

## TOWN OF GENEVA

### LAKE COMO CONSERVATION ORDINANCE NO. 69

An Ordinance to repeal and recreate Ordinance No. 69 of the Town of Geneva Ordinances, the Lake Como Conservation Ordinance.

#### **Section I ADOPTION**

The Town Board of the Town of Geneva does ordain that the following become a Lake Como Conservation Ordinance governing the protection and conservation of environmentally sensitive areas within Lake Como. The Town of Geneva has authority to regulate the activities on the surface waters of Lake Como as per State Statutes pursuant to Section 30.13 (2), stats.

#### **Section II PURPOSE AND INTENT**

The purpose and intent of the standards defined herein are to protect and preserve areas of significant natural resource value in Lake Como and adjacent to Lake Como in the Town of Geneva. Additional to maintain the esthetic and economic benefits provided for the residents and visitors to the Town of Geneva.

#### **Section III DEFINITION**

Conservation Area has the definition of an environmentally sensitive areas as described in section NR 107.05 (3)(I)(1.) of the Wisconsin Administration code AND as noted in the State of Wisconsin Department of Natural Resources Assessment Letter, "AQUATIC PLANT MANAGEMENT SENSITIVE AREA ASSESSMENT SUMMARY", as noted Resource Value of Areas 1 and 2, to the Town of Geneva, dated June 1, 1989 referencing Lake Como in the County of Walworth. (Exhibit A)

#### **Section IV DELINEATION OF CONSERVATION AREA (Latitude/Longitude coordinates as per [www.itouchmap.com](http://www.itouchmap.com)) Reference photo maps as Exhibits B & C**

Conservation Area I (East end) of Lake Como in the Town of Geneva in the County of Walworth is hereby created as follows: Commencing at (pt. 1) 42.606058, -88.483629, then N.E. to (pt. 2) 42.610014, -88.473104, then continuing to (pt. 3) 42.611702, -88.468518, then continuing to (pt. 4) 42.614065, -88.466195, continue to (pt. 5) 42.613575, -88.462847, continue to (pt. 6) 42.604986, -88.457156, continue to (pt. 7) 42.599539, -88.477769, continue to (pt. 8) 42.600566, continue North to (pt. 1) completes this area.

Conservation area II (West end) of Lake Como in the Town of Geneva in the County of Walworth is hereby created as follows: Commencing at (pt. 1) 42.599041, -88.506978, continue West to (pt. 2) 42.595634, -88.513809, continue to (pt. 3) 42.594852, -88.519592, continue to (pt. 4) 42.590942, -88.519807, continue to (pt. 5) 42.585887, -88.519764, continue to (pt. 6) 42.586933, -88.511766, continue Northeast to (pt. 1) completes this area.

## **Section V STANDARDS**

The purpose and intent of the Standards defined herein are to minimize the adverse effects and reduce any conflict as to use of the waters within Lake Como in order to promote and maintain the health, safety, and welfare of the lake.

### **A) Prohibited and Seasonal Uses:**

No piers, walkways, or any structures – temporary or permanent, shall be permitted in the designated Conservation areas, other than waterfowl blinds during the hunting season, after July 1, 2009.

## **Section VI COMPLIANCE**

A) Separate written citations shall be issued for non-compliance with each regulation. The citation shall be issued by receipt-return mail. The time penalties will be determined by the date of receipt. Each violation shall carry the following penalties:

- 1) The initial citation shall be a warning, allowing ten (10) calendar days for compliance. Non-compliance within ten (10) days will result in a second citation.
- 2) The second citation occurring in a calendar year shall carry a fine of not less than One Hundred (\$100.00) Dollars, and not more than One Thousand Dollars (\$1,000.00), with five (5) calendar days for compliance. Non-compliance within five (5) days will result in a third citation.
- 3) The third citation in a calendar year shall carry a fine of not less than Two Hundred Fifty (\$250.00) Dollars and not more than One Thousand Dollars (\$1000.00), and immediate removal of any structure in violation. If the structure is not removed by the owner, it will be removed by the Town of Geneva at the owner's expense plus cost.
- 4) Enforcement shall be carried out by the Town of Geneva Police Department.

## **Section VII Severability**

If any Section, Subsection, Sentence, Clause, or Phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other Section, Subsection, Sentence, Clause, or Phrase hereof. The Town Board of the Town of Geneva hereby declares that it would have passed this Ordinance and each Section, Subsection, Sentence, Clause, phrase, or Portion thereof irrespective of the fact that any one or more Sections, Subsections, Sentences, Clauses, Phrases, or Portions thereof may be declared invalid or unconstitutional.

**Section VIII Effective Date**

This Ordinance shall take effect from and after its adoption by the Town Board and upon a publication thereof as provided by the Statutes of the State of Wisconsin.

Passed and adopted by the Town Board of the Town of Geneva, Walworth County, Wisconsin, this the 13<sup>th</sup> day of July, 2009

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Daniel L. Lauderdale, Chairman

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Robert Kamps, Supervisor

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Keith Millard, Supervisor

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Patricia M. Fahey, Supervisor

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Steve Kukla, Supervisor

ATTEST:

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Debra L. Kirch, Clerk/Treasurer