

ORDINANCE NO. 70-2019

AN ORDINANCE TO CREATE SECTION 26-12 OF THE VILLAGE OF SUMMIT VILLAGE CODE TO REGULATE THE PUBLIC RIGHT-OF-WAY AND VILLAGE OWNED LAND WITHIN THE ISTHMUS THAT SEPARATES MIDDLE GENESEE LAKE FROM LOWER GENESEE LAKE

WHEREAS, it has come to the attention of the Village of Summit Village Board that pedestrians have gathered within public right-of-way and Village owned land within the isthmus that separates Middle Genesee Lake from Lower Genesee Lake, from time to time; and

WHEREAS, this gathering of pedestrians within the public right-of-way and Village owned land, in close proximity to the paved portion of Genesee Lake Road, creates a traffic hazard and a significant risk to the health and welfare of the pedestrians and the traveling public; and

WHEREAS, Wisconsin Statutes Section 349.185(2) empowers the Village to regulate pedestrians upon highways in its jurisdiction, and by this Ordinance the Village of Summit Village Board intends to do so as well as regulating the use of Village owned land in order to protect the health, safety and welfare of persons and property within the Village.

NOW, THEREFORE, the Village Board of the Village of Summit, Waukesha County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 26 of the Village of Summit Village Code entitled "Traffic and Vehicles," Section 26-12 entitled, "Regulation within the Public Right-of-Way and Village owned land within the Isthmus that Separates Lower Genesee Lake from Middle Genesee Lake" is hereby created as follows:

26-12 Regulation within the Public Right-of-Way and Village Owned Land within the Isthmus that Separates Lower Genesee Lake from Middle Genesee Lake

To protect the health, safety and welfare of pedestrians and the travelling public, the following regulations are established within the public right-of-way and Village owned land within the isthmus that separates Lower Genesee Lake from Middle Genesee Lake within the Village of Summit:

- (a) Pedestrians and vehicles are prohibited from stopping or standing in the public right-of-way and Village owned land within the isthmus that separates Lower Genesee Lake from Middle Genesee Lake in the Village of Summit, except as set forth below in this paragraph. Swimming and fishing are prohibited in the public right-of-way and Village owned land within the isthmus. Parking conducted in strict compliance with Section 263(d)(2) of this Code is not hereby prohibited. All other parking is prohibited. Launching of

boats at the boat launch at the Middle Genesee Lake boat launch is not prohibited. The portaging of boats between the two lakes is not prohibited.

- (b) Loitering is prohibited in the public right-of-way and Village owned land within the isthmus that separates Lower Genesee Lake from Middle Genesee Lake in the Village of Summit. Loitering is defined as being present within the isthmus at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of person or property in the vicinity or that suggest the person is present within the isthmus for a purpose other than traveling along or across Genesee Lake Road. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the actor or other circumstances make it impractical, a peace officer shall prior to any arrest for an offense under this Section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted by requesting him or her to identify himself or herself and explain his or her presence and conduct. No person shall be convicted of an offense under this Section if the peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time would have dispelled the alarm.
- (c) Trespassing on Village owned lands outside of the right-of-way within the isthmus that separates Lower Genesee Lake from Middle Genesee Lake in the Village of Summit is prohibited.
- (d) For purposes of this regulation, the isthmus is defined as the land that lies between the high water mark of Lower Genesee Lake and Middle Genesee Lake, including but not limited to the full right-of-way width of Genesee Lake Road and other Village owned land located between Tax Key Numbers SUMT 0660 988 001 and SUMT 0663 976 on the north and between Tax Key Numbers SUMT 0685 976 and SUMT 0682 999 on the south.
- (e) The prohibitions of this Section shall not be interpreted to prohibit private property owners, their guests and invitees, from being present on their privately owned land.
- (f) The Village of Summit Lead Person of Public Works is hereby directed to post signage to give notice of the requirements of this Ordinance, in the manner required by law.

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.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 15 day of, August 2019.

VILLAGE OF SUMMIT



Jack Riley, Village President

ATTEST:



Debra Michael, Administrator/Clerk/Treasurer

Published and/or posted this 16 day of, August 2019.

