

Ordinance 040405-02

An Ordinance to Amend Section 54 of the Municipal Code of the Village of Fontana on Geneva Lake Regarding Public Waters and Beaches

The Village Board of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, does hereby ordain as follows:

Section I: Section 54-47 (b), qualification of lifeguards, is hereby amended to read as follows:

54-47 (b) Qualification of Lifeguards

(b) *Lifeguard's hours of duty.* There shall be at least one lifeguard on duty at each public or quasi-public beach within the village between 9:00 a.m. and 6:00 p.m. daily. This provision does not apply to any quasi-public beach upon which there is conspicuously posted any sign or signs restricting swimming upon the beach to designated hours. In such cases, it is only necessary for a lifeguard to be on duty between the hours designated on the sign or signs during which swimming is permitted. (Code 1989, § 12.20)

Section II. Section 54-161, general regulations, is hereby amended to read as follows:

54-161. General Regulations

(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 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 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 sown firmly and permanently 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 at such fee 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 30 feet. The amount of the rent for the buoy shall be as determined by the board.

(3) *Ramp charges.* The board may lease an eight-foot ramp 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. Such fee as may be determined by the board, including tax for state residents, and such fee as may be determined by the board, including tax for nonstate residents for the first 20 watercraft launched each day. 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:

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. 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.

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 such fee as may be determined by the board. 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.

e. 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 sticker, for such fee as may be determined by the board. The season sticker shall not be transferable.

f. 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 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 may be determined by the 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.

g. 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.

h. 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.

b. When the boat/trailer parking lot is open to general public use as provided in this subsection (5), the following fees 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 and the bordering lift station lot (aka lot 2), located at Fontana Boulevard and bordering the 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, such fee as may be determined by the board.
3. For commercial buses per day, such fee as may be determined by the 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 employe 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. This sticker shall only be valid in all 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.
 - c. Parking lot tickets shall not be accepted as free access to the beach.
 - 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, such fee as may be determined by the board.
 2. For a resident or property owner of the Big Foot School District, such fee as may be determined by the board.
 - 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.
 - f. During special events which include, but shall not be limited to, the 4th 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 such fee as may be 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.

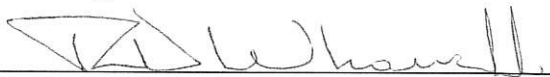
(Code 1989, § 12.21; Ord. No. 7-10-00-1, §§ 6(1), 6(2), 7-10-2000; Ord. No. 9-10-01-3, 9-10-2001; Ord. No. 03-04-02-1, §§ I, II, 3-4-2002; Ord. No. 10-07-02-01, §§ I, II, 10-7-2002; Ord. No. 02-03-03-2, § I, 2-3-2003; Ord. No. 09-08-03-4, § I, 9-8-2003; Ord. 040504-1, §§ I, II, 4-5-2004)

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

Passed and Adopted by the Village Board of the Village of Fontana on Geneva Lake, Walworth County, WI this 4th day of April, 2005.

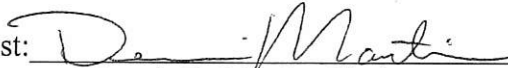
Village of Fontana on Geneva Lake

By: _____



Thomas W. Whowell, President

Attest: _____



Dennis L. Martin, Clerk

