

STATE OF WISCONSIN

VILLAGE OF OCONOMOWOC LAKE

WAUKESHA COUNTY

ORDINANCE NO. 114

AN ORDINANCE TO CREATE CHAPTER 20  
ENTITLED LAKES AND BEACHES  
IN THE MUNICIPAL CODE  
FOR THE VILLAGE OF OCONOMOWOC LAKE

The Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin DO ORDAIN AS FOLLOWS:

SECTION 1. All prior ordinances adopted by the Village Board of the Village Oconomowoc Lake relating to the rules and regulation with respect to water traffic, boats, boating and related water activities within the Village of Oconomowoc Lake are hereby repealed and recreated as follows and shall be entitled Chapter 20, Lakes and Beaches of the Municipal Code of the Village of Oconomowoc Lake:

LOT  
Width Minimum 150 ft.  
Area Minimum 1 acre

SIGNS  
Area and Number Any sign shall be considered a conditional use and be subject to the provisions of Section 4.0, Conditional Use.  
Height Free standing signs shall not exceed 20 feet in height as measured from the normal ground level beneath the sign, and shall have a clearance from the ground of at least 10 feet where vehicles will travel beneath the sign.

PARKING, OFF-STREET  
One space for each 200 square feet of floor area located at least 10 feet from any lot line. Parking areas shall be graded and surfaced so as to be dust free, clearly marked, and properly drained. Uniform lighting shall be hooded or beamed so as to avoid undesirable glare or illumination on adjacent property. Landscaping buffers or fencing shall be provided where required by the Village.

SECTION 2:

Section 3.11(A) entitled LOWLAND CONSERVANCY REGULATED is hereby created to read as follows:

3.11A LOWLAND CONSERVANCY REGULATED

All property lying within the Lowland Conservancy Overlay District as established by the Village under this ordinance shall remain so zoned irrespective of any activities or occurrences accidental or otherwise that might result in a change in the character of the land. The Lowland Conservancy District is established to protect the wetlands areas and district as defined in this ordinance and no land owner shall be permitted to avoid that purpose by accidental, intentional, and/or permitted modification, destruction or filling of the wetlands area.

SECTION 3:

Section 4.3 entitled REVIEW AND APPROVAL is hereby repealed and recreated to read as follows:

#### 4.3 REVIEW AND APPROVAL

The Village Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation, including but not limited to consideration of the following as applicable: noise, odor, lighting, signage, hours of operation, number of employees, etc.

CONDITIONS, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Village Board of Trustees upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

COMPLIANCE WITH ALL OTHER PROVISIONS of this Ordinance, such as lot width and area, setback and offsets and height shall be required of all conditional uses. Variances shall only be granted as provided in Section 8.0.

#### SECTION 4:

The introductory paragraph of Section 4.6 is hereby repealed and recreated to read:

#### 4.6 PLANNED UNIT DEVELOPMENTS

Planned Unit Developments shall be conditional uses. The purpose of this ordinance is to allow flexibility to create a desirable utilization of land in an aesthetically pleasing residential environment, consistent with the preservation and the enhancement of the quality of the natural environment including Oconomowoc Lake and its tributaries, shoreline, wetlands, woodlands and wildlife habitats. It is further the purpose of this ordinance to create areas of open spaces while retaining the same overall residential density that normally be permitted in a conventional type of layout. This ordinance shall be construed to allow for greater flexibility and design freedom than would be permitted by the standard application of normal district regulations, taking into account significant and natural features worthy of protection and the more logical use of land. Planned Unit Developments are not permitted to increase density. Planned Unit Developments are permitted

within R-1, R-2 and R-3 Districts, subject to the provisions of Section 4.0, the requirements of the L-1 and U-1 Conservancy Overlay District, and the following regulations.

SECTION 5:

Section 4.6(A) entitled GENERAL is hereby repealed and recreated to read as follows:

A. GENERAL

1. The unified and planned development of a site, in single or corporate ownership at the time of development, may be permitted without the customary division into individual lots, subject to the requirements of this section and subject to the grant of a Conditional Use Permit. Lot size, setback, offset and open space may be modified according to the following conditions:

(a) That all sanitary provisions are in conformance with the requirements of the State Division of Health, the County Health Department, the local sanitary district and any other sanitary provisions.

(b) That the proposed development is in conformity with any local comprehensive plan, is not contrary to the general welfare or economic balance of the community, and that benefits and amenities of the resultant development justify the variation from the normal requirements of the district in which it is located.

(c) That all requirements as herein established are complied with.

(d) That all setback and offset requirements at the perimeter of the Planned Unit Development Site must conform to the requirements of the underlying zoning district.

(e) Each residential unit must meet all lot size requirements of the underlying zoning by each proposed residential unit either:

- i. being situated on a lot which satisfies the minimum lot size requirements of the underlying zoning district, or
- ii. being situated on a lot which in combination with a proportionate undivided ownership interest in the common areas satisfies the minimum lot size requirement of the underlying zoning district.

SECTION 6:

Section 4.6(B) entitled Residential Density is hereby repealed and recreated as 4.6(B)(1) to read as follows:

B. Residential Density.

1. The maximum unit density shall not exceed the following:

ZONING DISTRICT:	MAXIMUM UNIT DENSITY:
L-1 Lowland Conservancy Overlay	1 residential unit for every 5.0 acres The fractional value allowed for wetland area shall not exceed 6/10
U-1 Upland Conservancy Overlay	1 residential unit for every 5.0 acres
R-1	1 residential unit for every 5.0 acres
R-2	1 residential unit for every 2.0 acres
R-3	1 residential unit for every 1.0 acres

SECTION 7:

Section 4.6(B)(2) is hereby created to read as follows:

2. The maximum unit density of the lands in any Planned Unit Development Site shall not exceed the density which would have been allowed on the Site pursuant to the underlying zoning if developed conventionally.

SECTION 8:

Section 4.6(B)(3) is hereby created to read as follows:

3. In any Planned Unit Development Site which includes lands abutting waterways, each residential unit must satisfy the conditions of Section 2.12, Waterfront Use Density, and have a separate ownership interest in at least the minimum water frontage as required by the underlying zoning district.

SECTION 9:

Section 4.6(D) entitled Open Areas is hereby repealed and recreated to read as follows:

D. Open areas or common areas created under this ordinance shall be permanent. Open areas shall be restricted to the use of residents within the Planned Unit Development. Buildings or uses for non-commercial, recreational or accessory facilities may be permitted in such open space areas with the approval of the Village Board and shall be made a part of the Conditional Use Permit. Perpetual care and maintenance of such open space areas shall be provided for, and an operational plan shall be submitted for approval by the Village Board and made a part of the Conditional Use Permit. Ownership and tax liability of the open space areas shall be established in a manner acceptable by the Village Board and made a part of the conditions of approval and must be by an undivided equal interest of all unit owners. No open areas or common areas abutting waterways are allowed.

SECTION 10:

Ordinance #30 and all subsequent ordinances amending, modifying or adding to the same are hereby repealed, recreated and renumbered as Chapter 17 Section 1 through 69 for the Village of Oconomowoc Lake.

SECTION 11:

Ordinance #94 and all subsequent ordinances amending, modifying or adding to the same are hereby repealed, recreated and renumbered as Chapter 17 Section 70 through 79 for the Village of Oconomowoc Lake.

SECTION 12:

Ordinance #8 and all subsequent ordinances amending, modifying or adding to the same are hereby repealed, recreated and renumbered as Chapter 18 for the Village of Oconomowoc Lake.

SECTION 13:

The Violation and Penalty provisions of both Ordinance #30 and Ordinance #94 and all subsequent ordinances amending, modifying or adding to the same are hereby repealed, recreated and renumbered as Chapter 17 Sections 80 and 81 for the Village of Oconomowoc Lake.

SECTION 14:

Ordinance #108 and all subsequent ordinances amending, modifying or adding to the same are hereby repealed, recreated, renumbered as Chapter 11 for the Village of Oconomowoc Lake.

SECTION 15:

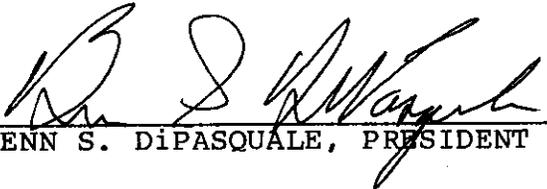
DECLARATION OF SEVERABILITY. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections, or portions thereof of the Ordinance which shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION 16:

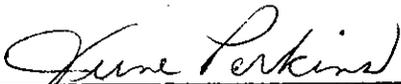
EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Passed and adopted by the Village Board for the Village of Oconomowoc Lake this 17<sup>th</sup> day of December, 1990.

VILLAGE OF OCONOMOWOC LAKE

  
BENN S. DIPASQUALE, PRESIDENT

ATTEST:

  
JUNE PERKINS, CLERK

STATE OF WISCONSIN )  
COUNTY OF WAUKESHA ) SS

AFFIDAVIT OF POSTING  
#112 & #113 ORDINANCES

The undersigned, being first duly sworn, on oath deposes and states that on 12/31, 1990, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the above ordinance in the following public places in said Village, to-wit:

- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the northeast corner of the junction of County Trunk Highway "P" (West Beach Road) and the private drive (South Beach Road) leading into the Ibach, LaBelle, McNellis, et al properties.

Do Wierman

Subscribed and sworn to before me this

31st day of December, 1990

Jane Perkins  
Notary Public, Waukesha County, Wisconsin

My Commission expires June 23, 1991

03/18/91

CHAPTER 20

LAKES AND BEACHES

- 20.01 Applicability and Enforcement
- 20.02 State Boating and Water Safety Laws Adopted
- 20.03 State Department of Natural Resources' Rules Adopted
- 20.04 Speed Restrictions
- 20.05 Safe Operation Required
- 20.06 Racing Prohibited
- 20.07 Anchorages and Stationary Objects
- 20.08 Swimming Regulations
- 20.09 Waterskiing
- 20.10 Littering Waters Prohibited
- 20.11 Spear Guns
- 20.12 Races, Regattas, Sporting Events and Exhibitions
- 20.13 Patrol Boats
- 20.14 Markers and Navigation Aids; Posting Ordinances
- 20.15 Boat Launching
- 20.16 Residing on Boats
- 20.17 Water Safety Patrol Unit
- 20.18 Frozen Lakes and Rivers
- 20.20 Penalty

20.01 APPLICABILITY AND ENFORCEMENT. (1) APPLICABILITY. The provisions of this chapter shall apply to the waters of the Oconomowoc River and Oconomowoc Lake within the territorial jurisdiction of the Village, whether such waters are within such jurisdiction at the time of passage of this chapter or are subsequently added thereto and whether or not such waters are within its jurisdiction for other purposes.

(2) ENFORCEMENT. The provisions of this chapter shall be enforced by the Water Safety Patrol of the Village.

20.02 STATE BOATING AND WATER LAWS ADOPTED. Except as otherwise specifically provided in this Code, the current and future statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities in Chapter 30 of the Wisconsin Statutes, exclusive of any provision therein relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any current or future statute incorporated herein by reference is required or prohibited by this section. Any future additions, amendments, revisions or modifications of the current or future statutes incorporated herein are intended to be made part of this Code in order to secure uniform state wide regulation of water traffic, boats, boating and related water activities.

20.03 STATE DEPARTMENT OF NATURAL RESOURCES' RULES ADOPTED. Except as otherwise specifically provided in this Code, the current and future rules of the State Department of Natural Resources describing and defining regulations with respect to water traffic, boats, boating and related water activities in Section NR 5 of the Wisconsin Administrative Code are, exclusive of any provisions therein relating to penalties to be imposed or the punishment for violation of such Administrative Codes, are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any current or future Administrative Code incorporated herein by reference is required or prohibited by this section. Any future additions, amendments, revisions or modifications of the current or future Administrative Code incorporated herein are intended to be made a part of this Code in order to secure uniform state wide regulation of water traffic, boats, boating and related water activities.

20.04 SPEED RESTRICTIONS. (1) NIGHTTIME. No person shall operate a boat at a speed in excess of 10 mph from one hour after sunset each day until one hour before sunrise of the next day.

(2) SPECIAL LIMITS. A person operating a motorboat shall maintain a low rate of speed when within 150 feet of any shoreline, person, raft, diving flag, seaplane, anchorage, sailboat, canoe, rowboat, stationary motorboat or bridge.

(3) **EXCEPTION.** This section shall not apply to boats participating in authorized races over a course laid out and clearly marked and adequately patrolled.

20.05 **SAFE OPERATION REQUIRED.** No person shall operate, direct or handle a boat in such manner as unreasonably to annoy, unnecessarily frighten or endanger the occupants of his or other boats.

20.06 **RACING PROHIBITED.** No person shall operate a motorboat in a race or speed contest with any other motorboat, except as provided in ss. 20.12 of this chapter.

20.07 **ANCHORAGES AND STATIONARY OBJECTS** (1) **MOORING LIGHTS REQUIRED.** No person shall moor or anchor any boat more than 150 feet from shoreline between one hour after sunset and one hour before sunrise, unless there is predominately displayed thereon a white light of sufficient size and brightness to be visible from any direction for a distance of 1,500 feet on a dark night with clear atmosphere.

(2) **RAFTS AND BUOYS.** No person shall erect or maintain any raft, platform or buoy more than 150 feet from the shore, unless it is so anchored that it has at least 10 inches of freeboard above the waterline and either is painted white and has attached thereto not less than 12 inches from each corner or projection a red reflector in good condition not less than 3 inches in diameter or is painted with a band at least 3 inches in width of luminous paint so as to be visible from any direction.

20.08 **SWIMMING REGULATIONS.** It is recommended that any person swimming more than 150 feet from any shoreline be accompanied by a boat for the protection of the swimmer and as an aid to others in determining his location. Any person swimming beyond the 150 feet limit without accompanying boat does so at his own risk.

20.09 **WATERSKIING.** (1) **DISTANCE FROM SWIMMERS, BOATS, OR OTHER OBJECTS.** No person on water skis, aquaplane, surfboard or similar device shall pass and no person operating a boat which is pulling or towing such skier or rider shall cause such skier or rider to pass within 100 feet of a swimmer, diving flag, canoe, rowboat, sailboat, nonoperating motorboat, raft or pier, except in the course of the skier or rider taking off from or landing at such pier.

(2) **HOURS.** No person shall operate a boat while towing a person on water skis, aquaplane, surfboard or any similar device at any time from sunset to sunrise.

(3) **PERSONS IN BOAT.** No person shall operate a boat while pulling or towing any person on water skis, aquaplane, surfboard, or similar device or permit himself to be towed for such purposes, unless there are 2 persons over 12 years of age in such boat and the operator of the boat shall maintain a forward lookout.

(4) **EXEMPTION FROM SPEED LIMITATIONS.** The limitations contained in ss. 20.04(2) of this chapter shall not apply to boats towing a person or persons on water skis or similar device while leaving or approaching the shoreline in a straight line or as nearly as practicable at right angles to such shoreline.

20.10 **LITTERING WATERS PROHIBITED.** No person shall deposit, place or throw from any shore, boat raft, pier, platform or similar structure any cans, paper, bottles, debris, garbage, solid or liquid waste, including human waste, into the water; into or upon the shore, rafts or piers; or onto the ice.

20.11 **SPEAR GUNS.** No person shall have in his possession any loaded spear gun in or on the water, ice or shoreline.

20.12 **RACES, REGATTAS, SPORTING EVENTS AND EXHIBITIONS.**

(1) **PERMIT REQUIRED.** Except for formally organized sailboat races, whether on water or ice, no person shall direct or participate in any boat race, regatta, water ski meet or other water sporting event or exhibition, unless such event has been authorized and a permit issued therefor by the director of the Water Safety Patrol of the Village.

(2) **PERMIT.** A permit issued under this section shall specify the course or area of water to be used by participants in such events and the permittee shall be required to place markers, flags or buoy approved by the director of the Water Safety Patrol of the Village designating the specified area. Permits shall be issued only if, in the opinion of the director, the proposed use of water can be carried out safely and without danger to or substantial obstruction of the watercraft or persons using the water. Permits shall be valid only for the hours and areas specified therein. The fee for issuing any permit hereunder shall be \$2.

(3) **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 person shall obstruct such area during the race or event or interfere therewith.

(4) **INCORPORATION OF CH. 12.** The provisions of ss. 12.02 and 12.11 of this Code of Ordinance shall apply to permits issued hereunder.

20.13 **PATROL BOATS.** (1) **EXCEPTION FOR.** Sections 20.04 and 20.11 of this chapter shall not apply to boats of the Water Safety Patrol of the Village while on patrol or rescue duty nor to members of such patrol while engaged in such duties.

(2) **TRAFFIC RULES.** Boats of the Water Safety Patrol shall have the right-of-way over all other boats when their siren is being sounded.

**20.14 MARKERS AND NAVIGATION AIDS; POSTING ORDINANCES.**

(1) **DUTY OF DIRECTOR.** The director of the Water Safety Patrol is authorized and directed to place and maintain suitable markers, navigation aids and signs in such water areas or on such ice areas as he shall deem appropriate to advise the public of the provisions of this chapter and to post prominently and maintain a copy of this chapter and all amendments hereto at all public access points within the jurisdiction of the Village.

(2) **STANDARD MARKERS.** The markers placed by the director or any other person upon the waters or ice shall comply with the regulations of the Department of Natural Resources.

(3) **INTERFERENCE WITH MARKERS PROHIBITED.** No person shall without authority remove, damage or destroy or moor or attach any boat to any buoy, beacon or marker placed in the waters or on the ice by the authority of the United States, State, Village or by any private person pursuant to the provision of this chapter.

**20.15 BOAT LAUNCHING.** (1) No person shall launch any boat into the waters subject to this chapter except as follows:

- (a) From a public boat launching facility owned and operated by the Village and so designated and marked by the Director of the Water Safety Patrol.
- (b) From a commercial boat launch facility.
- (c) From a private property by the owner thereof or with his express permission.

(2) All persons launching any boat at any public boat launching facility owned and operated by the Village and all persons parking any vehicle at any public boat launching owned and operated by the Village shall pay a launching/parking fee as set by the Village.

- (a) The fee schedule shall be set by separate resolution of the Village Board.
- (b) Residents of the Village of Oconomowoc Lake shall be ~~exempted~~ from fees for launching/parking at the public boat launching upon satisfactory proof of residency. The Village may issue stickers or other evidence of residency for this purpose.
- (c) If an attendant is on duty at the public boat launching facility, launching/parking fees shall be paid to the attendant prior to launching.

(d) If no attendant is on duty at the public launch site, the boat launching/parking fee shall be paid pursuant to the directions at the site.

(3) Use of the public boat launching facility shall be limited to vehicles and/or vehicle-trailer combinations parked in designated parking spaces in the parking area. Launching of boats shall be prohibited if, at the time of launching, all parking stalls at the public boat launching facility are occupied. At the discretion of the Village, a public boat launching facility may be used for launching boats kept seasonally on Oconomowoc Lake without corresponding use of the parking area. Parking of vehicles and/or vehicle-trailer combinations shall be prohibited if all parking stalls at the public boat launching facility are occupied.

(4) Use of the parking area at a public boat launching facility shall be limited to vehicles and/or vehicle-trailer combinations using the launch site for the purpose of launching boats and which have paid the required boat launching fee.

(5) Failure to comply with the requirements of this section shall subject the violator to penalties as set forth in chapter 25 of this Code.

20.16 RESIDING ON BOATS. No person shall use or occupy, temporarily or permanently, any boat on the waters subject to this chapter as a dwelling or residence.

20.17 WATER SAFETY PATROL UNIT. (1) CREATION. There is hereby created as a division of the Police Department a water safety patrol unit, which shall be known as the Water Safety Patrol of the Village.

(2) DUTIES. The Water Safety Patrol shall enforce all ordinances of the Village now existing or hereafter enacted which regulate water traffic, boating, water sports, seaplanes or the use or operation of boats and other craft, including motor vehicles, on icebound waters.

(3) OFFICERS OF PATROL; DIRECTOR. The officers of the Water Safety Patrol shall be the officers of the Police Department or such of them as shall from time to time be assigned to such patrol by the Chief of Police of the Village. The director of such patrol shall be the Chief of Police.

(4) EQUIPMENT. The Water Safety Patrol shall be furnished with and maintain a fully equipped patrol boat for the execution of its duties.

20.18 FROZEN LAKES AND RIVERS. (1) ICE FISHING. No person shall make or cause to be made any hole more than 12 inches in diameter or more than one square foot in area for the purpose of fishing through the ice on any portion of the lakes adjacent to or within the Village and under the jurisdiction of the Village.

(2) **DRIVING AND PARKING VEHICLES ON THE ICE.** No person shall drive or permit to be driven any automobile or truck upon the ice on any portion of the lakes or other water adjacent to or within the Village and under the jurisdiction of the Village at any time, except upon a permit issued by the Chief of Police upon application showing that there is some urgent reason or need therefor.

20.20 **PENALTY.** (1) Except as otherwise provided, any person found in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in ss. 25.04 of this Code of Ordinances.

(2) Any officer arresting a person for violation of any provision of this chapter who is unable to bring the arrested person before the Oconomowoc Court without unnecessary delay shall permit such person to make a money deposit as provided in ss. 30.76 Wis. Stats. Such deposit shall be made to the Village police headquarters.

SECTION 2. SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections, or portions thereof of the ordinance which shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Passed and adopted this 18 day of March, 1991.

BY THE VILLAGE BOARD OF THE  
VILLAGE OF OCONOMOWOC LAKE:

  
BENN S. DIPASQUALE, VILLAGE PRESIDENT

ATTEST:

  
JUNE PERKINS, VILLAGE CLERK