



A PERFECT ENVIRONMENT

Residential Recreational Responsible

Chair
Ron Troy
Supervisors
Edward Kranick
Christie Dionisopoulos
Steve Michels
Joe Woelfle
Clerk/Treasurer
Dan Green

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING MONDAY, MAY 24, 2021 – 6:30 P.M. DELAFIELD TOWN HALL – W302 N1254 MAPLE AVENUE, DELAFIELD, WI

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Citizen Comments: Public comments from citizens regarding items on, or not on the Agenda. The Board may not engage in a discussion with the citizen making the comments. Individual presentations are limited to three minutes and citizens shall follow the rules set forth in Section 2.04(1)(d) of the Town Code.
5. Approval of Minutes:
 - A. May 11, 2021 Town Board Minutes
6. Action on vouchers submitted for payment:
 - A. Report on budget sub-accounts and action to amend 2021 budget
 - B. 1) Accounts payable; 2) Payroll
7. Communications (for discussion and possible action)
 - A. Elmhurst Bridge Reconstruction
8. Unfinished Business - None
9. New Business
 - A. Discussion and possible action on the adoption of Resolution 21-649, a resolution to combine reporting units for Wards 7 & 8, and Wards 9, 10 & 11 for election administration and reporting returns.
 - B. Discussion and possible action on the adoption of Ordinance 21-04, an ordinance to repeal and re-create Section 9.09 of the Town of Delafield Municipal Code concerning permission to consume alcohol in parks in the Town of Delafield.
 - C. Discussion and possible action on the adoption of Ordinance 21-05, an ordinance to repeal and re-create multiple subsections within Chapter 19 of the Town of Delafield Municipal Code concerning park regulations.
10. Announcements and Planning items
 - A. Plan Commission – Tuesday, June 1, 2021 @ 6:30 PM
 - B. Board of Review (to adjourn to later date) – Tuesday, June 8, 2021 @ 6:15 PM
 - C. Town Board – Tuesday, June 8, 2021 @ 6:30 PM
11. Adjournment



Dan Green
Town of Delafield Clerk/Treasurer

PLEASE NOTE:

- ✓ It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.
- ✓ Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Town Clerk Dan Green (262) 646-2398.

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
MAY 11, 2021 @ 6:30 PM**

Video link: <https://www.youtube.com/watch?v=9WfegDnlyY8>

First order of business: Call to Order
Supervisor Troy called the meeting to order at 6:30 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Roll Call

Present were: Supervisor Kranick, Supervisor Dionisopoulos, Supervisor Michels, Supervisor Woelfle and Chairperson Troy. Also present was Administrator Dan Green.

Fourth order of business: Citizen Comments:

Comments concerning Planned Development District #1

David Zeier, N19W29051 Golf Ridge North, stated he was disappointed with the vote of 4-2 at the Plan Commission. Census information was presented to the Town Board comparing the Town with the City of Delafield and the City of Waukesha. He stated the 400-units being proposed on the site is way too high and is opposed to 3-story apartment buildings to block noise. He hopes the board listens to the residents which are unanimously opposed.

Paul Lois, N16W29959 Brookstone Circle, explained his father and mother still live on 169-acre farm in Kenosha county. He explained the property is more than just a piece of land, it is a legacy of work and effort the farmers put in. He stated he did not know a farmer who would want 3 story apartment buildings. He questioned what problem the Board would be solving with the proposed ordinance, and stated it is not the Town's problem to give this land more value.

Blake Wilcox, N20W29906 Glen Cove, stated he is a student at UW Madison and lives on Glen Cove with his parents. He expressed concerns about traffic safety and environmental impacts. He stated there is a lack of transparency and a lack of knowledge. He continued with statistics regarding the size of the Thomas Farm and the potential population increase compared to the rest of the Town.

Nick Burkee, N15W29992 Brookstone Circle, expressed concerns about density and the look of the development. He stated Jason Fruth's opinion is too development friendly. He explained that in today's market, .75 acre lots would still be marketable with the convenience of I-94.

Jay Crouse, N18W29082 Golf Ridge South, expressed concerns about traffic and well water. He asked the board to consider the people who live in the area.

Fifth order of business:

- A. Approval of April 27, 2021 Town Board Minutes

Motion made by Supervisor Dionisopoulos to approve the minutes from April 27, 2021. Seconded by Supervisor Kranick. Motion carried 4-0.

Sixth order of Business: Action on vouchers submitted for payment:

- A. Report on budget sub-accounts and action to amend 2021 budget
- B. 1) Accounts payable; 2) Payroll

Motion by Supervisor Kranick to approve payment of Checks #64716-#64717 and checks #64717-#64753 in the amount of \$125,528.61, and the payrolls dated May 14, 2021 in the amount of \$14,038.58. Seconded by Supervisor Dionisopoulos. Motion carried 4-0.

Seventh order of Business: Communications (for discussion and possible action) - None

Eighth order of Business: Unfinished Business - None**Ninth order of Business:** New Business

- A. Discussion and possible action on the purchase of highway equipment and amend the 2021 Budget to replace failed piece of equipment.

Administrator Green explained that in late April, the Highway Department's backhoe required maintenance due to problems with the transmission. The quote for repairs and tires came back at over \$16,000. The backhoe is a 1997 JCB. The Highway Supervisor asked that a Mecalac excavating machine be purchased instead of a backhoe for more versatility. The funding option would require a budget amendment to borrow for the equipment. The current machine has been used by the Town for 23 years and is long past its expected life. For the Highway Department to do its job, it will need a replacement as soon as possible.

Motion by Supervisor Kranick to amend the 2021 budget to increase proceeds of long-term debt by \$161,000 and authorize the purchase of a Mecalac 7MWR to replace the 1997 JCB Backhoe. Seconded by Supervisor Dionisopoulos. Motion passed 4-0.

- B. Discussion and possible action on moving the second Town Board meeting in May from Tuesday, May 25, 2021 at 6:30 PM to Monday, May 24, 2021 at 6:30 PM.

Motion by Supervisor Kranick to move the meeting to May 24, 2021. Seconded by Supervisor Dionisopoulos. Motion passed 4-0.

Tenth order of Business: Announcements and Planning items

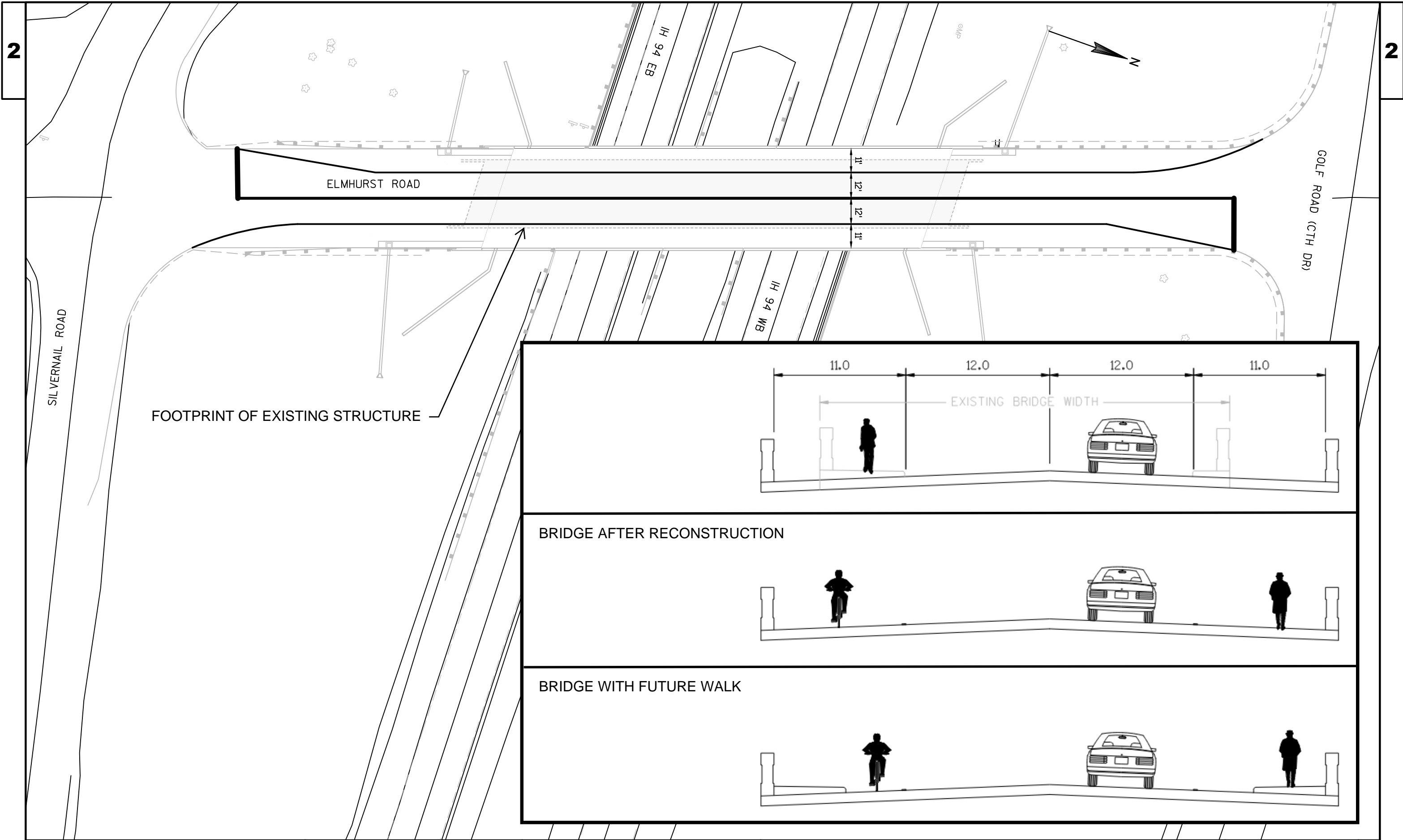
- A. Town Board – Tuesday, May 24, 2021 @ 6:30 PM
 B. Plan Commission – Tuesday, June 1, 2021 @ 6:30 PM
 C. Town Board – Tuesday, June 8, 2021 @ 6:30 PM

Eleventh order of Business: Adjournment

Motion by Supervisor Kranick to adjourn the May 11, 2021 Town Board meeting at 7:03 p.m. Seconded by Supervisor Dionisopoulos. Motion carried 4-0.

Respectfully submitted:

 Dan Green, CMC/WCMC
 Administrator - Town Clerk/Treasurer



STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

RESOLUTION NO. 21-649

**A RESOLUTION TO COMBINE REPORTING UNITS FOR WARDS 7 & 8, AND WARDS 9, 10 & 11
FOR ELECTION ADMINISTRATION AND REPORTING RETURNS**

WHEREAS, pursuant to Wisconsin Statutes Section 5.15(6)(B) the governing body may by resolution combine 2 or more wards for voting purposes to facilitate using a common polling location; and

WHEREAS, the Town of Delafield's polling location at Dayspring Church serves two separate reporting units, Wards 7 & 8, and Wards 9, 10 & 11; and

WHEREAS, the Town Clerk and Chief Inspectors desire to report results from Dayspring Church as one reporting unit, combining Wards 7, 8, 9, 10 & 11, to ensure a more efficient process when reporting election returns;

WHEREAS, municipalities having a population less than 35,000 may provide in the resolution that returns shall be maintained only for each group of combined wards at any election; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Delafield, Waukesha County, Wisconsin, that wards 7, 8, 9, 10 & 11 be combined for election administration and reporting returns; and

BE IT FURTHER RESOLVED, that Section 5.15(6)(b) of the Wisconsin State Statutes provides that a municipality establish its elections reporting units no later than 30 days before an election, therefore setting the implementation date of this new reporting structure with the February 15, 2022 Spring Primary.

DATED this _____ day of _____, 2020.

TOWN OF DELAFIELD

Ron Troy, Town Chairman

ATTEST:

Dan Green, Administrator-Clerk/Treasurer

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. 2021-04

**AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 9.09 OF THE TOWN OF
DELAFIELD MUNICIPAL CODE CONCERNING PERMISSION TO CONSUME
ALCOHOL IN PARKS IN THE TOWN OF DELAFIELD**

WHEREAS, Section 9.09(2) of the Town of Delafield Town Code currently allows the Town Board to approve the consumption of alcohol in Town parks at community functions or events; and

WHEREAS, with the hiring of a Town Administrator, some administrative functions of the Town government are better handled by the professional administration than by the governing body, for more efficient operations and to provide a more efficient service to Town residents; and

WHEREAS, the Town Board hereby intends to delegate to the Town Administrator the power to approve consumption of alcohol in Town parks at community functions or events.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 9 of the Town of Delafield Municipal Code entitled "Public Peace and Good Order," Section 9.09 entitled "Consumption of Alcohol Beverages in Public Places Prohibited," subsection (2) is hereby repealed and re-created as follows.

(2) The prohibition in sub. (1) shall not apply to community functions or events when authorized by specific written action of the Town Board Administrator. In exercising this authority, the Town Administrator shall consider the size of the event, the location of the event, the precautions to be taken by event organizers, and such other relevant facts and circumstances in the situation, to protect health and safety and ensure compliance with applicable laws.

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 ordinance 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 be effective upon publication or posting as provided by law.

Dated this ____ day of _____, 2021.

TOWN OF DELAFIELD

Ron Troy, Town Chair

ATTEST:

Dan Green Town Administrator-Clerk/Treasurer

This ordinance posted or published _____.

9.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE. (Am. 06-006) The following statutes with the prefix "9" defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Town, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under §25.04 of this Code.

| | |
|----------------------------|--------------------------------------------------------------------|
| 9.50.58 | Careless Smoking |
| 9.134.71 | Pawnbrokers and Secondhand Dealers |
| 9.144.42(6) | Tampering With Pollution System |
| 9.161.41(2m) | Unlawful Manufacture/Delivery of Controlled Substance |
| 9.161.14(3); | Possession of Controlled Substance |
| 9.167.31 | Use and Transportation of Firearms |
| 9.167.32 | Safety at Sporting Events |
| 9.175.25 | Illegal Storage of Junked Automobiles |
| 9.218.0145 & 9.218.0146 | Used Cars/Prohibited Acts |
| 9.218.0147 | Motor Vehicles/Sale to Minors |
| 9.254.76 | Careless Smoking |
| 9.285.30 | Tampering with Pollution System |
| 9.939.05 | Parties to Crime |
| 9.939.22 | Words and Phrases Defined |
| 9.939.32 | Attempt |
| 9.940.19(1) | Battery |
| 9.940.32 | Stalking |
| 9.941.01 | Negligent Operation of Vehicle |
| 9.941.10 | Negligent Handling of Burning Material |
| 9.941.12(2);(3) | Interfering With Fire Fighting |
| 9.941.13 | False Alarms |
| 9.941.20(1) | Reckless Use of Weapon |
| 9.941.23 | Carrying Concealed Weapon |
| 9.941.235 | Carrying Firearm in Public Building |
| 9.941.237 | Possession of Handguns in Taverns |
| 9.941.24 | Possession of Switchblade Knife |
| 9.941.26(4) | Use of Pepper Spray |
| 9.941.36 | Fraudulent Tapping of Electric Wires, Gas or Water Meters or Pipes |

| | |
|------------------------------------|-----------------------------------------------------------------|
| 9.941.37 | Obstructing Emergency or Rescue Personnel |
| 9.943.01(1) | Criminal Damage to Property (\$1,000 or Less) |
| 9.943.07(1),(2),(3) 9.943.07(4) | Criminal Damage to Railroad Depositing Debris on Railroad |
| 9.943.11 | Entry Into Locked Vehicle |
| 9.943.125 | Entry Into Locked Coin Box |
| 9.943.13 | Trespass to Land |
| 9.943.14 | Criminal Trespass to Dwellings |
| 9.943.15 | Entry Into Construction Site, Locked Building, Dwelling or Room |
| 9.943.20 | Theft (\$1,000 or Less) |
| 9.943.21 | Fraud on Hotel or Restaurant Keeper (\$1,000 or Less) |
| 9.943.23 | Operating Vehicle Without Consent |
| 9.943.24 | Issue of Worthless Checks (\$1,000 or Less) |
| 9.943.34(1) | Receiving Stolen Property With Value (\$1,000 or Less) |
| 9.943.37 | Alteration of Property Identification Marks |
| 9.943.41(2), (3)(a)-(d),(4)(b) | Credit Card Crimes |
| 9.943.46 | Theft of Cable Television Service |
| 9.943.50 | Retail Theft (Shoplifting) |
| 9.944.15 | Fornication |
| 9.944.17 | Sexual Gratification |
| 9.944.20 | Lewd and Lascivious Behavior |
| 9.944.205 | Photos/Videos Showing Nudity |
| 9.944.30 | Prostitution |
| 9.944.31 | Patronizing Prostitutes |
| 9.944.32 | Soliciting Prostitutes |
| 9.944.33(1) | Pandering |
| 9.944.36 | Solicitation of Drinks Prohibited |
| 9.945.01 9.945.02 | Definitions Relating to Gambling Gambling |
| 9.945.04 | Permitting Premises to be Used for Commercial Gambling |
| 9.946.06 | Improper Use of Flag |
| 9.946.32 | False Swearing |

| | |
|--------------------------------|----------------------------------------------------------|
| 9.946.40 | Refusing to Aid Officer |
| 9.946.41 | Resisting or Obstructing Officer |
| 9.946.42(1) | Escape |
| 9.946.69 | Falsely Assuming to Act as Public Officer or Employee |
| 9.946.70 | Impersonating Peace Officer |
| 9.946.72(2) | Tampering With Public Records |
| 9.947.01 | Disorderly Conduct |
| 9.947.012 | Unlawful Use of Telephone |
| 9.947.013 | Harassment |
| 9.947.06 | Unlawful Assemblies |
| 9.948.10 | Exposing Sex Organ |
| 9.948.11(1), (2)(b),(c),(3) | Exposing a Child to Harmful Material |
| 9.948.40 | Contributing to Delinquency of Child |
| 9.948.51(1), (2),(3)(c) | Hazing |
| 9.948.60 | Possession of a Dangerous Weapon by a Child |
| 9.948.605 | Gun-free School Zone |
| 9.948.61 | Dangerous Weapons Other Than Firearms on School Premises |
| Ch. 951 | Crimes Against Animals |
| 9.961.14(3) | Possession of Controlled Substance |
| 9.961.41(2m) | Manufacture/Delivery of Controlled Substance |

9.02 USE OF FIREARMS. (Rep. & Rec. 2018-04)

- (1) Except as provided below, no person shall fire, discharge or use any firearm, such as a rifle, pistol, or revolver of any caliber, or CO2 pistols/rifles, other compressed air pistols/rifles, spring or air guns of any description within the Town.
- (2)
 - (a) A shotgun or muzzle loader may be used in the Town only for hunting purposes providing written permission is obtained from the property owner of the land to which the hunting is to be confined. Written permission shall be carried on the person while hunting. While hunting, a person shall not discharge a shot, slug or ball which passes beyond the property line of the area to which the hunting is confined.
 - (b) No person shall discharge a shotgun or muzzle loader within 300 feet of any building or roadway within the Town.
 - (c) No person shall discharge a firearm within 660 feet of any Town park, or within 1,700 feet of any hospital or school within the Town.
 - (d) Intentionally Omitted.
 - (e) No person may discharge any firearm as described in Section 1, nor shall any person discharge a shotgun or muzzle loader within lands that are part of a platted subdivision in the Town of Delafield.

9.03 BURNING. (Rep. & rec. #94-383, #95-389) No burning of any material shall be permitted within the Town except in strict compliance with the provisions of Section 5.01 of the Town Code. In addition, no person shall burn any material in a negligent manner such that a fire causing a fire run results.

9.04 LOUD AND UNNECESSARY NOISE.

(1) **PROHIBITED** . No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence.

(2) **OPERATION OF MOTOR VEHICLES** . It shall be a violation of this section for a person to operate a motor vehicle so as to cause the tires thereof to squeal, the horn to blow excessively or the motor to race excessively.

9.05 LOITERING PROHIBITED.

(1) **LOITERING OR PROWLING** . No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

(2) **OBSTRUCTION OF HIGHWAY BY LOITERING** . No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.

(3) **OBSTRUCTION OF TRAFFIC BY LOITERING** . No person shall loaf or loiter in groups or crowds upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public place within the City in such manner as to prevent, interfere with or obstruct the ordinary free use of such public streets, sidewalks, streets, street crossings and bridges or other public places by persons passing along and over the same.

9.06 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED.

No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fenced, in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

9.07 ABANDONED OR UNATTENDED REFRIGERATORS, ETC. PROHIBITED. No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing the door or lid, snap lock or other locking device from the ice box, refrigerator or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

9.08 LITTERING PROHIBITED. No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other of the Town or upon any private property or upon the surface of any body of water within the Town.

9.09 CONSUMPTION OF ALCOHOL BEVERAGES IN PUBLIC PLACES PROHIBITED.

(1) No person shall possess any open container of or use, consume, sell or convey any alcohol beverage in or upon the following:

(a) Any property, building or other structure owned or operated by the Town, or its public school districts.

(b) Any public street, alley, sidewalk, street crossing, bridge, public playground, public park or public

parking lot.

- (c) Any premises held out to the public for the use or parking of their motor vehicles, whether such premises are publicly or privately owned. This definition shall include the parking lots of all fermented malt beverages or liquor licensees, shopping centers, restaurants, bowling alleys, provided this enumeration is not exclusive.

(2) The prohibition in sub. (1) shall not apply to community functions or events when authorized by specific written action of the ~~Town Board~~ Administrator. In exercising this authority, the Town Administrator shall consider the size of the event, the location of the event, the precautions to be taken by event organizers, and such other relevant facts and circumstances in the situation, to protect health and safety and ensure compliance with applicable laws.

(3) All purchases of intoxicating liquor or fermented malt beverages by the glass or in open containers shall be consumed in the licensed premises where served, and shall not be removed therefrom or consumed in or upon any of the places described in sub. (1).

9.10 DRUG PARAPHERNALIA.

(1) **DEFINITION .** In this section "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance, as defined in Ch. 161, Wis. Stats., in violation of this section. It includes, but is not limited to:

- (a) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
- (b) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
- (c) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
- (d) Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
- (e) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
- (f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances.
- (g) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana.
- (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances.
- (i) Capsules, balloons, envelopes or other containers used, intended for use or designed for use in packaging small quantities of controlled substances.
- (j) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
- (k) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body.
- (l) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body including, but not limited to:

1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
2. Water pipes.
3. Carburetion tubes and devices.
4. Smoking and Carburetion masks.
5. Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
6. Miniature cocaine spoons and cocaine vials.
7. Chamber pipes.
8. Carburetor pipes.
9. Electric pipes.
10. Air-driven pipes.
11. Chillums.
12. Bongs.
13. Ice pipes or chillers.

(2) DETERMINATION OF DRUG PARAPHERNALIA . In determining whether an object is drug paraphernalia, the following shall be considered:

- (a) Statements by an owner or by anyone in control of the object concerning its use.
- (b) Prior convictions, if any, of an owner or of anyone in control of the object under any city, State or federal law relating to any controlled substance.
- (c) The proximity of the object in time and space to a direct violation of this section.
- (d) The proximity of the object to controlled substances.
- (e) The existence of any residue of controlled substances on the object.
- (f) Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom the person knows or should reasonably know intent to use the object to facilitate a violation of this section. The innocence of an owner or of anyone in control of the object as to a direct violation of this section shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.
- (g) Oral or written instructions provided with the object concerning its use.
- (h) Descriptive materials accompanying the object which explain or depict its use.
- (i) National and local advertising concerning its use.
- (j) The manner in which the object is displayed for sale.
- (k) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.
- (l) The existence and scope of legitimate uses for the object in the community.
- (m) Expert testimony concerning its use.

(3) PROHIBITED ACTIVITIES.

- (a) Possession of Drug Paraphernalia . No person may use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this section.
- (b) Manufacture, Sale or Delivery of Drug Paraphernalia . No person may sell, deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this section.
- (c) Delivery of Drug Paraphernalia to a Minor . Any person 18 years of age or over who violates par. (b) by delivering drug paraphernalia to a person under 18 years of age is guilty of a special offense.
- (d) Advertisement of Drug Paraphernalia . No person may place in any newspaper, magazine, handbill or other publication or upon any outdoor billboard or sign any advertisement knowing that the purpose of the advertisement in whole or in part is to promote the sale of objects designed or intended for use as drug paraphernalia.
- (e) Exemption . This subsection does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ch. 161, Wis. Stats. This section does not prohibit the possession, manufacture or use of hypodermics in accordance with Ch. 161, Wis. Stats.

(4) PENALTIES .

- (a) Any drug paraphernalia used in violation of this section shall be seized and forfeited to the Town.
- (b) Any person who violates pars. (3)(a) (b) or (d) shall, upon conviction, be subject to a forfeiture of not more than \$500, together with the costs of prosecution and, upon default of payment, be imprisoned in the county jail or house of correction until the costs are paid, but not to exceed 20 days.
- (c) Any person who violates par. (3)(c) shall, upon conviction, be subject to a forfeiture of \$1,000, together with the costs of prosecution and, upon default of payment, be imprisoned in the county jail or house of correction until the costs are paid, but not to exceed 40 days.

9.11 (repealed in its entirety 06-006)**9.12 LAWN FERTILIZER APPLICATION CONTROL** (Cr. #2004-01)

(1) **"Applicator"** defined . For purposes of this ordinance, applicator shall be defined as any firm, corporation, franchise, a commercial or noncommercial applicator for hire engaged in the business of landscaping or lawn care, and the application of fertilizer in conjunction therewith, or any individual property owner or renter.

(2) **RESTRICTIONS ON FERTILIZER CONTENT . Fertilizer Content.** No applicator shall topically apply any lawn fertilizer, liquid or granular, within the Town of Delafield which contains more than 3% phosphorous or other compound containing phosphorous. This restriction does not pertain to the use of phosphorous fertilizer on lands zoned agricultural and when used for crop production.

(3) REGULATION OF APPLICATION .

- (a) Time of application . No applicator may apply lawn fertilizer when the ground is frozen or when conditions exist which will promote or create runoffs.
- (b) Impervious surfaces and drainage ways . No applicator shall apply fertilizer to impervious surfaces; such as driveways, sidewalks and streets or areas within drainage ditches or waterways. In cases where fertilizer unintentionally lands on a sidewalk, street or driveway, the applicator or person shall be required to sweep it off that surface.
- (c) Buffer Zone . No fertilizers containing phosphorus may be applied below the ordinary high water lines

of any stream or water body as established by the Wisconsin Department of Natural Resources.

(4) **PENALTIES** . Violations of this section shall carry penalties as provided in 25.04 of this Municipal Code.

9.13 EMERGENCY VEHICLE LANE ON PRIVATE ROADS.

- (a) Definition. "Private road" is every way or place in private ownership and used for vehicular traffic only by the owners and those having express or implied permission from the owners. A private road as used in this section does not include a driveway which provides access to a single residence or parcel, or parking lots.
- (b) Establishment. An emergency vehicle lane is established on all private roads within the Town.
 - 1. If the private road is less than 20 feet wide, the emergency vehicle lane shall be the entire width of the roadway.
 - 2. If the private road is more than 20 feet wide, the emergency vehicle lane shall be that half of the road which is the most northern or eastern lane depending on the orientation of the road.
- (c) Parking Prohibited.
 - 1. Parking is prohibited on all private roads anywhere within the emergency vehicle lane.
 - 2. Exception. Permission for parking in the emergency vehicle lane may be given by the Town Fire Department upon written request, which includes the address of the property, filed at least 72 hours before the date requested, for special situations in which additional parking is required, such as for loading and unloading moving vans, large gatherings or similar events. This permission is restricted to 3 requests per calendar year.
- (d) Posting.
 - 1. The Town shall post a sign regarding these regulations in the public road right-of-way nearest or immediately adjacent to the intersection of the private road and the public highway for all private roads existing on the date the ordinance enacting this section is effective.
 - 2. For private roads proposed and constructed after the effective date of this section, the property owner or developer shall post these regulations in accord with subdivision 1.
- (e) Violations of this section shall be subject to the penalties and procedures found in §25.04, of the Town Code.

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.

9.14 MINIMUM PROPERTY STANDARDS.

The following minimum property standards shall apply throughout the Town of Delafield. Nothing herein shall be interpreted to abrogate any more restrictive requirements that may apply per this Code or other applicable laws. In the event the standards hereby established conflict or coincide with requirements established in other sections of this Code or other applicable laws, the more restrictive shall apply.

(4) **REGULATION OF POLYSTRUCTURES.**

- (a) Definition: Polystructure. A building having a frame of steel or other materials which is covered with plastic, polyurethane, vinyl, canvas, or other flexible sheeting material.
- (b) Purpose. The following polystructure regulation is created, to protect against risks of blight or adverse aesthetic impacts on abutting properties and related diminution of property values that can arise from polystructures, as they are not as substantial as traditional construction methods used in the Town, and they do not have the image of stability and security of traditional construction methods.
- (c) Minimum Standards. Polystructure(s) are prohibited, except as follows. Polystructure(s) may be allowed in conjunction with approved commercial nursery or greenhouse operations for the sole

purposes of housing live plants, or farm operations for agricultural purposes, subject to all conditions that may apply to such operations per applicable laws.

(5) REGULATION OF VACATION RENTAL.

- (a) Definition: Vacation Rental Establishment. Any property that is regulated by Wisconsin Statutes Chapter 254, subchapter VII, as a tourist rooming house; and in addition, any real property that is subject to any verbal or written contract, lease, sublease, rental agreement, easement, instrument or other device (the "Agreement"), if all of the following circumstances apply: (i) the Agreement or Agreements create a right to occupy said property during separate periods of time; (ii) such rights of occupancy have an actual duration of less than one month; (iii) the Agreement requires payment or other remuneration or barter, for the benefit of the property owner; and (iv) the separate rights to occupy the property occur two or more times per calendar year. Nothing herein shall be interpreted to include rental of property which does not qualify as a vacation rental pursuant to this definition.
- (b) Purpose. The following vacation rental establishment licensing regulations are created, to ensure that applicable State laws are followed, to protect persons engaged in this practice either as landlord or tenant; to protect against adverse impacts of noise, odor, disturbance, adverse visual impacts, or other nuisances, that this practice could have upon neighboring properties; to preserve property values for the commercial benefit of the Town; and also to control the impacts of such operations on municipal services, including snow plowing, garbage collection, sanitation, law enforcement and fire protection.
- (c) Minimum Standards.
1. License Required. No vacation rental establishment may operate in the Town unless a Vacation Rental Establishment License for such operation is granted by the Town, and only in full compliance with such License.
 2. Procedure. The General Provisions as to Licenses, described in Section 12.02 of this Code, apply to Vacation Rental Establishment licenses.
 3. Conditions Under Which Permitted. A license shall not be granted for a vacation rental establishment unless all of the following conditions are met:
 - a. The Petitioner must provide to the Town Clerk a copy of the State Tourist Rooming House permit for the Subject Property, prior to the Town's license being effective; and evidence of each renewal of such State permit shall be filed by the Petitioner with the Town Clerk, such that evidence of a current State permit is always on file for the duration of the Town's vacation rental establishment license.
 - b. Transfer of a license because of transfer or sale of property is not permissible. Should such property be sold, then the license shall become void.
 - c. All vacation rental establishments shall be subject to and comply with Wisconsin Statutes Chapter 254, subchapter VII including maintaining a tourist rooming house annual permit as required by Wisconsin Statutes Section 254.69(2), which sections are incorporated herein by reference.
 - d. All vacation rental establishments shall be subject to and comply with Wisconsin Administrative Code HS 195 which is hereby incorporated by reference.
 - e. Each vacation rental establishment shall be required to keep a register and require all guests to sign such register using their actual names and address before being assigned quarters. The register shall be available for inspection by the Waukesha County Sheriff's Department, and Town Code Enforcement Officer for a period of not less than one year.
 - f. A minimum of one off-street parking stall shall be provided for every guest bedroom with a minimum of three. All parking areas shall meet the size and location requirements of the Town Code and shall be hard-surfaced and maintained in a reasonably dustless condition.

- g. Every vacation rental establishment shall be properly addressed with numbers on the street side of the structure, a minimum of 5" high and of contrasting color so as to be visible from the street.
- h. The Town Board shall consider the potential impact to the surrounding neighborhood and proximity to any existing bed and breakfast establishment or vacation rental establishment when reviewing a request for a vacation rental establishment license.
- i. Whenever the property changes ownership, an occupancy permit and a new license is required to ensure compliance with all State and local regulations and ordinances.
- j. Every license for a vacation rental establishment shall be placed on a February Town Board meeting agenda for consideration and possible action upon annual review, to ensure compliance with all licensing requirements. Such property may be inspected by the Waukesha County Sheriff's Department, Town Fire Department, Town Code Enforcement Officer, or other authorized personnel of the Town to investigate and determine if any violations exist.
- k. All refuse containers shall be screened from view.
- l. If the Town finds that any statement made on the license application is incorrect, at any time, the Town may immediately and summarily revoke the conditional use permit.
- m. Sleeping quarters related to a vacation rental establishment use shall only be located within the principal structure on the lot. Accessory buildings cannot be used for sleeping quarters.
- n. Property that is used for a vacation rental establishment must have clearly delineated property lines, by approved fences, vegetation or other means to the satisfaction of the Town Board. Such clear delineation must be maintained for the duration of the license, to ensure that all users of the property are clearly aware of the boundaries of the property and confine their use to the applicable parcel.
- o. Unless the property is connected to a municipal sewer system, the Petitioner/Owner must provide to the Town Code Enforcement Officer, proof that is satisfactory to the Town Code Enforcement Officer that the septic system is properly sized for purposes of the proposed use. Such septic system must be properly maintained at all times for the duration of the conditional use permit.
- p. The vacation rental establishment occupancy limits shall not exceed the number of occupants allows in Wisconsin Administrative Code Section DHS 195.14(2)(b) per bedroom, and also shall not exceed 8 per 1,000 square feet of living area within the principal structure.
- q. The parcel cannot have more people on site than the higher of 20 people or the maximum number of people allowed under Wisconsin Administrative Code Section DHS 195.14(2)(b).
- r. The Petitioner/Owner must provide a copy of this section and a copy of the license, to all parties using the property for vacation rental purposes, prior to commencement of each such use.

(6) NO UNDESIRABLE STRUCTURES.

- (a) Purpose. The following minimum standards are created, to protect against risks of blight or adverse aesthetic impacts on abutting properties and related diminution of property values that can arise from undesirable structures as described below; to protect against adverse impacts of noise, odor, disturbance, adverse visual impacts, or other nuisances, that can be caused by such issues; and to preserve property values for the commercial benefit of the Town.
- (b) Minimum Standards. (repealed and recreated 2015-01) No building or structure shall be erected, converted, relocated, enlarged, structurally altered, occupied or reoccupied and no lumber, materials, furniture, equipment or excess excavation shall be stacked, piled or stored in a manner which adversely affects the property values or general desirability of the neighborhood.

1. The Code Enforcement Officer shall submit any such case in question respecting undesirable structures to the Architectural Control Commission for its determination.
2. The Architectural Control Commission shall base its determination on the following considerations:
 - a. Design or appearance of such unorthodox or abnormal character as to be considered unsightly or offensive to the degree that would have an adverse effect on the property values or general desirability of the neighborhood; or
 - b. Identical design and appearance with adjoining buildings or structures to the degree that monotony and commonness would have an adverse effect on the property values and general desirability of the neighborhood.
3. The decision of the Architectural Control Commission shall be stated in writing, including the reason for the decision.

(7) SITE MAINTENANCE.

(a) Purpose. The following minimum standards are created, to protect the health, safety and welfare of the residents of the Town and to maintain the desirability, amenities and property values of the residential, commercial and industrial neighborhoods of the Town.

(b) Minimum Standards.

1. General Maintenance. The exterior of every structure or accessory structure shall be maintained free of broken glass, loose shingles, excessive paint peeling, crumbling stone or brick, loose boards or other conditions reflective of deterioration or inadequate or deferred maintenance.
2. Litter Control. Construction sites shall be maintained in a manner so as to prevent litter from being blown off the site. Accordingly, all litter from construction activities shall be picked up at the end of each workday and placed in appropriate containers. Litter collection and storage areas shall be maintained in a clean condition to ensure that all litter on the premises is controlled and disposed of properly. Additionally, prime contractors shall also be responsible to abide by this provision.
3. Outside Storage. No unenclosed storage of materials, equipment or supplies including, but not necessarily limited to, unused or junked appliances, furniture, lumber, bricks and cement blocks shall be permitted where such storage is readily visible from any public place or from any surrounding private property. Dumpster and recycling areas for development occurring subsequent to this chapter shall be adequately screened from view.

(8) PARKING OF VEHICLES.

(a) Purpose. The following minimum standards are created, to protect against risks of blight or adverse impacts on abutting properties and related diminution of property values that can arise from parking of vehicles as described below; and to preserve property values for the commercial benefit of the Town

(b) Minimum Standards.

1. Parking of cars, vans, sport utility vehicles and light duty pick-up trucks accessory to a residential use shall be limited to those actually used by the residents or for temporary parking of guests.
2. No more than one commercial panel truck or pick-up truck is allowed per lot with a residential use. Such truck and any attached extraneous material shall not exceed 20 feet 6 inches in length, 8 feet in height nor 7 feet in width.
3. No bus, truck or other equipment shall be regularly parked on road right-of-ways.
4. Recreational vehicles shall be kept in a garage or shall have a planting screen, landscaped fence, or wall at least four feet in initial height along a side abutting or fronting a residential property, with the exception of boats.

5. Recreational equipment parked or stored shall not have fixed connections to electricity, water, gas or sanitary sewer facilities and at no time shall this equipment be used for living or housekeeping purposes.
6. If camping or recreational equipment is parked or stored outside of a garage, it shall be parked or stored subject to the following: There shall be a minimum setback of 50 feet when parked or stored adjacent to a public street or highway. It shall be parked or stored between the rear lot line and the principle structure, and it shall be parked or stored not closer than 10 feet from a side or rear lot line. Notwithstanding the above, camping or recreational equipment may be parked anywhere on the premises for loading or unloading purposes for a period of not more than 48 hours.
7. There shall be no parking or storage anywhere on property that is used for residential purposes of any equipment which is no longer capable of the use intended or requiring repair over and above ordinary maintenance. All recreational equipment shall be kept in good condition. The ground area under and immediately surrounding where such recreational equipment is stored shall be maintained free of noxious weeds, debris or overgrowth.

(9) **EXCEPTIONS OR MODIFICATIONS.**

Where, in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of this Section 9.14 due to exceptional circumstances, the Town Board may waive or modify any requirement to the extent deemed just and proper on a case-by-case basis. An exception or modification granted by this subsection 9.14(6) shall only affect the otherwise applicable requirements of this Section 9.14, and shall have no effect on any other provisions of this Code or other applicable laws.

No exception or modification to the provisions of this Section 9.14 shall be granted unless the Town Board finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- (a) **Exceptional Circumstances.** There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Section 9.14 would result in a severe burden. Such circumstances should not apply generally to other properties or be of such a recurrent nature as to suggest that Section 9.14 should be changed.
- (b) **Preservation of Property Rights.** That such exception or modification is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- (c) **Absence of Detriment.** That the exception or modification will not create substantial detriment to adjacent property, the desirable general development of the Town and its environs, and will not materially impair or be contrary to the purpose and spirit of this Section 9.14.

9.15 PENALTY.

(1) Except as otherwise provided in this chapter, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in §25.04 of this General Code.

(2) In addition to any penalty imposed for violation of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for costs of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who damages or destroys any public property may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with §895.035, Wis. Stats.

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. 2021-05

**AN ORDINANCE TO REPEAL AND RE-CREATE MULTIPLE SUBSECTIONS WITHIN
CHAPTER 19 OF THE TOWN OF DELAFIELD MUNICIPAL CODE CONCERNING
PARK REGULATIONS.**

WHEREAS, the Town of Delafield has eliminated the Park Commission, but numerous references to the Park Commission remain in Chapter 19 of the Town Code; and

WHEREAS, it is necessary therefore to update the Town Code to address the roles and responsibilities consistent with current practices; and

WHEREAS, in conjunction with this update, it is appropriate to clarify certain terms as described herein.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 19 of the Town of Delafield Municipal Code entitled "Parks," Section 19.01 entitled "Park Rules Adopted," subsection (1) entitled "Definitions," subsection (c) is hereby repealed and re-created as follows.

~~(c) Commission means the park and recreation commission~~ Town staff means the Administrator, Highway Superintendent or Baseball Coordinator

SECTION 2: Chapter 19 of the Town of Delafield Municipal Code entitled "Parks," Section 19.01 entitled "Park Rules Adopted," subsection (1) entitled "Definitions," subsection (d) is hereby repealed.

~~(d) Park includes the grounds, buildings thereon, waters therein, and any other property which is now or may hereafter be under the control or jurisdiction of the commission.~~

SECTION 3: Chapter 19 of the Town of Delafield Municipal Code entitled "Parks," Section 19.01 entitled "Park Rules Adopted," subsection (5) entitled "Leasing of Equipment," is hereby repealed and re-created as follows.

(5) Leasing of Equipment.

The ~~commission~~ Town Board is authorized to lease equipment suitable for recreational purposes to private organizations upon such terms as it may determine provided that any

such lease shall contain the provisions binding the lessee to save and keep the town harmless from any and all liability whatsoever arising out of the leasing and use of such equipment, and provided further that the committee may, in its discretion, in each case require lessee to provide public liability insurance covering the use of such equipment.

SECTION 4: Chapter 19 of the Town of Delafield Municipal Code entitled “Parks,” Section 19.01 entitled “Park Rules Adopted,” subsection (6) entitled “Operating Hours,” subsection (a) is hereby repealed and re-created as follows.

- (a) Except for vehicular traffic moving upon through streets or roadways, and except when the ~~commission~~ Town Board publishes general permission to use all or certain parks or parkways upon summer nights, the parks and parkways shall be closed at 10:00 p.m. each night until 6:00 a.m. the following morning, and no person shall remain therein during those hours, provided that, the ~~committee~~ Town Board may from time-to-time, in all or any of the parks, publish or post closing hours different from the above or discontinue closing hours as in the exercise of the judgement of the ~~committee~~ Town Board may appear reasonable and necessary.

SECTION 5: Chapter 19 of the Town of Delafield Municipal Code entitled “Parks,” Section 19.01 entitled “Park Rules Adopted,” subsection (6) entitled “Operating Hours,” subsection (b) is hereby repealed and re-created as follows.

- (b) In case of emergency, or when in the judgement of the ~~commission~~ Town Board the public interest demands it, any portion of the parks or buildings and/or shelters therein may be closed to the public, or to designated persons until permission is given to return.

SECTION 6: Chapter 19 of the Town of Delafield Municipal Code entitled “Parks,” Section 19.01 entitled “Park Rules Adopted,” subsection (14) entitled “Advertising and Sales,” subsection (b) is hereby repealed and re-created as follows.

- (b) No person, except upon written permit from the authorized representative of the ~~commission~~ Town Board, pursuant to Section 4 above, shall distribute, post, affix or display any card, handbill, sign, placard, target, banner, flag (except that of the United States and the State of Wisconsin), or advertisement of any kind. The word “distribute” includes the scattering of printed matter from aircraft.

SECTION 7: Chapter 19 of the Town of Delafield Municipal Code entitled “Parks,” Section 19.01 entitled “Park Rules Adopted,” subsection (15) entitled “Permit for Picnic Areas,” is hereby repealed and re-created as follows.

- (15) Permit for Picnic Areas.
 - (a) No person shall in any manner disturb, harass or interfere with any person or party holding a written permit from the ~~commission~~ Town or with any such person’s or party’s equipment or property.
 - (b) Permits for the exclusive use of any picnic or play area for any specific date or time may be granted at the discretion of the ~~commission~~ Town Staff, and no person shall in any manner disturb or interfere with any person or party occupying the ground under such a permit, or with any of such person’s or party’s equipment or property.

SECTION 8: Chapter 19 of the Town of Delafield Municipal Code entitled “Parks,” Section 19.01 entitled “Park Rules Adopted,” subsection (18) entitled “Animals,” subsection (b) is hereby repealed and re-created as follows.

- (b) No person having the control or care of a dog on a leash shall permit a dog to enter or remain in a public park unless it is led by a leash of suitable strength not more than six (6) feet in length and then only within such areas in parks as have been designated by order of the town. The ~~committee~~ Town Board shall cause signs to be posted in areas wherein dogs are not permitted, including baseball, softball and soccer fields at the Sports Commons. All waste must be collected and removed in compliance with Town Ordinance of 8-8-95. All persons having control or care of a dog in a public park require proof of the ability to collect dog waste.

SECTION 9: Chapter 19 of the Town of Delafield Municipal Code entitled “Parks,” Section 19.01 entitled “Park Rules Adopted,” subsection (23) entitled “Traffic Regulation,” is hereby repealed and re-created as follows.

(23) Traffic Regulations.

In addition to all other state and local traffic regulations, the following specific regulations shall apply within the parks:

- (a) No person shall drive any automobile, motorcycle, or other vehicle traffic or burden, including “off road vehicles” upon any part of the parks except the proper drives and parking areas or permit the same to stand upon the drives or any part thereof so as to congest traffic or obstruct the drive. This subsection shall not apply to vehicles engaged in the construction, maintenance, or operation of the park or to vehicles making deliveries to the parks under permit of the ~~commission~~ Town Staff.
- (b) No person shall cause any taxicab, bus limousine or other vehicle for hire to stand upon any part of the parks for the purpose of soliciting or taking in passengers or persons other than those carried to the parks by the vehicle, unless licensed by the Town Board.
- (c) No person shall cause any bus, cart, dray, wagon, truck or trailer or other vehicle carrying goods, merchandise, manure, soil, or any other articles, or solely in use for the carriage of goods, merchandise, manure, or other article to enter or be driven in any part of the parks. This subsection shall not apply to vehicles engaged in the construction, maintenance or operation of the park or to vehicles making deliveries to the parks under permit of the ~~commission~~ Town Staff.
- (d) It shall be the duty of every person operating an automobile, motorcycle or other vehicle or traffic or burden within the parks to comply with the state, county and municipal traffic laws and with all orders, directions, and regulations of traffic officers, or officially displayed on any post, standard sign or device installed for the regulation of traffic.
- (e) The ~~commission~~ Town Board shall cause signs to be erected indicating speed limits on roads and drives. Where no such signs are posted the speed shall in no case be greater than ten (10) miles per hour.
- (f) The ~~commission~~ Town Board shall cause to be erected such other traffic control signs as are necessary or which might become necessary for the proper regulations and safe movement of vehicles and pedestrians.
- (g) Vehicles normally shall be parked in designated parking areas.

SECTION 10: 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 ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 11: EFFECTIVE DATE.

This ordinance shall be effective upon publication or posting as provided by law.

Dated this ____ day of _____, 2021.

TOWN OF DELAFIELD

Ron Troy, Town Chair

ATTEST:

Dan Green Town Administrator-Clerk/Treasurer

This ordinance posted or published _____.

PARKS

19.01 PARK RULES ADOPTED.(1) DEFINITIONS.

- (a) Town means the Town of Delafield.
- (b) Town Board means the Town of Delafield Board of Supervisors.
- ~~(c) Town staff means the Administrator, Highway Superintendent or Baseball Coordinator~~
- ~~(e) Commission means the park and recreation commission.~~
- ~~(d) Park includes the grounds, buildings thereon, waters therein, and any other property which is now or may hereafter be under the control or jurisdiction of the commission.~~

(2) PURPOSE. The purpose of this article is:

- (a) To protect the town's parks and appurtenances thereto from fire, abuse and desecration;
- (b) To provide for the recreational use of these areas;
- (c) To control and regulate traffic and maintain general order therein; and
- (d) To further the safety, health, comfort, morals and welfare of all persons while within the limits of the parks.

(3) Rules, Regulations, Fees and Policies.

The Town Board may adopt additional rules and regulations for the proper conduct and administration of the parks in the town that are not consistent with the provisions of this ordinance, and may perform such other acts in managing the parks as are lawful and as it may deem expedient to promote the beauty and usefulness of said parks and to increase the comfort, safety, convenience and public welfare of the citizens of the town and of visitors to the parks in their use of same. All fees and policies for the administration of the park shall be adopted by the Town Board by separate resolution and kept on file in the Office of the Town Clerk.

(4) Permits.

All permits required by this article shall be issued by a duly authorized representative of the committee in writing and shall be subject to park rules and regulations. The persons to whom such permits have been granted shall be bound by the rules and regulations as fully as though the same were inserted in the permits, and any person to whom a permit has been issued shall be liable for any loss, damage, or injury sustained by the town or by any person by reason of the negligence of the person to whom the permit has been issued, their servants or agents, and shall save and keep the town harmless from any and all liability whatsoever arising out of such negligence.

(5) Leasing of Equipment.

The ~~commission-Town Board~~ is authorized to lease equipment suitable for recreational purposes to private organizations upon such terms as it may determine provided that any such lease shall contain the provisions binding the lessee to save and keep the town harmless from any and all liability whatsoever arising out of the leasing and use of such equipment, and provided further that the committee may, in its discretion, in each case require lessee to provide public liability insurance covering the use of such equipment.

(6) Operating Hours.

- (a) Except for vehicular traffic moving upon through streets or roadways, and except when the ~~commission-Town Board~~ publishes general permission to use all or certain parks or parkways upon summer nights, the parks and parkways shall be closed at 10:00 p.m. each night until 6:00 a.m. the following morning, and no person shall remain therein during those hours, provided that, the ~~committee-Town Board~~ may from time-to-time, in all or any of the parks, publish or post closing hours different from the above or discontinue closing hours as in the exercise of the judgement of the ~~committee-Town Board~~ may appear reasonable and necessary.
- (b) In case of emergency, or when in the judgement of the ~~commission-Town Board~~ the public interest demands it, any portion of the parks or buildings and/or shelters therein may be closed to the public, or to designated persons until permission is given to return.

- (7) Interference With Park Employees.
No person shall interfere with or in any manner hinder any employee of the town, nor any employee of a contractor while engaged in constructing, repairing or caring for any portion of the parks, or while in the discharge of the duties conferred by this article.
- (8) Alcoholic Beverages.
The use of alcoholic beverages in the parks shall be governed pursuant to the provisions of Section 9.09 of the Town ordinance.
- (9) Disorderly Conduct.
(a) No person shall use threatening, abusive, insulting, profane or indecent language, nor be guilty of conduct that is abusive, insulting, obscene, indecent or constitutes a breach of the peace.
(b) No person violating any of the prohibitions enumerated in subsection (1) shall be allowed to remain in any park.
(c) All radios, television sets and any other amplified electrical equipment must be operated in compliance with Section 9.04 of the Town Code, so as not to disturb the use and enjoyment of the park and its facilities by others.
- (10) Smoking and Disposal of Smoking Materials.
(a) No person shall be permitted to smoke, or to hold a lighted cigarette, cigar, or pipe in any building, or section of a building or shelter, or where officially posted notices so prohibit.
(b) No person shall throw or drop a lighted cigar or cigarette stub or empty a lighted pipe from a motor vehicle moving along a park drive.
- (11) Sale of Soda.
The committee may sell soda water beverages at Town parks.
- (12) Littering.
(a) No person shall scatter, drop or leave any piece of paper, rag, tin can, bottle, glass, peanut shells, melon rinds, banana peels or other garbage, dead flowers, or other rubbish in any portion of the parks, except in the receptacles provided for that purpose.
(b) Any person who breaks a bottle or other glassware in any park shall immediately pick up the broken pieces and remove same to a park waste container.
(c) No person shall deposit, dump, throw, or place any earth, rubbish, dust, manure, paper garbage, or any other refuse matter or any sand, stone, lumber, or building material, or any substance of any kind, in or upon any part of the waters, grounds, or roadways of any park without written permission of the committee.
- (13) Public Meetings, Parades and Funeral Processions.
No public meeting or assemblies, military or other parade or procession, or funeral shall take place in or pass through the limits of any park except upon written permit from the authorized representative of the committee, pursuant to Section 4 above, and then only in areas designated in the permit.
- (14) Advertising and Sales.
(a) No person shall sell, keep, or offer for sale any tangible or intangible article, merchandise, or thing; nor solicit for any trade, occupation, business or profession, or for alms, within any park without the written permit from the Town Board.
(b) No person, except upon written permit from the authorized representative of the ~~commission~~Town Board, pursuant to Section 4 above, shall distribute, post, affix or display any card, handbill, sign, placard, target, banner, flag (except that of the United States and the State of Wisconsin), or advertisement of any kind. The word "distribute" includes the scattering of printed matter from aircraft.
- (15) Permit for Picnic Areas.
(a) No person shall in any manner disturb, harass or interfere with any person or party holding a written permit from the ~~commission~~Town or with any such person's or party's equipment or property.
(b) Permits for the exclusive use of any picnic or play area for any specific date or time may

be granted at the discretion of ~~the Town Staff commission~~, and no person shall in any manner disturb or interfere with any person or party occupying the ground under such a permit, or with any of such person's or party's equipment or property.

(16) Weapons.

- (a) No person shall carry, fire or discharge any gun, pistol, or firearm, nor any rocket, torpedo or any other fireworks of any description, nor shall any person engage in trapping; nor shall any person hunt with bow and arrow within any park. The word "gun" includes air gun.
- (b) No person shall throw stones or missiles in or into any park.

(17) Fires.

- (a) Persons shall be permitted the use of private cooking grills subject to regulations as may be prescribed. Use of charcoal shall be permitted provided lawns and other vegetation are not damaged and provided further that all unburned coals or ash are disposed of in such manner as to prevent fire or damage to any park property.
- (b) Any and all other fires within the park are strictly prohibited and governed under the provisions of Section 5.01 of the Town Code.

(18) Animals.

- (a) No animal, except those placed in the park by the authority of the town board, except dogs on leash as regulated by subsection (b) hereof, shall be conducted into or driven within the parks or be allowed to remain therein.
- (b) No person having the control or care of a dog on a leash shall permit a dog to enter or remain in a public park unless it is led by a leash of suitable strength not more than six (6) feet in length and then only within such areas in parks as have been designated by order of the town. The ~~committee-Town Board~~ shall cause signs to be posted in areas wherein dogs are not permitted, including baseball, softball and soccer fields at the Sports Commons. All waste must be collected and removed in compliance with Town Ordinance of 8-8-95. All persons having control or care of a dog in a public park require proof of the ability to collect dog waste.

(19) Injury to Vegetation, Structures, and Equipment.

- (a) No person shall climb any tree, or pluck any flowers or fruit, wild or cultivated, or break flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure, or other property within any park.
- (b) No person in any park shall remove any device for the protection of trees or shrubs, nor shall any person fasten an animal next to any tree, shrub, or grass plot which may become damaged by the action of the animal.

(20) Aircraft Landing Prohibited.

- (a) No person shall ascend or land with any aircraft including gliders and parachutes, nor engage in stunt flying or parachute landing in any park without the written permit of the Town Board.

(21) Sleeping or camping.

- (a) No person shall camp or lodge in any park.

(22) Public Utilities and Private Construction.

- (a) The location of all sewers and receivers, gas pipes, water pipes, stopcock boxes, hydrants, lamp posts, telegraph, telephone, and electric power posts and lines, manholes, conduit and pumps within any park shall be subject to the jurisdiction and control of the town. Their construction, erection, repair or relocation shall be undertaken only after written permission is received from the Town Board.
- (b) No curb, weather stone, concrete or grass shall be cut for the purpose of constructing a private driveway across any park border nor for any other purpose, without written permission from the Town Board. The location, width, grade, and construction of all paths, driveways and roadways across any sidewalk border along any parkway shall be

subject to the approval of, and constructed only after written permission thereof is obtained from the Town Board. Every person who shall receive a permit to open a trench, to cut a curb, or to deposit materials in or upon any park shall at all times after such work has been commenced or materials deposited, and until the same has been completed, and until all accumulations of materials resulting from such work have been removed, so guard and protect the same that persons driving or passing along the roadway sidewalk or in the vicinity of the place where the work is being done, shall not be likely to meet with any accident therefrom. Such a person shall also during the time from sunset to sunrise, each night while said work is in progress, cause the same to be securely fenced and guarded by a red light or lights placed in a conspicuous position and secured that the same shall not be extinguished.

(23) Traffic Regulations.

In addition to all other state and local traffic regulations, the following specific regulations shall apply within the parks:

- (a) No person shall drive any automobile, motorcycle, or other vehicle traffic or burden, including "off road vehicles" upon any part of the parks except the proper drives and parking areas or permit the same to stand upon the drives or any part thereof so as to congest traffic or obstruct the drive. This subsection shall not apply to vehicles engaged in the construction, maintenance, or operation of the park or to vehicles making deliveries to the parks under permit of the ~~commission~~Town Staff.
- (b) No person shall cause any taxicab, bus limousine or other vehicle for hire to stand upon any part of the parks for the purpose of soliciting or taking in passengers or persons other than those carried to the parks by the vehicle, unless licensed by the Town Board.
- (c) No person shall cause any bus, cart, dray, wagon, truck or trailer or other vehicle carrying goods, merchandise, manure, soil, or any other articles, or solely in use for the carriage of goods, merchandise, manure, or other article to enter or be driven in any part of the parks. This subsection shall not apply to vehicles engaged in the construction, maintenance or operation of the park or to vehicles making deliveries to the parks under permit of the ~~commission~~Town Staff.
- (d) It shall be the duty of every person operating an automobile, motorcycle or other vehicle or traffic or burden within the parks to comply with the state, county and municipal traffic laws and with all orders, directions, and regulations of traffic officers, or officially displayed on any post, standard sign or device installed for the regulation of traffic.
- (e) The ~~commission~~Town Board shall cause signs to be erected indicating speed limits on roads and drives. Where no such signs are posted the speed shall in no case be greater than ten (10) miles per hour.
- (f) The ~~commission~~Town Board shall cause to be erected such other traffic control signs as are necessary or which might become necessary for the proper regulations and safe movement of vehicles and pedestrians.
- (g) Vehicles normally shall be parked in designated parking areas.

(24) Bicycles.

- (a) Riders of bicycles shall comply with the section on Traffic Regulations.
- (b) No person shall ride a bicycle upon the lawns, walks, or foot trails in the parks.
- (c) Bicycle riders shall proceed in the extreme right hand lane of the drives at all times, in a single file only.
- (d) A bicycle shall not be towed by a rope or otherwise, nor shall any rider hold on to any moving vehicle for purpose of being drawn along.
- (e) Children riding bicycles that have wheels less than twenty (20) inches in diameter may use the footpaths.
- (f) Wherever possible, bicycles, shall be parked in places provided for such purpose.

(25) Horseback Riding.

No person shall ride horseback in any park.

19.02 SKATEBOARD AREA RULES ADOPTED (created 2003-007)

- (1) The Skateboard Area shall be open from sunrise to sunset, notwithstanding the general park rules found at §19.01.

- (2) The following items and activities are prohibited within the Skateboard Area, notwithstanding any general park rules which govern the Sports Commons:
- (a) Smoking
 - (b) Alcohol
 - (c) Glass containers
 - (d) Graffiti
 - (e) Homemade ramps
 - (f) Littering
 - (g) Bicycles
- (3) The provisions of section §19.01 apply to the Skateboard Area at the Town Sports Commons, except for those sections that contradict the specific provisions set forth herein.
- (4) The Park and Recreation Department may enact any other rules or regulations deemed necessary for the safety and well being of the people using the Skateboard Area and to preserve the amenities located there.

PUBLIC WATERS

19.05 APPLICABILITY AND ENFORCEMENT. The provisions of this chapter shall apply to the waters of Pewaukee Lake, within the jurisdiction of the Town of Delafield. The provisions of this chapter shall be enforced by the officers of the Water Safety Patrol Unit under jurisdiction of the Town of Delafield.

19.06 STATE BOATING AND WATER SAFETY LAWS ADOPTED. The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any statute incorporated by reference herein is required or prohibited by this chapter.

| | |
|-----------|--------------------------------------------------------------------------|
| §30.50 | Definitions |
| §30.501 | Capacity Plates on Boats |
| §30.51 | Operation of Unnumbered Boats Prohibited |
| §30.52 | Certificate of Number |
| §30.53 | Identification Number to be Displayed on Boat; Certificate to be Carried |
| §30.54 | Transfer of Ownership of Numbered Boat |
| §30.55 | Notice of Abandonment or Destruction of Boat or Change of Address |
| §30.60 | Classification of Motorboats |
| §30.61 | Lighting Equipment |
| §30.62 | Other Equipment |
| §30.64 | Patrol Boats Exempt from Certain Traffic Regulations |
| §30.65 | Traffic Rules |
| §30.66(1) | Speed Regulations |
| §30.67 | Accidents and Accident Reports |
| §30.675 | Distress Signal Flag |
| §30.68 | Prohibited Operation |
| §30.69 | Water Skiing |
| §30.70 | Skin Diving |
| §30.71 | Boats Equipped with Toilets |
| §30.79 | Municipal Water Safety Patrols |

19.07 DEFINITIONS.

- (1) **SHORE ZONE.** The water area within 200' pf any shore.
- (2) **SWIMMING ZONE.** An authorized area marked by official buoys to designate a swimming area.
- (3) **ANCHORAGE, MOORAGE.** An area where continuous anchoring or mooring of boats for more than 24 hours is permitted.

- (4) HOUSEBOAT. A boat on which a toilet or food preparation facilities exist and on which persons are living, sleeping or camping.
- (5) PUBLIC LANDING. A marina or landing facility and the adjoining public shoreline under the jurisdiction of the State, county or municipality.
- (6) SEALED OR INOPERATIVE TOILETS OR HEADS. Toilets or heads plugged from the outside of the hull in such a manner that the plug cannot be removed from the inside of the boat.

19.08 SPEED RESTRICTIONS.

- (1) GENERAL LIMITS. No person shall operate a motorboat at a speed in excess of 10 mph between one-half hour after sunset and one-half hour before sunrise on all waters, and no person shall operate a boat at a speed in excess of 50 mph at any time. This provision shall not apply to boats participating in authorized races over a course laid out and plainly marked and adequately patrolled.
- (2) SPECIAL LIMITS. No person shall at any time operate a motorboat in excess of 5 mph within 200' of any shore, swimmer not in a designated swimming area, marked public swimming area, diving flag, canoe, rowboat, sailboat, non-operating motorboat, bridge or public landing or anchorage.

19.09 OPERATION BY MINORS. No person under 12 years of age shall operate or be permitted to operate a motorboat of more than 10 horsepower unless there is present in the boat a person 16 years of age or older. The owner of the boat shall be held to have violated this section if he knowingly permits or suffers any such operation.

19.10 CAPACITY RESTRICTIONS. No person shall operate or loan, rent or permit a boat to leave the place where it is customarily kept for operation on the waters covered by this chapter with more passengers or cargo than a safe load.

19.11 ADDITIONAL TRAFFIC RULES. In addition to the traffic rules in §30.65, Wis. Stats., adopted in §19.06 of this chapter, the following rules shall apply to boats using the waters covered by this chapter.

- (1) RIGHT-OF-WAY AT DOCKS, PIERS AND WHARVES. Boats leaving or departing from a pier, dock or wharf shall have the right-of-way over all other watercraft approaching such dock, pier or wharf.
- (2) RIGHT-OF-WAY OF SAILBOATS. Boats propelled entirely by muscular power shall yield the right-of-way to sailboats, when necessary to avoid risk of collision.
- (3) HOUSEBOATS. Anchoring, drifting or mooring of houseboats is prohibited from midnight to sunrise. However, unoccupied houseboats may be anchored in designated anchorages or moored to shore during this period with written permission of the property owner and where suitable shore sanitary facilities are available for use.

19.12 INTOXICATION AND INTOXICATING LIQUORS. No person shall permit any person who is so intoxicated as to be unable to provide for his own safety or the safety of others, to ride as a passenger in any boat operated by him.

19.13 ANCHORAGES AND STATIONARY OBJECTS.

- (1) RAFTS AND BUOYS. No person shall erect or maintain any raft, ski jump, stationary platform or any other obstacle to navigation more than 200' from the shore at any time unless a permit is obtained from the Chief of the Water Safety Patrol. All rafts and other obstacles described in this section shall be so constructed or anchored as to provide at least 6" of freeboard above the waterline, painted white, and have attached not less than 12" from each corner or projection, a red reflector not less than 3" in diameter. All rafts shall be inscribed with the name and address of the owner.
- (2) DESIGNATION OF ANCHORAGES. The shore zone is designated an anchorage or moorage except in areas of heavy traffic where anchoring or mooring may be prohibited by order of the Chief of the Water Safety Patrol. Anchoring or mooring of a boat other than an emergency craft is prohibited in swimming zones. Anchoring or mooring for more than 24 hours is prohibited elsewhere on the lake.
- (3) PUBLIC LANDINGS. Mooring or anchoring of boats at public landings other than at piers as

designated by the controlling governmental agency is prohibited.

- (4) MOORING LIGHTS REQUIRED. No person shall moor or anchor any unoccupied boat, raft, buoy or other floating object more than 200' from the shoreline between sunset and sunrise unless a permit has been obtained from the Chief of the Water Safety Patrol and there is prominently displayed thereon a white light of sufficient size and brightness to be visible from any direction for a distance of 1500' on a dark night with clear atmosphere except as provided in par. (e). This provision shall not apply to the shore zone or objects moored or anchored in designated anchorages.
- (5) BUOYS MARKING RACE COURSES. Such buoys may be set without lighting provided that a permit has been obtained from the Chief of Water Safety Patrol and that they are a bright color and that they are made of materials which will not damage a boat if struck.
- (6) MOORING BUOYS. All mooring buoys placed on the water of the lake must comply with regulations of the Department of Natural Resources. Special permits shall be issued by the Chief of Water Safety Patrol for temporary nonconforming buoys necessary during regattas and sporting events.

19.14 SAFE OPERATION REQUIRED. No person shall operate, direct or handle a boat in such manner as to unreasonably annoy, unnecessarily frighten or endanger the occupants of his or other boats.

19.15 SWIMMING REGULATIONS.

- (1) SWIMMING FROM BOAT. No person shall swim from any unmanned boat unless such boat is anchored.
- (2) DISTANCE FROM SHORE. No person shall swim more than 200' from the shore unless in a designated swimming zone or when accompanied by a competent person in a boat.
- (3) HOURS LIMITED. No person shall swim more than 200' from the shoreline between sunset and sunrise.

19.16 WATER SKIING.

- (1) PERSONS IN A BOAT. No person shall operate a boat for the purpose of towing a person on water skis, aquaplane or similar device or permit himself to be towed for such purpose unless there are 2 or more competent persons 12 years of age or over in such a boat.
- (2) HOURS. No person shall operate a boat for the purpose of towing a water skier, aquaplane or similar device or engage in water skiing between sunset and 10 a.m.
- (3) DISTANCE FROM SHORE, LANDINGS AND BEACHES. No person shall operate a boat for the purpose of towing a water skier, and no water skier shall ski within 200' of the shoreline (except that take-offs of skiers perpendicular to the shoreline from piers are permitted, provided boats adhere to the speed limits for shore zones), or the outside limits of any swimming zone, any other watercraft, any swimmer not in a designated swimming area, any diving flag, or within 200' of any public boat landing.
- (4) LIFE PRESERVER OR BELT. No person shall engage in water skiing, aquaplaning or similar activity unless he is wearing a life belt or preserver.
- (5) LENGTH OF TOW. The maximum length of any tow rope for towing a person water skiing, aquaplaning or similar activity shall be 75'.
- (6) EXCEPTIONS. The limitations of this section shall not apply to participants in ski meets or exhibitions authorized and conducted as provided in §19.18.

19.17 LITTERING WATERS PROHIBITED. No person shall deposit, place or throw from any boat, raft, pier, platform or similar structure any cans, paper, debris, refuse, garbage, solid or liquid waste into the water or onto the ice.

19.18 RACES, REGATTAS, SPORTING EVENTS AND EXHIBITIONS.

- (1) PERMITS REQUIRED. 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 therefor by the Chief of the Water Safety Patrol.
- (2) PERMIT. A permit issued under this section shall specify the course or area of water to be used by participants in such event and the permittee shall be required to place markers, flags or buoys approved by the Chief of Water Safety Patrol designating the specified area. Permits shall be issued only if, in the opinion of the Chief, the proposed use of the water can

be carried out safely and without danger to or substantial obstruction of other watercraft or persons using the lake. Permits shall be valid only for the hours and areas specified thereon.

- (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 of event or interfere therewith.

19.19 MARKER AND NAVIGATION AIDS, POSTING OF.

- (1) DUTY OF CHIEF. The Chief of the Water Safety Patrol unit shall place authorized markers, navigation aids and signs in such water areas as shall be appropriate to advise the public of the provisions of this chapter and post and maintain a copy of this chapter at all public access points within the jurisdiction of the Village of Pewaukee, the Town of Delafield and Pewaukee and the County of Waukesha.
- (2) STANDARD MARKERS. All markers placed by the Chief of the Water Safety Patrol or any other person upon the waters of the lake shall comply with the regulations of the Department of Natural Resources.
- (3) INTERFERENCE WITH MARKERS PROHIBITED. No person shall, without authority, remove, damage, destroy, moor or attach any watercraft to any buoy, beacon or marker placed in the waters of the lake by the authority of the United States, State, County, Town, village or by any private person pursuant to the provisions of this chapter.

19.20 DRIVING AUTOMOBILES OR OTHER MOTOR DRIVEN VEHICLES ON THE ICE.

- or (1) SAFE OPERATION. No person shall use or operate any automobile or other motor driven vehicle in any manner so as to endanger persons engaged in skating or in any other winter sport or recreational activity being engaged in upon the ice and no person shall, while using operating any automobile or motor driven vehicle, tow, pull or push any person or persons on skates, sleds, skis, toboggan or device, or thing of any kind, designated or utilized to carry or support one or more persons.
- (2) SPEED. No person shall use or operate any automobile or other motor driven vehicle at a speed in excess of 10 mph.
- (3) PROPELLER DRIVEN SURFACE CRAFT PROHIBITED. No person shall operate any propeller driven surface vehicle, device or thing, whether or not designated for the transporting of a person or persons.
- (4) HOURS. No person shall use or operate any automobile or motor driven vehicle on the ice after 8:30 p.m.
- (5) DEFINITIONS.
- (a) AUTOMOBILE. All motor vehicles permitted to be operated on the highways in Wisconsin.
- (b) MOTOR DRIVEN VEHICLE. Any kind of device or thing designated or utilized for propulsion or movement upon the ice using a motor, whether of internal combustion design or not.
- (6) RISK AND LIABILITY. All traffic on the icebound water of Pewaukee Lake shall be at the risk of the traveler as set forth in §30.81(3), Wis. Stats., and nothing in this chapter shall be construed as rendering the enacting authority liable for any accident to those engaged in permitted traffic while this chapter is in effect.

19.21 PIERHEAD LINE. Pursuant to §30.11, Wis. Stats., a pierhead line is established within 100' of the shoreline of Pewaukee Lake. The line applies to all lands regardless of zoning classification and is shown on an official map on file in the office of the Town Clerk. For purposes of this section, "shoreline" is defined as the intersection of the land surfaces abutting the lake with the average annual high water elevation. Exceptions to the line shall require the approval of the Town Board and the Department of Natural Resources.

PENALTIES

19.25 PENALTIES AND DEPOSITS.

- (1) STATE STATUTES. Any person violating the provisions of any statute adopted by reference in §19.05 of this chapter shall be subject to a forfeiture not to exceed the maximum forfeiture allowed under the comparable State offense, including any variations or increases for second and subsequent offenses, plus costs and assessments where applicable.
- (2) LOCAL PROVISIONS. Any person violating any other provision of this chapter shall be subject to a penalty as provided in §25.04 of this General Code of Ordinances.
- (3) MONEY DEPOSITS. Any officer arresting a person for violation of a provision of this chapter who is unable to bring the person arrested before the court without unnecessary delay shall permit such person to make a money deposit as provided in §30.76, Wis. Stats. Such deposit shall be made to the Law Enforcement Officer or other person designated for collections.