

PAMPHLET

FRONT OF PAMPHLET



ORDINANCE # 2017-06-208

**AN ORDINANCE AMENDING TITLE 7 OF CHAPTER 4
OF THE VILLAGE OF LAKE ZURICH MUNICIPAL CODE
REGARDING THE LAKE of LAKE ZURICH**

Published in pamphlet form this July 21 , 2017 by Order of the Corporate Authorities
of the Village of Lake Zurich, Lake County, Illinois.

STATE OF ILLINOIS)
) SS.
COUNTY OF LAKE)

CERTIFICATE

I, KATHLEEN JOHNSON, certify that I am the duly elected Village Clerk of the Village of Lake Zurich, Lake County, Illinois.

I DO HEREBY CERTIFY that as such Village Clerk I am keeper of Ordinances, Resolutions, Minutes, Entries, Orders, Books, Papers, Records and Seal of said Village.

I DO HEREBY CERTIFY that the attached is a true and correct copy of:

AN ORDINANCE AMENDING TITLE 7 OF CHAPTER 4 OF THE VILLAGE OF LAKE ZURICH MUNICIPAL CODE REGARDING THE LAKE of LAKE ZURICH

ORD. # 2017-6- 208

WITNESS my Hand and Corporate Seal of said Village of Lake Zurich, Illinois, this day, July 19, 2017.

Kathleen Johnson
Kathleen Johnson
Village Clerk



VILLAGE OF LAKE ZURICH



ORDINANCE NO. 2017-7-208

AN ORDINANCE AMENDING TITLE 7, CHAPTER 4 OF THE VILLAGE OF LAKE ZURICH MUNICIPAL CODE REGARDING THE LAKE OF LAKE ZURICH

WHEREAS, Title 7, Chapter 4, of the Village of Lake Zurich (the "Village") Municipal Code establishes specific regulations affecting the operation of watercraft on the lake of Lake Zurich (the "Lake") in order to maintain safety for all lake users; and

WHEREAS, the Lake is located entirely within Village corporate boundaries, is a valuable and visible feature of the Village, and is used by many residents and other persons for recreational activities; and

WHEREAS, the Lake Property Owners Association (the "Association") is an Illinois not-for-profit corporation that represents a majority of the owners of a majority of the deeded lake bottom property within the private waters of the Lake; and

WHEREAS, the Association requests, and the Village is willing to undertake, regulation of activities on the Lake within the scope of the Association Lake access rules and Village ordinances; and

WHEREAS, the Village and the Association desire to work together to manage access for and regulate the conduct of all authorized persons who use the Lake; and

WHEREAS, this Ordinance shall codify within the Municipal Code the fines for violating certain Lake regulations regarding watercraft operations and launching of watercraft.

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

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

Section 2. Village Authority to Regulate. The Village has the authority to enact such regulations as the Village determines are reasonably necessary and appropriate for the health, safety and welfare of Lake users.

Section 3. Amendment of Regulations. That the provisions of Chapter 4 (entitled "LAKE OF LAKE ZURICH AND BEACHES") of Chapter 7 (entitled "PUBLIC WAYS AND PROPERTY") are hereby amended by adding those provisions shown as italicized and underscored and deleting those provisions shown as stricken through, as follows:

Title 7
PUBLIC WAYS AND PROPERTY
Chapter 4
LAKE OF LAKE ZURICH AND BEACHES

7-4-4: MARINE SAFETY OFFICERS:

The chief of police, with the consent of the village manager, may appoint ~~a~~ marine safety officer~~s and a deputy marine safety officer~~ to enforce the provisions of this chapter. The compensation of the marine safety officer~~s and deputy marine safety officer~~ shall be set by the board of trustees. The duties of the marine safety officer~~s~~ shall be to enforce the provisions of this chapter and the applicable laws and regulations of the state. ~~The marine safety officer shall have the authority of any police officer of the village, including, without limitation, the power and duty to undertake investigations, issue citations, and make arrests for violations of any provisions of this chapter.~~ The marine safety officer shall have the authority to board and inspect any watercraft at any time it is being used on any waterway in the village to determine whether such watercraft complies with the provisions of this chapter.

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").
- 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 (3) 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 (2) 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 *And Official Business:* The provisions of this section *7-4-5-1* do not apply to village operated watercraft programs at village owned parks, *official lake maintenance watercraft, or other government agency watercraft.* (Ord. 2010-01-689, 1-18-2010)

G. *A violation of this section shall be punishable by a fine of no less than three hundred dollars (\$300.00) for motorized watercraft. A violation of this section shall be punishable by a fine of no less than fifty dollars (\$50.00) for non-motorized watercraft such as rowboats, canoes, paddleboats and similar watercraft.*

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 forty (40) horsepower and greater, 2) motorized less than forty (40) horsepower, and 3) nonmotorized, such as rowboats, canoes, kayak, paddleboats, 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 ten (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 of this section may be related to, creation and maintenance of a maintenance reserve fund. The maintenance reserve fund may not exceed fifteen percent (15%) 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 bylaws and acceptance of that activity by the village. (Ord. 2010-01-689, 1-18-2010)

-7-4-9: PROHIBITED ACTS AND CONDITIONS:

A. Intoxicated Persons:

1. No person shall operate any ***watercraft or*** vessel or manipulate any water skis, aquaplane or similar device while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana.
2. The owner of any watercraft or any person having such in charge or in control shall not authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, narcotic or habit forming drug.

B. Aircraft: The taking off or landing of any aircraft, including, but without limitation, airplanes or hydroplanes, shall not be permitted on the waterways of the village. (1989 Code)

C. Prohibited Use On Waterways: It shall be unlawful for any person to operate any jet ski, wet bike, wave runner, snowmobile or similar vehicle of any kind on any waterway of the village. (Ord. 91-01-423, 1-21-1991)

D. Buoys: It shall be unlawful for any person, without proper written authorization, to move or to relocate any buoy placed in any waterway for the purpose of designating areas for powerboat traffic. (Ord. 94-06-672, 6-20-1994)

E. Private Property Launch: It shall be unlawful for any person to launch any type of watercraft from their individual private property or from a shared homeowner's association property without a Lake Watercraft and Use Permit. A violation of this section shall be punishable by a fine of no less than three hundred dollars (\$300.00) for motorized watercraft. A violation of this section shall be punishable by a fine of no less than fifty dollars (\$50.00) for non-motorized watercraft such as rowboats, canoes, paddleboats and similar watercraft.

Section 4. Enforcement of Regulations. The Village may issue citations and impose fines for violations that occur on or about the covered Lake areas, consistent with applicable laws, ordinances, and regulations, as amended. It shall be the sole responsibility and discretion of the Village to prosecute such violations. All fines imposed and collected by the Village shall be the property of the Village.

Section 5. Severability. If any paragraph, section, clause or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

Section 6. Effective Date. This Ordinance shall become effective upon its passage, approval, and publication as provided by law.

PASSED this 17 day of July, 2017.

AYES: 5 Trustees Fuker, Shaw, Sparone, Sprawler, Weider

NAYS: 0

ABSENT: 1 Trustee Beaudoin

APPROVED this 20 day of July, 2017.

SEAL



By:

Thomas Poynton
Thomas Poynton, Village President

ATTEST:

Kathleen Johnson

Kathleen Johnson, Village Clerk

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