

VILLAGE OF LAKE ZURICH

ORDINANCE NO. 2010-01-689

AN ORDINANCE AMENDING VARIOUS SECTIONS
OF THE LAKE ZURICH MUNICIPAL CODE
RELATED TO LAKE USE AND WATERCRAFT PERMITS

WHEREAS, the Village of Lake Zurich provides police protection and maintenance services for the lake of Lake Zurich, the costs for which services are incurred by the Village; and

WHEREAS, the Village maintains a watercraft permit program, the fees from which defray the costs of the police protection and maintenance services; and

WHEREAS, the President and Board of Trustees of the Village of Lake Zurich have determined that it is useful and appropriate to revise the watercraft permit program to transfer the duties and obligations of the administration of the program to the Lake Property Owners Association, as provided in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lake Zurich, Lake County and State of Illinois, as follows:

Section 1. Recitals. The foregoing recitals are incorporated into this Ordinance as findings of the President and Board of Trustees.

Section 2. Amendment of Chapter 7-4 Title and Sections 7-4-1 and 7-4-2 of Municipal Code. The title of Chapter 7-4 and Sections 7-4-1 and 7-4-2 of the Lake Zurich Municipal Code are hereby amended in their entirety so that said title and Sections 7-4-1 and 7-4-2 will hereafter read as follows:

CHAPTER 4

LAKE OF LAKE ZURICH AND BEACHES

7-4-1: **TITLE:** This Chapter shall be known as, and may be cited as, the SAFE USE OF THE LAKE AND BEACHES.

7-4-2: **PURPOSE:** This Chapter establishes specific regulations affecting the operation of watercraft on the lake of Lake Zurich, the equipment that watercraft must maintain, and the recreational and sporting activities on and in the lake and the beaches, including ice fishing, skiing, swimming, and similar activities.

Section 3. Amendment of Municipal Code Sections 7-4-5-1 and 7-4-5-2. Sections 7-4-5-1, titled "Watercraft Inspection Permit," and 7-4-5-2, titled "Watercraft

Permit Fee," of the Lake Zurich Municipal Code are hereby amended in their entirety so that said Sections 7-4-5-1 and 7-4-5-2 will hereafter read as follows:

7-4-5-1: LAKE WATERCRAFT MAINTENANCE AND USE PERMIT:

- A. Lake Watercraft Maintenance and Use Permit Required: No watercraft may be moored or operated on the lake of Lake Zurich without first obtaining and displaying a Lake Watercraft Maintenance and Use Permit from the Lake Property Owners Association of Lake Zurich (the "LPOA") and paying the fee required by Section 7-4-5-2 of this Chapter.
- B. Applications: Each person seeking a Lake Watercraft Maintenance and Use Permit must apply for that permit on a form approved by the Village and provided by the LPOA. That application form will be available from the LPOA. The completed form must be submitted to the LPOA by mail or at the location stated on the application form. The Village may post the location on the Village's website. Each person submitting an application for a Lake Watercraft Maintenance and Use Permit must provide the following information with the application:
 1. The name, address, telephone number, and other pertinent contact information related to the owner of the watercraft for which the permit is sought.
 2. The make, model, and Illinois Department of Natural Resources registration number for the watercraft for which the permit is sought.
 3. For motorized watercraft, three copies of proof of liability insurance establishing the existence of coverage for not less than the full length of the operating season for which the permit is sought.
 4. Documentation regarding the right of legal access to the lake of Lake Zurich.
- C. Display Of Permit: No watercraft may be moored or operated on the lake of Lake Zurich at any time unless a current, valid Lake Watercraft Maintenance and Use Permit is affixed to that watercraft at the lower starboard stern.
- D. Liability Insurance: The holder of a Lake Watercraft Maintenance and Use Permit for a motorized watercraft must notify the LPOA if the liability insurance coverage for the permitted motorized watercraft lapses or otherwise is no longer in force or effect during the term of the permit. It is unlawful to operate a motorized watercraft on the lake of Lake Zurich at any time without liability insurance.
- E. Lake Access For Multiple Mooring Sites: For any mooring site on the lake of Lake Zurich that includes moorings for more than two watercraft owned by unrelated parties (a "Multiple Mooring Site"), each application for a Lake Watercraft Maintenance and Use Permit for a watercraft moored at that Multiple Mooring Site must include (1) the name and contact information of the deeded lake rights owner or authorized representative of that Multiple Mooring Site and (2) a statement that the owner or authorized representative has approved the submission of the application. No application will be processed that does not include that information.

F. Exception for Village Parks: The provisions of this Section 7-4-5-1 do not apply to Village-operated watercraft programs at Village-owned parks.

7-4-5-2: LAKE WATERCRAFT MAINTENANCE AND USE PERMIT FEE; FINANCIAL REVIEWS; RESERVE FUND:

- A. Annual Budget: The Lake Property Owners Association of Lake Zurich (the "LPOA") must submit to the Village, on or before March 15 each year, its detailed budget for maintenance and protection of the lake of Lake Zurich during the upcoming boating season, including matters such as weed control; fish stocking; police services; insurance costs; supplies, postage, and third-party administrative costs related to the Lake Watercraft Maintenance and Use Permit program; and a reserve fund for extraordinary maintenance. The Village will review that budget by not later than April 1 to confirm that the fee structure established for the season under Subsection B of this Section is reasonably related to the costs of the budgeted maintenance and protection activities.
- B. Uniform Fee: For each boating season the LPOA will establish a fee structure that is reasonably related to the costs of the budgeted maintenance and protection activities for that season, with uniform fees for watercraft in the following categories: (1) motorized 40 horsepower and greater, (2) motorized less than 40 horsepower, and (3) non-motorized, such as rowboats, canoes, kayak, paddle boats, and similar watercraft.
- C. Financial Reviews: The Village, from time to time, may conduct a limited financial review to confirm the actual costs and expenses incurred, and expenditures made, by the LPOA for maintenance and protection services for the lake of Lake Zurich. The Village will provide the LPOA a written notice of a financial review, and the LPOA within 10 business days, or another date agreed to by the Village and the LPOA, must provide receipts and other relevant records to Village representatives, to verify that the permit fee structure is consistent with the actual and necessary expenditures.
- D. Extraordinary Maintenance Reserve Fund: The budget submitted under Subsection A of this Section may include, and an increment of the fees established under Subsection B may be related to, creation and maintenance of a maintenance reserve fund. The maintenance reserve fund may not exceed 15 percent of the lake maintenance and protection services' portion of that budget. The LPOA may apply money from the maintenance reserve fund to the costs of extraordinary maintenance activities for the lake of Lake Zurich not included in the LPOA's annual budget. No extraordinary maintenance activity may be undertaken without the prior approval of the LPOA board in accordance with its chart and by-laws and acceptance of that activity by the Village.

Section 4. Amendment of Municipal Code Paragraph 7-4-7C1. Paragraph 1, titled "Authority," of Subsection 7-4-7D, titled "Regattas," of the Lake Zurich Municipal Code is hereby amended in its entirety so that said Paragraph 7-4-7C1 will hereafter read as follows:

7-4-7: WATER SPORTS AND ACTIVITIES:

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C. Regattas and Special Events:

1. The Village and the Lake Property Owners Association of Lake Zurich, and no others, may authorize the holding of a regatta, other vessel races, triathlons, fishing derbies, or other special events on the lake of Lake Zurich. The Village may from time to time adopt regulations concerning the safety of vessels on the lake and of observers of, and participants in, any regatta or other vessel race.

Section 5. Effective Date. This Ordinance will be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED this 18 day of January 2010.

AYES: 4 Trustees Halen, Johnson, Rznicz and Sprawka

NAYS: 2 Trustees Poynton, Sustich

ABSENT: 0

APPROVED this 18 day of January 2010.

Suzanne K. Branding
Suzanne K. Branding, Village President

ATTEST:

Wende M Dau
Wende M. Dau, Village Clerk

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