

ORDINANCE NO. 2008-1

**AN ORDINANCE TO REGULATE USE OF
BOOTH LAKE MEMORIAL PARK**

WHEREAS, on or about August 14, 1922, the Town of Troy, along with the Town of East Troy and the Village of East Troy, jointly acquired the Booth Lake Memorial Park property; and

WHEREAS, the Warranty Deed for this parcel indicates that the property is "to be used as a site for a building and other memorial in honor of the Soldiers, Sailors, and Marines, residents of the Towns who served in the late War against Germany;" and

WHEREAS, in order to preserve the memorial, the Town of Troy Town Board finds that it is necessary and appropriate to limit access to the Booth Lake Memorial Park to the residents/ property owners of the three municipalities who acquired the property, and guests accompanying such residents; and

WHEREAS, the Town of Troy Town Board has referred this matter to the Town of Troy Town Plan Commission for recommendation as required by Wisconsin Statutes Section 62.23(5); and

WHEREAS, the Town of Troy Town Board has referred this issue to the Town Board of the Town of East Troy and the Village Board of the Village of East Troy, and intends for this ordinance to take effect only upon the adoption of a substantially identical ordinance by the Town Board of the Town of East Troy and the Village Board of the Village of East Troy, in order to ensure consistent regulation of the jointly owned Booth Lake Memorial Park; and

WHEREAS, the Town Board of the Town of Troy, having carefully reviewed the recommendation of the Plan Commission of the Town of Troy, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, hereby finds that it is necessary and appropriate to limit the use of the Booth Lake Memorial Park as described herein, in order to preserve the intent of the memorial park and to preserve the health, safety and welfare of the Town of Troy.

NOW, THEREFORE, the Town Board of the Town of Troy, Walworth County, Wisconsin, **DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1: RESTRICTED ACCESS.

No person shall enter the Booth Lake Memorial Park, or be present in Booth Lake Memorial Park, except for the following persons:

- A. Residents/ property owners of the Town of Troy;
- B. Residents/ property owners of the Town of East Troy;
- C. Residents/ property owners of the Village of East Troy;
- D. Officials, employees, contractors, and other agents of the Town of Troy, the Village of East Troy, the Town of East Troy, or the Booth Lake Memorial Park Board, for the purposes of performing official duties regarding the Booth Lake Memorial Park;
- E. A person who is not identified in subsections A through D, above, may enter and be present in Booth Lake Memorial Park if he/she is a guest of a person identified in subsections A through D, above, and is present with such person at all times while within the Booth Lake Memorial Park.

SECTION 2: FEE REQUIRED.

The Booth Lake Memorial Park Board shall establish a fee schedule for all use of the Booth Lake Memorial Park, and may amend the fee schedule from time to time, to aid in recovery of costs associated with managing the Booth Lake Memorial Park. All use of the Booth Lake Memorial Park shall be subject to payment of the fee established by the Booth Lake Memorial Park Board, as amended from time to time. The fees schedule may include fees that are required for all of the following uses:

- A. Entrance into the park.
- B. Pavilion rentals.
- C. Boat launching.
- D. Parking of vehicles.

SECTION 3: RESIDENT AND NON-RESIDENT FEES.

The fee schedule established by the Booth Lake Memorial Park Board shall distinguish between residents and non-residents. Residents shall include all residents/ property owners of the Town of Troy, Town of East Troy and Village of East Troy. Non-residents shall include all

persons who are not residents/ property owners of the Town of Troy, Town of East Troy and Village of East Troy. No fee shall be charged to the municipal officials identified in Section 1(D), above, for performance of official duties within the Booth Lake Memorial Park.

SECTION 4: PENALTIES.

Any person, firm, company or corporation who violates the terms of this Ordinance shall be subject to a forfeiture of not less than ten (\$10.00) dollars and not more than one hundred (\$100.00) dollars for each offense, together with the costs of the action, and in default thereof shall be imprisoned in the Walworth County Jail for a period not to exceed six months or until such forfeiture and the subsequent costs have been paid. Each day that a violation exists, or is permitted to exist, shall constitute a separate violation and shall be punishable as such.

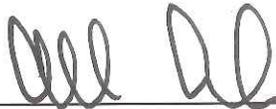
SECTION 5: SEVERABILITY.

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 6: EFFECTIVE DATE

This ordinance shall take effect upon posting and/or publication, provided further that the ordinance shall not be effective unless and until the Village Board of the Village of East Troy and the Town Board of the Town of East Troy adopt substantially identical ordinances.

Dated this 9th day of January, 2008



A handwritten signature in cursive script, appearing to read "Allen Curler", written over a horizontal line.

Allen Curler, Town Chair

Attest;



A handwritten signature in cursive script, appearing to read "Ruth Polinski", written over a horizontal line.

Ruth Polinski, Town Clerk

Published and /or posted this 11th day of January, 2008