

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 20.12  
OF CHAPTER 20 OF THE VILLAGE ORDINANCES  
CONCERNING RACES, REGATTAS, SPORTING EVENTS AND EXHIBITIONS  
ON OCONOMOWOC LAKE  
IN THE VILLAGE OF OCONOMOWOC LAKE**

WHEREAS, Chapter 20 of the Ordinances for the Village of Oconomowoc Lake establishes regulations concerning Lakes and Beaches; and

WHEREAS, Section 20.12 of Chapter 20 establishes regulations for Races, Regattas, Sporting Events and Exhibitions on Oconomowoc Lake in the Village of Oconomowoc Lake; and

WHEREAS, the Village Board finds that it is in the public's interest to revise and fully restate the regulations in Section 20.12; and

WHEREAS, the proposed revisions to Section 20.12 have been submitted to the Wisconsin Department of Natural Resources for its recommendation pursuant to Section 30.77(3) of the Wisconsin Statutes; and

NOW, THEREFORE, the Village Board of the Village of Oconomowoc Lake, Waukesha County, State of Wisconsin do ordain as follows:

SECTION 1: Section 20.12 "Races, Regattas, Sporting Events and Exhibitions" of Chapter 20, "Lakes and Beaches", of the Village of Oconomowoc Lake ordinances is hereby repealed and recreated to read as follows:

**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 therefore by the director of the Water Safety Patrol of the Village.
- (2) **PERMIT.**
  - a. Permit requests shall be submitted on the form provided by the director of the Water Safety Patrol for the Village and shall set forth all of the following:
    - i. The name(s) and contact information for the person or organization sponsoring the event;
    - ii. Type of proposed event;

- iii. Proposed date(s) and time(s) for the event;
  - iv. The number of participants,
  - v. Number and type(s) of watercraft intended to be used;
  - vi. Proposed course and/or area of water to be used,
  - vii. An acknowledgement and agreement that the applicant will be responsible for all police and/or Water Safety Patrol costs and expenses incurred by the Village as a result of the event; and
  - viii. Such other information as may reasonably be required by the director of the Water Safety Patrol of the Village.
- b. The completed permit request form shall be submitted to the director of the Water Safety Patrol for the Village not less than ten (10) business days prior to the requested event together with all of the following:
- i. The permit fee established by resolution of the Village Board from time-to-time; and
  - ii. A certificate of insurance (\$1,000,000 bodily injury to one person, \$2,000,000 for injury to more than one person; and \$1,000,000 for damage to property) in a form acceptable to the Village Attorney naming the Village of Oconomowoc Lake as an additional insured.
- c. 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 and/or buoys approved by the director of the Water Safety Patrol of the Village designating the specified area.
- d. Permits shall be issued only if, in the opinion of the director of the Water Safety Patrol of the Village, the proposed use of water can be carried out safely and without danger to or substantial obstruction of the water craft or persons using the water.
- e. Permits shall be valid only for the date(s), hours, and areas specified therein.

- (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.


**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 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 shall not affect the validity of any other provisions, sections or portions thereof of the ordinance.

The remainder of the ordinance 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.

Dated this 19th day of November, 2007.

Village of Oconomowoc Lake

  
Richard J. Kneiser, Village President

ATTEST: Cindy Schlieve  
Cindy Schlieve, Village Clerk/Treasurer

Published and/or (posted) this 25th day of January, 2008

N:\PALM\RACE, REGATTA, SPORTING EVENTS AND EXHIBITIONS ORDINANCE 101707 - CLEAN.DOC



**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Jim Doyle, Governor  
Matthew J. Frank, Secretary

101 S. Webster St.  
Box 7921  
Madison, Wisconsin 53707-7921  
Telephone 608-266-2621  
FAX 608-267-3579  
TTY Access via relay - 711

February 27, 2009

Cindy J. Schlieve, Clerk-Treasurer  
Village of Oconomowoc Lake  
35328 West Pabst Road  
Oconomowoc, WI 53066

DNR ID#0847  
Waukesha County

Subject: Village Boating Ordinance No. 27 -- Repeal & Recreate Section 20.12 of Chapter 20

Dear Ms. Schlieve;


In December 2008, the Wisconsin Department of Natural Resources (DNR) completed its review of the 'proposed' ordinance submitted by the Village of Oconomowoc Lake to this department. This ordinance was to repeal and recreate Section 20.12 of Chapter 20, of the Village of Oconomowoc Lake Ordinances. I assigned the DNR program identification number 847 to the 'proposed' ordinance and its review by DNR staff.

The review determined that the 'proposed' ordinance amendment to be consistent with ss. 30.50 to 30.71, of the Wisconsin Statutes and the Department's rules adopted to implement those sections. This determination was conveyed to you in a letter dated January 5, 2008.

In the January 5<sup>th</sup> letter, I also conveyed to you the department review had one concern and provided that concern to the Village of Oconomowoc Lake. It was noted that pursuant to section 20.12(2) vii, of the 'proposed' Ordinance, the event organizer would be responsible for paying for the water safety patrol costs during the time of the event. That seems to be a reasonable requirement. But we wanted the Village to be cognizant that patrol officer(s) time spent as a result of the permitted event would not be a reimbursable expense per DNR reimbursement guidelines. We did inform you that if a boating violation is observed by the patrol while the patrol is on duty for the event, and that the violation was separate from the event, the time spent by patrol officer(s) in enforcing and citing the violation would be considered reimbursable per DNR Guidelines. We recommended a separate record keeping process be instituted for the water patrol during these permitted events.

This letter officially recognizes receipt by this agency of a signed and dated copy of the ordinance from the Village of Oconomowoc Lake. Also included with the signed and dated copy, was an affidavit of the posting of the revised ordinance at three locations, including a posting at the Village Boat launch. We hope the posting at the boat launch meets the criteria identified in Chapter NR 5.15, Wis Admin Code, of which a copy was previously provided you with the January 5, 2008 letter. If you have questions regarding this letter, please contact Recreational Safety Warden John Plenke at 262-574-2163 or me in this office at 608-266-2203.

Sincerely,

  
Wayne Ringquist  
Recreation Enforcement & Education Section  
Bureau of Law Enforcement

Cc: John Plenke – SER – Waukesha

ORDINANCE NO. 237

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WHEREAS, the Village Board finds that it is in the public's interest to revise and fully restate the regulations in Section 20.12; and

WHEREAS, the proposed revisions to Section 20.12 have been submitted to the Wisconsin Department of Natural Resources for its recommendation pursuant to Section 30.77(3) of the Wisconsin Statutes; and

NOW, THEREFORE, the Village Board of the Village of Oconomowoc Lake, Waukesha County, State of Wisconsin do ordain as follows:

SECTION 1: Section 20.12 "Races, Regattas, Sporting Events and Exhibitions" of Chapter 20, "Lakes and Beaches", of the Village of Oconomowoc Lake ordinances is hereby repealed and recreated to read as follows:

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- (2) PERMIT.
  - a. Permit requests shall be submitted on the form provided by the director of the Water Safety Patrol for the Village and shall set forth all of the following:
    - i. The name(s) and contact information for the person or organization sponsoring the event;
    - ii. Type of proposed event;


FEB 23 2009

The remainder of the ordinance 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.

Dated this 19th day of November, 2007.

Village of Oconomowoc Lake

  
Richard J. Kneiser, Village President

ATTEST: Cindy Schlieve  
Cindy Schlieve, Village Clerk/Treasurer

Published and/or posted this 25th day of January, 2008  
NPALLRACE, REGATTA, SPORTING EVENTS AND EXHIBITIONS ORDINANCE 181787 - CLEAN.DOC

FEB 23 2009

STATE OF WISCONSIN )  
 )  
COUNTY OF WAUKESHA )

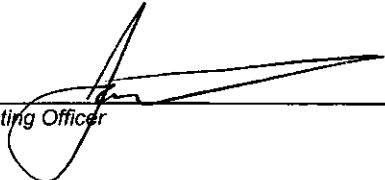
AFFIDAVIT OF POSTING

Ordinances 236 & 237

The undersigned, being first duly sworn, on oath deposes and states that on January 25, 2008, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board 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 Village Boat Launch located at 35622 E. Wisconsin Avenue.

  
\_\_\_\_\_  
Posting Officer

Subscribed and sworn to before me

This 25th day of Jan., 2008

  
\_\_\_\_\_  
Notary Public, Waukesha County, Wisconsin  
My Commission expires: 7/3/2011