

**Committee of The Whole Meeting
Village of Third Lake Board
December 6, 2021
Minutes**

1. President Buckley called the meeting to order at 7:00 p.m.

2. Roll Call

Present: Hameister, Honegger, Mateja, Penny, Ruwitch, Van Zeyl
Absent: None
Also Present: Ed Semrad

3. **Approval of Minutes of the Committee Meeting November 1, 2021**

Motion by Penny, seconded by Mateja to approve October 4, 2021 minutes.

Voice Vote: All Ayes, No Nays

MOTION CARRIED

4. **Visitor's Comments - none**

5. **Discussion and action on items on Committee Notes of December 6, 2021.**

Committee Notes – December 6, 2021

LAKES

A. Lakes Ordinance – President Buckley presented the proposed changes to the Lakes Ordinance (see exhibit A). President Buckley stated that the statement in Section One, Item C regarding issuing different stickers for communities with resident rights was removed. He explained that the residents on the west shore would not be able to use Druce Lake since there is no public launch and that the residents on Druce Lake would have to purchase a village boat launch key in order to use Third Lake. Trustee Mateja suggested that Section Four, Item K be changed from 100 sq. ft to 144 sq. ft. President Buckley stated that in Section Four, Item A, the proposed ordinance allows for four lift stations with no more than two lift stations more than 10 ft. He explained that the larger lift stations are for larger personal watercraft which can be used to pull tubers or skiers and cause more congestion on the lake during crowded times. The Board is in consensus with the changes to the ordinance as proposed in Appendix A including the change proposed by Trustee Mateja.

FINANCE AND POLICY

A. Budget – President Buckley stated that in the last 6 months the budgeted income was \$355,000 and the actual income was \$430,000. The increase was due to state, gaming and sales tax being higher than anticipated and the addition of Graham to the Village. He said that he will be working on the budget in January so that the board could review. He said that one item in next year’s budget will be the draining of the retention pond in Mariner’s Cove. The budget will be for the full amount, however the actual cost could be lower depending on how much material will be hauled away. He stated that the projected amount for 6 months of expenses for this year was \$301,000 and the actual expenses were \$238,000. Some of the savings are due to lower than expected legal, lower engineering costs and lower costs for purchased equipment. President Buckley stated that he would like for next year’s budget to include the addition of a garage on to the village hall and a backup generator. President Buckley also stated that he would like to be the general contractor for the construction and hire a carpenter paid at prevailing wages to save costs. Trustees would like to have legal verify that it is okay for President Buckley to be the general contractor.

President Buckley stated that he would like to have a social media campaign for residents to submit pictures to decorate the newly painted board room.

PLANNING

PUBLIC SAFETY

ZONING AND ORDINANCES

A. Solicitation Ordinance – President Buckley stated that he mentioned at the last meeting he stated that the Solicitation Ordinance is outdated and that legislation has changed since the last ordinance was passed. Clerk Smith explained she has reviewed ordinances from other villages and that they all handle solicitation differently. She asked for suggestions from the board on what they would like to see in the next ordinance. Trustee Van Zeyl would like for the permit to be expensive and difficult. Trustee Penny wants to make sure that kid’s organizations are not eliminated from soliciting. Trustee Ruwitch suggested that there is time to work on this ordinance since solicitors are not common in winter. Clerk Smith will send a checklist/document to trustees with some of common items in solicitation ordinances from other villages.

B. Rental Ordinance – President Buckley stated that the current ordinance does not forbid or allow Air BnB or other short term rental companies. President Buckley is concerned that if the short-term rental was located on the lake, the renter may not be familiar with rules of the lake and that it would be difficult to patrol. All trustees agree that short term rentals should not be allowed in Third Lake. The trustees agree that rentals in the Village should be a yearlong lease. Trustee Penny stated that he would like to see that the fines for violating the rental ordinance are high enough to discourage homeowners from just paying the fine and continuing to rent anyway.

PUBLIC WORKS

6. **Unfinished Business**

7. **New Business**

8. **Open to Floor** – Trustee Van Zeyl would like to see a Village logo on the newly painted wall in the boardroom. Trustee Mateja would like to compliment the colored Village Vine and thank the Village staff for their work.

9. **Adjournment**

Motion by Mateja, seconded by Honegger to adjourn the meeting at 8:01 p.m.

Approved: _____


Rodney Buckley, President

Attest: _____


Michelle Smith, Clerk

Appendix A

ORDINANCE NO. 22-01-01

AN ORDINANCE PROVIDING FOR THE REGISTRATION OF BOATS AND OTHER WATERCRAFT AND ESTABLISHING RULES AND REGULATIONS FOR VILLAGE BOAT LAUNCHES, LAKE USAGE AND WATER-LANDING PLACES, AND REPEALING ORDINANCE NO. 21-01-01

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

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

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

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

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

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

SECTION ONE: Registration.

A. *Registration required.* Any recreational watercraft requiring registration with the Illinois Department of Natural Resources which is used on any waters within the jurisdiction of the Village must be registered with the Village. Registration stickers must be applied to the craft's bow, starboard side, at the top of the hull and in plain view. All such watercraft must also be currently registered with the State of Illinois pursuant to the Boat Registration and Safety Act (625 ILCS 45/1-1, *et seq.*; the "Act"), as amended from time to time. All watercraft larger than 10' in length shall be registered with the Village even if not required to be registered with IDNR except for the exemptions listed in Subsection B. Watercraft docked at a water landing place with or without a motor or propulsion device, operable or inoperable for any period of time shall be considered subject to registration.

B. *Types and Exemptions.* Watercraft subject to this registration requirement shall include, but not be limited to, watercraft propelled by motor, sail, canvas, or machinery of any sort. Examples include motorized boats of all kinds, sailboats, pontoon boats, motorized personal watercraft and motorized inflatable craft. Kayaks, canoes, paddle boats, air mattresses, toy tubes, wind surfers, row boats without motors and all other non-powered inflatable craft are exempt from the provisions of this ordinance.

- N. Carvis Dr.
- W. Cottage Ave.

The following streets in unincorporated Avon Township adjacent to Rollins Savannah and immediately north of Washington St.:

- N. Linden Ave.
- N. Lakeview Dr.

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

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

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

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

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

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

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

A. *No Wake Area.* A "No Wake" area is hereby declared for the area beginning at the shoreline and extending 150' into the lake in all areas of Third Lake under the jurisdiction of the Village. For purposes of this Ordinance, the term "wake" is defined as a movement of the water created by a watercraft underway great enough to disturb a boat at rest. Notwithstanding the foregoing, under no circumstances shall a watercraft underway exceed 5 miles per hour in a "No Wake" area. In addition, if a watercraft operating outside the "No Wake" area has in tow a person on water skis, aquaplane or similar contrivance, such person or device shall not enter the "No Wake" area. A lake wide "No Wake Zone" will be enforced on Third Lake when the water level is over the high-water mark on the dam or as determined by a Village official.

B. *Flag communication.* "No wake" on entire lake when the red flag is displayed at the dam, Village boat Launch and Mariner's Cove boat launch. A safety yellow flag flown at these locations and/ or at the Mariner's Cove Beach on Druce Lake is used to advise residents of a special message via Village Website at Thirdlakevillage.com

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

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

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

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

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

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

No person may operate or manipulate any vessel, tow rope or other device by which the direction or location of water skis, aquaplane, or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane, or similar device, or any persons thereon to collide with or strike against any person or object, except ski jumps, buoys and like objects normally used in competitive or recreational skiing.

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

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

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

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

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

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

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

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

A. *Limit Per Lot.* Not more than one water-landing place shall be appended to any zoning lot. Four lift stations are permitted per lot; provided, however, that no more than two lift stations may be used for boats longer than ten feet (10').

B. *Location Limitation.* Each water-landing place shall be not less than six feet (6') at its closest point from each side lot line, extended, of the property to which the water-landing place is appended. In addition, no watercraft that is docked to a water-landing place shall extend beyond either side lot line, extended, of the property to which the water-landing place is appended.

Lift stations are not a part of the water-landing place but must be within the sixty-five feet (65') of length measured from the water line of the lake. Lift stations shall be immediately adjacent to the water-landing place and may not extend beyond the property owner's side lot line, extended. Lift stations must be accessed from the property owner's water-landing place.

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

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

SECTION FIVE: Enforcement and Penalty. Any person violating any of the provisions of this Ordinance or failing or refusing to comply with the provisions of any notice herein provided for within the time period as specified in said notice, or who shall resist or obstruct any duly authorized representative of the Village in carrying out any provision of this Ordinance, shall, upon conviction, be subject to a fine of not less than Fifty Dollars (\$50) nor more than Seven Hundred Fifty Dollars (\$750) for each offense. Each day any violation continues shall constitute a separate offense. The fine authorized by this section shall be in addition to any cost or expense or reimbursed to the Village pursuant to any other provision of this Ordinance.

Notwithstanding the foregoing, whenever any Village officer or official authorized to charge a person or arrest a person without a warrant for a violation of this Ordinance, the Village officer or official may, in lieu of filing a complaint in court, issue the alleged violator a citation, which citation shall contain statements which in substance: advise the person that s/he has violated a specific Ordinance; request him/her to make payment as set forth herein as settlement of the violation claim; and inform him that upon failure to so settle, a complaint will be filed in the Circuit Court of Lake County, 19th Judicial Circuit Court, charging him/her with the violation. For purposes of this Section, Village officers authorized to issue citations shall include, but not be limited to, the Village President (or designee).

Pursuant to said citation, a person accused of the violation may settle the violation claim by paying to the Village the amount of Fifty Dollars (\$50) within a period to be specified in the citation, which period shall not be more than ten (10) days from the time the alleged violation was committed. The settlement payment shall be made in accordance with the instruction contained in the citation at the Office of the Village Clerk.

In the event that the person to whom the citation is issued fails to settle and pay the violation claim within ten (10) days of issuance of the citation, a second notice shall be issued. If the payment of the prescribed amount plus One Hundred Dollars (\$100) is not made within 15 days of issuance of the second notice, a final notice shall be issued. If a final notice is issued, the settlement payment shall be Five Hundred Dollars (\$500), which settlement payment shall be due within 30 days of issuance of the final notice. If payment of the final settlement amount is not made within said 30 day period, then the Village President (or designee) is authorized to cause a notice to appear to be served upon the alleged violator and the Village President (or designee) is authorized to file a complaint and to prosecute the complaint in the 19th Judicial Circuit Court of Lake County.

For purposes of this Ordinance, "Village official" shall mean the Village President or his/her designee.

SECTION SIX: Conflicts. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed. In addition, Ordinance No. 20-02-02 is hereby expressly repealed in its entirety.