

**BOARD OF TRUSTEES  
VILLAGE OF THIRD LAKE, ILLINOIS**

**09-01-01**

**AN ORDINANCE PROVIDING FOR THE REGISTRATION OF BOATS AND  
OTHER WATER CRAFT AND ESTABLISHING RULES AND REGULATION  
FOR VILLAGE BOAT LAUNCHES, LAKE USAGE AND WATER-LANDING  
PLACES, AND REPEALING ORDINANCE NOS. 07-04-02, 07-04-03 AND 08-05-01**

**This 20<sup>th</sup> Day of January, 2009**

  
**Patricia Beggan, Village Clerk**

**Published in pamphlet form by the authority of the Board of Trustees of the Village of  
Third Lake, Lake County, Illinois this 20<sup>th</sup> Day of January 20, 2009**

ORDINANCE NO. 09-01-01

AN ORDINANCE PROVIDING FOR THE REGISTRATION OF BOATS AND OTHER WATER CRAFT AND ESTABLISHING RULES AND REGULATION FOR VILLAGE BOAT LAUNCHES, LAKE USAGE AND WATER-LANDING PLACES, AND REPEALING ORDINANCE NOS. 07-04-02, 07-04-03 AND 08-05-01

WHEREAS, pursuant to 65 ILCS 5/11-44-3, municipalities may regulate and prohibit water craft used about a harbor or within the municipality's jurisdiction; and

WHEREAS, pursuant to 625 ILCS 45/5-7, municipalities may designate certain water areas as restricted areas; and

WHEREAS, pursuant to 65 ILCS 5/11-44-1, municipalities may regulate public and private water-landing places, wharves, docks, canals, slips and levees; and

WHEREAS, pursuant to 625 ILCS 45/8-1, municipalities may adopt ordinances relating to the operation and equipment of watercraft; and

WHEREAS, the corporate authorities of the Village of Third Lake deem it to be in the best interests of the public to promote safety by establishing rules and regulations regarding such matters.

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

SECTION ONE: Registration.

A. *Registration required.* Any recreational watercraft which is used on any waters within the jurisdiction of the Village must be registered with the Village. Registration stickers must be applied to the craft's bow, starboard side, at the top of the hull and in plain view. All such watercraft must also be registered with the State of Illinois pursuant to the Boat Registration and Safety Act (625 ILCS 45/1-1, *et seq.*), as amended from time to time.

B. *Types and Exemptions.* Watercraft subject to this registration requirement shall include, but not be limited to, motorized boats of all kinds, canoes, sailboats, pontoon boats, rafts, motorized personal watercraft (including, but not limited to, jet skis, waverunners and similar watercraft), paddle boats and motorized inflatable craft. Air mattresses, inner tubes and all other non-motorized inflatable craft are exempt from the provisions of this ordinance.

C. *Annual Registration.* The registration year shall be from April 1<sup>st</sup> through March 31<sup>st</sup> of each calendar year. Prior to the launching of any watercraft subject to the registration requirement of this ordinance, a registration sticker must first be obtained from the Village. In addition, a boat launch gate key shall be obtained, if needed. Proof of ownership and state registration must be provided. Boat launch keys and registration stickers are nontransferable. The registration fee, set forth below, is not subject to proration.

D. *Temporary Pass.* Residents may also purchase a temporary sticker, which shall be valid for ten (10) days. If the resident thereafter purchases an annual registration sticker, the fee for the temporary sticker shall be applied against the fee for the annual registration. Temporary stickers are transferable to another watercraft which shall be valid for an additional ten (10) days.

E. *Resident Fees.* The fees for residents of the Village shall be as follows:

1. Non-Motorized Craft	\$10.00
2. Craft with Electric Motors	\$15.00
3. Gas Motorized Craft:	
10 horsepower or less	\$25.00
11-25 horsepower	\$35.00
Over 25 horsepower	\$45.00
4. Village Boat Launch Gate Key (Limit one per household)	\$15.00
5. Replacement Village Boat Launch Gate Key	\$50.00
6. Temporary Permit	\$55.00
7. Transfer fee for Temporary Permit	\$10.00

F. *Non-Resident Fees.* Non-resident guest passes may be purchased for a three (3) day period for \$55.00. If a boat launch key is needed, a \$350.00 refundable deposit shall be paid with cash, money order or certified check at the time of registration. The boat launch key shall be returned on the first day that Village Hall is open following the expiration of the three (3) day period. Said deposit shall be refunded upon the return of the boat launch key. Failure to return the boat launch key by the required time shall result in a forfeiture of the deposit.

**SECTION TWO: Boat Launch and Lake Rules.** The following rules and regulations are hereby established:

A. *Keys Non-transferable.* Boat launch keys are nontransferable.

B. *Time Limit.* Boats may not be moored or parked on or off Village boat launches except while waiting to launch or retrieve.

C. *No Parking.* Trailers may not be parked on streets or Village boat launch areas. Violators will be towed at their own expense.

D. *Gates to be Locked.* All persons shall close and lock gates immediately upon entering and leaving all boat launches.

E. *Hours.* All persons shall observe boat launch hours, which are 7:00 am - 9:00 pm.

F. *No Wake Area.* A "No Wake" area is hereby declared for the area beginning at the shoreline and extending 150' into the lake in all areas of Third Lake under the jurisdiction of the Village. For purposes of this Ordinance, the term "wake" is defined as a movement of the water created by a boat underway great enough to disturb a boat at rest. Notwithstanding the foregoing, under no circumstances shall a boat underway exceed 5 miles per hour in a "No Wake" area. In

addition, if a boat operating outside the "No Wake" area has in tow a person on water skis, aquaplane or similar contrivance, such person or device shall not enter the "No Wake" area.

G. *Prohibited watercraft.* No person or persons shall operate the following types of boats on any lake under the jurisdiction of the Village:

- i. Hovercrafts, which shall be defined as boats which are suspended upon a cushion of air generated by a fan and propelled by fans, propellers or other means of propulsion.
- ii. Air boats, which shall be defined as boats propelled by machinery applying force against the air rather than the water as a means of propulsion.
- iii. Drag boats, which shall be defined as boats designed solely for speed and racing.

H. *Noise Limitation.* No person may operate a motorboat on Third Lake in a manner to exceed a noise level of 75 decibels measured as specified in the Society of Automotive Engineers in its procedure J1970 from any point on the shoreline, or from any point on the water within twenty feet (20') of the shoreline of the lake.

I. *Certain Motorized Watercraft Prohibited.* No person or persons shall operate a boat, vessel or any form of watercraft upon Druce Lake when such boat, vessel or watercraft is powered by an engine or motor whose power source is gasoline or any gasoline derivative. The Village shall post signs at the lake regarding this prohibition.

J. *Dam.* The dam on Third Lake shall be opened (water level down) on or about November 1<sup>st</sup> and closed (water level up) on or about April 1<sup>st</sup> of each year.

K. *Additional No-Wake Zone.* A lake-wide "No Wake Zone" will be enforced on Third Lake when the water level is over the spillway fish gate or as determined by a Village official. This will be indicated by a red flag at the Village Boat Launch and/or signs on the boat ramp gates.

L. *Catch and Release Required.* All fishermen shall practice catch and release of game fish on both Druce and Third Lakes from April 1<sup>st</sup> to June 15<sup>th</sup> of each year. For purposes of this Ordinance, "game fish" are defined as small and large mouth bass, northern pike and walleye.

M. *Limit on Towing.* No person may operate a motorboat having in tow or otherwise be assisting a person on water skis, aqua plane or similar contrivance from the period of one-half hour after sunset to one-half hour before sunrise.

**SECTION THREE: Water-Landing Places.** It shall be unlawful for any person to place any water-landing place (defined as a structure extending out from the shore that may have appendages at its end in the form of an "L" or "T" or on its sides), including but not limited to any dock, pier, platform, raft, boat house, levee, wharf, lift station or other structure in or over the water, in any lake within the Village unless said water-landing place complies with the following terms and conditions:

A. *Limit of One Per Lot.* Not more than one water-landing place shall be appended to any zoning lot.

B. *Location Limitation.* Each water-landing place shall be not less than six feet (6') at its closest point from each side lot line, extended, of the property to which the water-landing place is appended.

C. *Display of Street Address.* Each water-landing place shall display the street address number of the property to which such water-landing place is appended at the point on such water-landing place which is farthest from the shoreline, in arabic numerals not less than three inches (3") in height.

D. *Prohibited Materials.* No water-landing place shall be constructed such that any chemically treated wood is placed below the elevation of the high water line of the lake.

E. *Width Limitations.* No water-landing place shall be more than six feet (6') wide.

F. *Length Limitation.* No water-landing place or watercraft shall extend more than sixty-five feet (65') into any lake, as measured from the water line of the lake, provided, however, that where the Village President (or designee), in his or her sole discretion, determines that such limitation presents a hardship to the owner, the Village President (or designee) may authorize placement of a water-landing place of greater than sixty-five feet (65') in length, upon such terms and conditions as the Village President (or designee) deems just and proper.

G. *Public Health, Safety and Welfare.* No water-landing place shall be placed or maintained in such a manner as to materially adversely affect the health, welfare or safety of persons residing in the neighborhood of the property to which such water-landing place is appended or of persons making use of the lake, or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, or to public ways, watercourses, or drainage structures.

H. *Limitation on Ownership.* Only the owners of lots that abut the lake or Village lake buffer zone may have a water-landing place or shore watercraft. Only watercraft registered to the property owner (including property owners with temporary permits) may be docked overnight. Visitors with temporary passes must have permission of the property owner to dock their watercraft on the resident water-landing place or shore watercraft.

I. *No Mooring after Sunset.* No boats or rafts may be moored offshore after sunset except that one inflatable device used primarily as a platform for swimming, not exceeding twenty feet (20') in diameter, can be left moored. The moored raft must: (a) clearly display the owner's street address as required in subsection C. above, (b) be easily visible, (c) be at least twelve inches (12") above the water line, (d) meet the setback requirements in subsection B. above, and (e) be located within the no-wake area. For purposes of this subsection, "mooring" is defined as anchoring a watercraft to the lake bottom rather than the shore or a water-landing place.

J. *Removal.* Water-landing places must be removed each year before the lake freezes.

K. *Additional Restrictions.* Appendages cannot be more than 100 square feet in total area. No part of the water-landing place or the appendages may be built upward, however, benches are permitted within size specifications of the pier, *i.e.* any type of building on the water is prohibited. Lift stations are not a part of the water-landing place, but must be within the sixty-five feet (65') of length measured from the water line of the lake. Four lift stations are permitted per lot; provided, however, that no more than two lift stations may be used for boats longer than ten feet (10').

L. *Exceptions.* In cases where compliance with this Ordinance places an undue economic hardship upon a resident, or hinders the implementation of additional temporary safety measures, the Village President (or designee) may grant appropriate temporary relief.

**SECTION FOUR:** Any person convicted of a violation of any provision of this Ordinance shall be fined a sum of not less than Fifty Dollars (\$50) nor more than Seven Hundred Fifty Dollars (\$750). Notwithstanding the foregoing, whenever any Village officer or official authorized to charge a person or arrest a person without a warrant for a violation of this Ordinance, the Village officer or official may, in lieu of filing a complaint in court, issue the alleged violator a citation, which citation shall contain statements which in substance: advise the person that he has violated a specific Ordinance; request him to make payment as set forth herein as settlement of the violation claim; and inform him that upon failure to so settle, a complaint will be filed in the Circuit Court of Lake County, 19th Judicial Circuit Court, charging him with the violation. For purposes of this Section, Village officers authorized to issue citations shall include, but not be limited to, the Village President (or designee).

Pursuant to said citation, a person accused of the violation may settle the violation claim by paying to the Village the amount of Fifty Dollars (\$50) within a period to be specified in the citation, which period shall not be more than ten (10) days from the time the alleged violation was committed. The settlement payment shall be made in accordance with the instruction contained in the citation at the Office of the Village Clerk. In the event that the person to whom the citation is issued fails to settle and pay the violation claim within ten (10) days of issuance of the citation, a final notice shall be issued. If payment of the prescribed amount plus Five Dollars (\$5) is not made within fifteen (15) days of issuance of the final notice, then the Village is authorized to cause a notice to appear to be served upon the alleged violator and the Village is authorized to file a complaint and to prosecute the complaint in the 19th Judicial Circuit Court of Lake County.

**SECTION FIVE:** That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed. In addition, Ordinance Nos. 07-04-02, 07-04-03 and 08-05-01 are hereby expressly repealed in their entirety.

**SECTION SIX:** That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

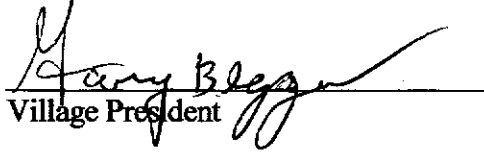
AYES: Benson, Hoppe, Kotulla, Kowalke, Penny, Rogers

NAYS: None

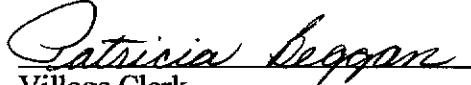
ABSENT/NOT VOTING: None

PASSED: 1-20-09, 2008~~x~~

APPROVED: 1-20-, ~~2008~~ 2009

  
Village President

ATTEST:

  
Village Clerk

PUBLISHED: 1-22-09

STATE OF ILLINOIS     )  
                                  ) ss.  
COUNTY OF LAKE     )

I, Patricia Beggan, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Third Lake, Lake County, Illinois, and keeper of the records and seal of said Village, and that the attached and foregoing Ordinance is a true and correct copy of said Ordinance entitled:

09-01-01

**AN ORDINANCE PROVIDING FOR THE REGISTRATION OF BOATS AND OTHER WATER CRAFT AND ESTABLISHING RULES AND REGULATION FOR VILLAGE BOAT LAUNCHES, LAKE USAGE AND WATER-LANDING PLACES, AND REPEALING ORDINANCE NOS. 07-04-02, 07-04-03 AND 08-05-01**

**This 20<sup>th</sup> Day of January, 2009**

**In Witness Whereof, I have hereunto set my hand and caused to be affixed the Corporate Seal of the Village of Third Lake, Lake County, Illinois.**

**Done at Third Lake, Illinois this 20<sup>th</sup> Day of January, 2009**

(SEAL)

  
**Patricia Beggan**  
**Village Clerk**