot shall be utilized only by cars and motor vehicles which used the boat launch access facility and paid the launch access facility fee. At all other times, the boat/trailer parking lot shall be open to general public use, including use by those persons who have not used the boat launch access facility.

ab. When Tthe boat/trailer parking lot is open to for general public use as provided in this subsection (5), and the following fees shall be as determined by the Village Board and shall be charged daily, including Saturdays, Sundays and holidays from April 15 to October 15 of each year.:

1. The use of the main parking lot, located at Lake Street and South Shore Drive (Fontana Blvd) and the bordering old lift station lot (aka lot 2), located at Fontana Boulevard and bordering the old main lift station shall be restricted to automobiles or motorcycles as determined by state license plate designation and shall not include trailers, recreational vehicles, commercial buses or trucks in excess of three-quarter ton. These are metered lots, with meters operating daily from April 15 to October 15 of each year. Notwithstanding the meters, vehicles with a current resident sticker displayed in a conspicuous place on the vehicle, may be parked at these meters and the meters located on Reid Street and on Third Avenue from Reid Street east to the Park House with no additional daily fee.

2. For automobiles with trailers and recreational vehicles per day, saiduch fee as may shall be determined by the Village board.

3. For commercial buses per day, saidsuch fee shall as may be determined by the Village board.

4. Upon payment of such annual fee as may be determined by the board, a resident or property owner of the Big Foot School District, or employee of a current business on Lake Street or Third Avenue from the corner of Lake Street to the boat/trailer lot, the village shall issue a single sticker which shall be placed on a conspicuous place on the motor vehicle. The designated employee is sticker shall only be valid in the boat trailer lot and the old main lift station lotall parking lots.

5. No fees for parking in the boat/trailer parking lot shall be imposed on any person who has paid the launch access fees set forth in subsection (4), and who possesses a receipt for such payment.

b~~e~~. Parking lot tickets shall not be accepted as free access to the beach.

c~~d~~. Notwithstanding the provisions set forth in subsection (d)(5)a., the following annual fee shall be charged the following for the use of the parking lots; referred to in this subsection:

1. For a resident or a property owner of the village not using the village launch facilities, said~~uch~~ fee shall ~~as may~~ be determined by the board.

2. For a resident or property owner of the Big Foot School District, said~~uch~~ fee shall~~as may~~ be determined by the board.

d~~e~~. Upon payment of such sums, the village shall issue not more than two stickers per eligible resident or property owner, which shall be placed in a conspicuous place on the motor vehicle.

e~~f~~. During special events which include, but shall not be limited to, the 4 th of July and the triathlon, the village may designate any of the metered parking for special event parking. This designation will be accompanied by a special fee as determined by the board, and will be charged by a parking attendant in lieu of the meter charge. This charge shall not apply to Fontana residents who have purchased their annual parking pass.

(6) *Boat slip charges.* The board may lease the use of a boat slip, and the fee charged shall be ~~be such fee as may be~~ as determined by the board.

(7) *Shore station charges.* The board may lease the use of a shore station, and the fee charged shall ~~be such fee as may~~ be determined by the board.

(8) *Filing of fees.* The fees the board may determine as set forth in subsection (d) shall be reduced to writing and filed in the office of the clerk and open to inspection by members of the public during village hall business hours.

(9) *Municipal service or facility usage.*

a. Anyone who uses or attempts to use a municipal service or facility without first paying the required usage fee shall be subject to the penalty provisions of section 1-11.

b. In this section a municipal service or facility requiring a usage fee shall include, but is not limited to the following: municipal boat ramp, municipal park lot #3 (boat lot), municipal beach, and any public facilities for which a fee is required in advance.

(e) *Pier regulations.*

(1) *Maintenance of piers.* All piers shall be kept and maintained in a clean, attractive and safe condition.

(2) *Painting of piers.* The board may establish uniform requirements as to type and painting of piers abutting public property.

(f) *Buoy regulations.*

(1) *Buoys.* Installation of buoys shall not exceed one buoy for each ten feet of shoreline owned or leased by the petitioner for buoy permits, except that the number may be reduced because of bay type shoreline and application of subsection (f)(2) of this section.

(2) *Buoy placement.* Placement of buoys shall be at the discretion of the owners, except that no buoy may be placed closer than 15 feet from a line measured at 90 degrees from the shoreline where it intersects with the property line.

(Code 1989, § 12.21; Ord. No. 7-10-00-1, §§ 6(1), 6(2), 7-10-2000; Ord. No. 9-10-01-3, 9-10-2001; Ord. No. 03-04-02-1, §§ I, II, 3-4-2002; Ord. No. 10-07-02-01, §§ I, II, 10-7-2002; Ord. No. 02-03-03-2, § I, 2-3-2003; Ord. No. 09-08-03-4, § I, 9-8-2003; Ord. 040504-1, §§ I, II, 4-5-2004)

Sec. 54-162. Trailering at Municipal launch site.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Idle speed means that setting of the boat motor at which the boat would be propelled at a slow-no-wake speed and the prop wash or propulsion unit wash is minimal.
Motorboat means any boat equipped with an internal combustion engine, whether or not the engine is the principal source of propulsion.
Slow-no-wake means that speed at which a boat moves as slowly as possible while still maintaining steerage control.
Trailering means the act of removing a motorboat from or returning a motorboat to a trailer when the trailer is being used to launch or retrieve a motorboat to or from Geneva Lake.
(b) *Speed restricted.* It shall be unlawful to engage in the act of trailering a motorboat by its operation at a municipal boat launch site in the village with the engine being operated at a speed greater than the idle speed.
(c) *Engine operation restricted.* It shall be unlawful to continue to operate the engine while engaged in the act of trailering a motorboat after the motorboat is at rest on the trailer.
~~(d) *Sign required.* A sign shall be posted at the municipal boat launch site advising as follows: "No driving onto trailers with motor operating above idle speed. Minimum forfeiture of $100.00.~~
(d~~e~~) In addition to the forfeitures set forth at section 1-11, a second violation of this section 1-11 shall, upon conviction, result in the violator's loss of launching privileges at the municipal launch site for one calendar year.
(Code 1989, § 12.295; Ord. No. 7-10-00-1, § 3, 7-10-2000)

Sec. 54-163. Commercial launches.
(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
Commercially launched boat means a boat owned by a person who owns property with a residence in the Town of Linn, Village of Williams Bay, City of Lake Geneva, or Village of Fontana-on-Geneva Lake, with current state registration, launched for them by a person engaged in the business of launching boats in Geneva Lake (the commercial launch operator) which occurs on an occasional basis, usually once annually in the spring, for owners who customarily moor their boats on Geneva Lake for the entire boating season, and removal, usually once annually in the fall.
(b) *Commercial launch fee imposed.* There is imposed an annual fee for each commercially launched boat at the municipal launch ramp in the amount set by the board to be paid by the commercial launch operator. The commercial launch fee will be required for all commercially launched boats unless such boat has affixed to it a current village launch pass, in which case the commercial launch fee will not be required.
(c) *Time of commercial boat launches regulated.* Commercial boat launches in spring and fall are allowed any time during the week. ~~From June 1 through Labor Day, commercial boat launches will only be allowed on Monday through Friday, except for holidays.~~
(d) *Written commercial boat launch application required.* Prior to the initial annual launch of a commercially launched boat, the commercial launch operator shall register with the clerk and pay the required commercial launch fees. ~~for all boats to be commercially launched by that operator at the municipal launch ramp, and provide the following information for each such boat:~~
~~(1) The name, local address and telephone number of the owner of the commercially launched boat.~~
~~(2) The current state boat registration number of such boat.~~
(Code 1989, § 12.21(5)(i))

Sec. 54-164. User fee for Reid Park gazebo.
(a) *Imposed.* There is imposed a user fee for the private use of the gazebo structure located in Reid Park.

(b) *Application.* Permits for use of the gazebo shall be obtained by written application to the park commission on a form provided by the clerk. Final approval will be by the board.
(c) *Fees.* Fees for daily use of the gazebo shall be such as may be determined by the board. The gazebo shall be inspected prior to and immediately after each permitted use by the park commission. Any observed damage shall be billed to the permit holder.
(Code 1989, § 12.21(6))

Sec. 54-165. Parking and mooring of watercraft at municipal pier regulated.
(a) No person shall park or moor any boat or watercraft at any of the municipally owned piers for a time in excess of two hours, except that no person shall park or moor any boat or watercraft at any time on the village's launch ramp pier. In addition, only village residents shall park or moor any boat or watercraft at piers designated for resident parking only but must first obtain and affix to the boat or watercraft a resident sticker. This provision shall not apply to boats or watercraft operated by duly authorized water safety patrol and law enforcement personnel.
(b) Upon payment of such annual fee as may be determined by the board, a village resident or resident of the Big Foot School District shall be issued a resident sticker, which shall be affixed in a conspicuous place on the resident's boat or watercraft. Village residents shall be entitled to one~~two~~ resident sticker for their boat or watercraft~~s~~. Residents of the Big Foot School District shall be entitled to one such resident sticker.
(c) Each violation of the two hour-parking restriction set forth in this section shall be deemed to be a separate offense, in addition to such continuing offenses as may be specified by section 1-11 herein. Nothing in this section shall preclude the village from maintaining an appropriate action to cause the boat or watercraft parked or moored in violation of this section to be removed or impounded at the pier.
(d) A sign setting forth the regulations of this section, including the penalty provisions contained in this section, shall be posted on the municipally owned pier in a conspicuous place so it may be seen by any person mooring or parking a boat or other watercraft at the municipally owned pier.
(Code 1989, § 12.29; Ord. No. 7-10-00-1, § 2, 7-10-00)

Section II. Effective Date: This Ordinance shall be in full force and effect upon its passage, approval, and publication as required by law.

Approved and Adopted by the Village Board of the Village of Fontana-on-Geneva Lake, Walworth County, Wisconsin this 1st day of May, 2006.

Village Board of the Village of Fontana-on-Geneva Lake

By: _____
Thomas W. Whowell, President

Attest: _____
Dennis L. Martin, Clerk