

ORDINANCE NO. 20-02-02

AN ORDINANCE PROVIDING FOR THE REGISTRATION OF BOATS AND OTHER WATERCRAFT AND ESTABLISHING RULES AND REGULATIONS FOR VILLAGE BOAT LAUNCHES, LAKE USAGE AND WATER-LANDING PLACES, AND REPEALING ORDINANCE NO. 15-04-01

WHEREAS, pursuant to 65 ILCS 5/11-44-3, municipalities may regulate and prohibit watercraft 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.*; the "Act"), 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, sailboats, pontoon boats, motorized personal watercraft and motorized inflatable craft. Kayaks, canoes, paddle boats and air mattresses, toy 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 1st through March 31st 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 or 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 three (3) 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)	\$10.00
5. Replacement Village Boat Launch Gate Key	\$50.00
6. Temporary Sticker	\$55.00
7. Transfer fee for Temporary Stickers	\$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. 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.

SECTION THREE: Lake Usage/Safety Rules. All words and phrases defined the Act are hereby incorporated and made a part of this Section Three. The following rules and regulation are hereby established:

A. *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 watercraft underway great enough to disturb a boat at rest. Notwithstanding the foregoing, under no circumstances shall a watercraft underway exceed 5 miles per hour in a "No Wake" area. In addition, if a watercraft 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.

B. *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.

C. *Prohibited watercraft.* No person or persons shall operate the following types of watercraft 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.

D. *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.

E. *Careless/Reckless Operation.* No person shall operate any watercraft in a careless or heedless manner so as to endanger any person or property or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the watercraft to a stop within the assured clear distance ahead.

No person shall operate any watercraft, specialty prop-craft, personal watercraft or manipulate any water skis, aquaplane, or similar device in such a manner as to willfully or wantonly endanger the life, limb or property of any person, to weave through congested traffic, to jump the wake of another vessel unreasonably or unnecessarily close to the other vessel or when visibility around the other vessel is obstructed, to wait until the last possible moment to swerve to avoid collision, or operate any watercraft so as to approach or pass another watercraft in such a manner or at such a rate of speed as to create a hazardous wake or wash.

F. *Interference with navigation.* No person shall operate any watercraft in a manner which unreasonably or unnecessarily interferes with other watercraft or with the free and proper navigation of Third Lake or Druce Lake. Anchoring in heavily traveled channels constitutes such interference if unreasonable under the prevailing circumstances.

G. *Overloading.* No motorboat may be loaded with passengers or cargo beyond its safe carrying capacity taking into consideration weather and other existing operating conditions.

Water skiers, tubers, parasailers, or other persons towed by the motorboat shall be considered part of the total number of passengers and cargo allowed by a watercraft's capacity plate for the purpose of determining a motorboat's carrying capacity.

Every vessel less than 26 feet in length, designed to carry 2 or more persons and to be propelled by machinery as its principal source of power or designed to be propelled by oars shall, if manufactured or offered for sale in the State of Illinois, have affixed permanently thereto by the manufacturer a capacity plate as required by the Act.

H. *Incapacity of operator.* The owner of any motorboat 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 by reason of physical or mental disability is incapable of operating such motorboat under the prevailing circumstances.

I. *Overpowering.* No motorboat shall be equipped with any motor or other propulsion machinery beyond its safe power capacity taking into consideration the type and construction of such motorboat and other existing operating conditions.

J. *Traffic Rules.* When two boats are approaching each other "head on" or nearly so (so as to involve risk of collision), each boat must bear to the right and pass the other boat on its left side. When boats approach each other obliquely or at right angles, the boat approaching on the right side has the right of way. One boat may overtake another on either side but must grant right of way to the overtaken boat. When a motorboat is approaching a boat propelled solely by sails or oars, the motorboat must yield the right of way to the sailboat or rowboat except, when a large craft is navigating in a confined channel, the large craft has the right of way over a boat propelled solely by oars or sails.

K. *Towing of Persons.* No person may operate a motorboat that has in tow or is otherwise assisting a person on water skis, an aquaplane, or a similar contrivance in or upon any waterway, unless the motorboat has a capacity of at least three persons and is occupied by at least two competent persons.

No person may operate a motorboat having in tow or otherwise be assisting a person on water skis, aquaplane or similar contrivance from the period of one-half hour after sunset to one-half hour before sunrise. This paragraph does not apply to motorboats used in duly authorized water ski tournaments, competitions, exhibitions or trials therefor where adequate lighting is provided.

All persons operating a motorboat having in tow or otherwise assisting a person on water skis, aquaplane or similar contrivance, must be careful and prudent in their operation and keep at a reasonable distance from persons and property so as not to endanger the life or property of any person.

No person may operate or manipulate any vessel, tow rope or other device by which the direction or location of water skis, aquaplane, or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane, or similar device, or any persons thereon to

collide with or strike against any person or object, except ski jumps, buoys and like objects normally used in competitive or recreational skiing.

The operator of any watercraft that is towing a person or persons shall display on the watercraft a bright or brilliant orange flag measuring not less than 12 inches per side. The flag shall be displayed at the highest point of the area surrounding the boat's helm as to be visible from all directions, continuously, while the person or persons being towed depart the boat in preparation for towing and until reentry into the boat when the activity has ceased. Display of the flag for purposes other than the activity described in this subsection is prohibited.

L. *Time 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.

M. *Age of Operator.* No person under ten (10) years of age may operate a motorboat. In addition, all operators of a motorboat, owners of a motorboat or person given supervisory authority over a motorboat shall comply with the provisions of Section 5-18 of the Act.

N. *Unlawful Operation at Night.* No person shall operate a personal watercraft or a specialty prop craft between the hours of sunset and sunrise unless such vessels are equipped with operating running lights.

O. *Skin Diving.* No person may engage in underwater diving or swimming with the use of swimming fins or skin diving in waters other than marked swimming areas or within 150 feet of shoreline.

No person may engage in underwater diving or swimming with the use of self-contained underwater breathing apparatus in waters other than marked swimming areas, unless the location of such diving or swimming is distinctly marked by a diver's flag, not less than 12 inches high and 15 inches long, displaying one diagonal white stripe 3 inches wide on a red background, and of a height above the water so as to be clearly apparent at a distance of 100 yards under normal conditions, and so designed and displayed as to be visible from any point on the horizon. An alternate flag recognized and approved by the United States Coast Guard may be substituted for the flag required in this paragraph.

Except in case of emergency, anyone engaging in such diving or swimming shall not rise to the surface outside of a radius of 50 feet from such flag.

No person engaged in such diving or swimming shall interfere with the operation of anyone fishing, nor engage in such diving or swimming in established traffic lanes; nor shall any person acting alone, or with another, intentionally or unintentionally block or obstruct any boat in any manner from proceeding to its destination where a reasonable alternative is unavailable. A reasonable alternative route is available when the otherwise unobstructed boat can proceed to its destination without reducing its lawful speed, by passing to the right or to the left of a marked diving operation.

No watercraft shall be operated within 150 feet of a diving flag except for watercraft directly associated with that diving activity.

P. *Noise Limitation.* No person may operate a watercraft 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.

Q. *Passenger location.* No person operating a motorboat shall allow a person in the motorboat to ride or sit on the gunwales, tops of seat backs, or on the decking over the bow or stern of the motorboat while the motorboat is underway, unless the person is inboard of guards or rails provided on the motorboat to prevent passengers from being lost overboard.

Nothing in this subsection shall be construed to prohibit entry upon the decking over the bow or stern of the motorboat for the purpose of anchoring, mooring, or casting off or some other necessary purpose nor to prohibit customary practices while lawfully engaged in commercial fishing under the provisions of the Fish and Aquatic Life Code (515 ILCS 5/1-1 *et seq.*) or hunting and trapping under the provisions of the Wildlife Code (520 ILCS 5/1.1 *et seq.*).

The provisions of this subsection shall not apply to the driver of the boat, a person while fishing or to a person on private property.

R. *Use of Water Ski Course.* When a water ski course is present on Third Lake, no person shall use such water ski course without first obtaining a permit from the Village. Application for such a permit shall be made to the Village Clerk upon the form provided by the Village. There shall be no fee payable to obtain or process the permit. Upon receipt of a fully completed application form, the Village Clerk shall issue the permit, which shall be valid for a period of one (1) year from the date of issuance.

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

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

SECTION FOUR: 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. In addition, no watercraft that is docked to a water-landing place shall extend beyond either 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 his 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 (65') in length, upon such terms and conditions as the Village President (or his 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 FIVE: Enforcement. 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 SIX: Conflicts. 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 No. 15-04-01 is hereby expressly repealed in its entirety.

SECTION SEVEN: Effective Date. 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: _____

NAYS: _____

ABSENT/NOT VOTING: _____

PASSED: _____, 2020

APPROVED: _____, 2020

Village President

ATTEST:

Village Clerk

PUBLISHED: _____