

OTTER LAKE WATER COMMISSION, ADGPTV

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ORDINANCE NO. 2023-02

AN ORDINANCE REGULATING RECREATIONAL ACTIVITIES IN AND AROUND OTTER  
LAKE, MACOUPIN COUNTY, ILLINOIS

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ADOPTED BY THE OTTER LAKE WATER COMMISSION

THIS 8th DAY OF August, 2023

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Published in pamphlet form by the authority of the Otter Lake Water Commission, ADGPTV,

this 8th day of August, 2023.

**AN ORDINANCE REGULATING RECREATIONAL ACTIVITIES IN AND AROUND OTTER LAKE, MACOUPIN COUNTY, ILLINOIS**

*BE IT ORDAINED BY THE OTTER LAKE WATER COMMISSION, ADGPTV, AS FOLLOWS:*

**SECTION 1            DEFINITIONS**

A.        As used herein, "Commission" refers to the Otter Lake Water Commission, ADGPTV, a public corporation of Illinois.

B.        As used herein, "Otter Lake" and "Lake" refers to that certain lake owned by the Commission in Macoupin County, Illinois, as a source of public water supply, known as Otter Lake. "Otter Lake Area" refers to Otter Lake and the lands owned by the Commission surrounding Otter Lake, including but not limited to boat docks, parking lots and campgrounds.

C.        As used herein, "General Manager" refers to the general manager of the Commission. "Manager" refers to the person or persons designated by the Commission to manage the Otter Lake Area. "Patrol Officer" is an enforcement officer designated by Commission.

**SECTION 2            STATEMENT OF GENERAL PURPOSE AND  
                                 APPLICABILITY OF THIS ORDINANCE**

A.        The regulations contained in this Ordinance apply throughout the Otter Lake Area. Additional regulations pertaining solely to the Campground are contained in Ordinance No. 2023-03, "An Ordinance Pertaining To The Campground At Otter Lake, Macoupin County, Illinois." (the "Campground Ordinance"). Fees and charges for activities within the Otter Lake Area are set forth in Ordinance No.2022-04, "An Ordinance Establishing User Fees For the Otter Lake Area", as amended from time to time (the "Fee Ordinance").

B.        The primary function and goal of the Commission is the provision and maintenance of a safe, secure, high-quality public water supply for its member municipalities and retail customers. A secondary goal of the Commission is the provision of recreational activities for the public. This

Ordinance, the Campground Ordinance, and the Fee Ordinance are intended to regulate activities of the public in and around Otter Lake such that in realizing its secondary goal, the Commission does not sacrifice its primary function, and shall be construed accordingly.

C. The regulations set forth in this Ordinance, the Campground Ordinance and the Fee Ordinance, and public access to the Otter Lake Area, may be suspended, restricted or abolished at any time by the Commission without notice whenever the Commission determines that such is necessary or appropriate.

D. No person has a right to be present in or use the Otter Lake Area, but members of the public have a revocable license to be present in and use the Otter Lake Area subject to the regulations set forth in this Ordinance.

### **SECTION 3 ENTRY TO RESTRICTED AREAS PROHIBITED**

Certain lands and waters within the Otter Lake Area are closed to the public. Such lands and waters are posted with signs or notices prohibiting public access. No person other than an employee or agent of the Commission, or accompanied by an employee or agent of the Commission, or having authorization in writing from the Manager or General Manager, may enter or be present in any lands or waters within the Otter Lake Area which are posted with notice prohibiting public access. Persons violating this section are trespassers.

### **SECTION 4 DAMAGE TO PROPERTY**

A. No person shall deface or damage any waterworks, dams, riprap, pumps, aerators, spillways, equipment, boats, motor vehicles, utility systems, roads, buildings or other structures, or other real or personal property of the Commission within the Otter Lake Area.

B. The Commission is not responsible for the safety or custody of private property within the Otter Lake Area, including but not limited to structures, boats, camping gear, personal effects and all other personal property. The Commission disclaims any liability for damage to such personal property;

all persons using the Otter Lake Area do so at their own risk.

**SECTION 5                    LAND SPEED REGULATIONS**

Land speed limits within the Otter Lake Area shall be as follows:

1.        Five miles per hour in picnic areas
2.        Ten miles per hour in campground, boat range and all other areas.

**SECTION 6                    FIRES AND FLAMMABLES**

A.        No gasoline or other liquid fuel, other than that contained in storage tanks of vehicles and motor-powered watercraft or stored in properly marked UL approved containers, may be carried into or stored within the Otter Lake Area.

B.        Fires shall be confined to fireplaces, grills and other facilities designed for and designated by the Commission. Fires shall be attended at all times by a responsible person over 16 years of age.

C.        Propane and other compressed gas tanks are prohibited except those which are part of the standard equipment of a camper, trailer or gas grill. Such tanks shall not exceed thirty pounds maximum size.

**SECTION 7                    POSSESSION AND DISCHARGE OF FIREARMS AND OTHER WEAPONS**

The following is prohibited within the Otter Lake Area except by duly authorized law enforcement personnel and agents of the Commission, or when permitted pursuant to Section 15 of this Ordinance pertaining to hunting:

- A.        Possession of loaded weapons, including but not limited to firearms, bows and arrows, crossbows, BB and pellet guns, and slingshots;
- B.        Possession of explosives of any kinds, including any class of fireworks;
- C.        Discharge of such weapons and explosives.

**SECTION 8            ANIMALS**

No person shall bring or allow horses, cattle, livestock or domestic pets in Otter Lake Area, except as expressly permitted in the Campground pursuant to the Campground Ordinance.

**SECTION 9            SWIMMING, BATHING AND WADING**

Swimming, bathing and wading are prohibited in Otter Lake.

**SECTION 10          PICNICKING**

Picnicking is prohibited within the Otter Lake Area except in areas specifically posted by the Commission as picnicking areas. All persons using designated picnicking areas shall keep the areas neat and clean by picking up all rubbish while using the area and upon leaving the areas. In areas where rubbish cans are available, they may be used to deposit the rubbish. In areas where cans are not available, the rubbish shall be removed by persons using the picnic area. No wood fires are permitted at any time under any circumstances in picnicking areas. Only charcoal fires are permitted in grills where provided.

**SECTION 11          FISHING**

Fishing within the Otter Lake Area is a privilege and is subject to the following regulations.

- A.     Fishing shall be conducted in accordance with the Fish Code of Illinois except as further regulated by this Ordinance.
- B.     Fishing, including ice fishing when in season, is permitted on the entire Otter Lake surface and from the entire shoreline, from sunrise until 11:00 p.m., unless otherwise posted by the Commission.
- C.     No person shall sell any fish or other aquatic creatures taken from Otter Lake without specific written approval of the Commission.
- D.     Fishing shall only be with hook and line, and with no more than two hooks

attached to a single line, as provided in the Fish Code of Illinois. Fishing by troutline, jugfishing, banklines, hoopnets, trammel nets or any other fishing devices, is prohibited.

E. No fish shall be released into Otter Lake, except those fish caught in Otter Lake, without written permission of the Commission.

F. Possession and size limitations on fish caught at Otter Lake shall be as determined from time to time by the Commission and posted.

## **SECTION 12 BOATING REGULATIONS**

Rentals of boats and carrying of passengers for hire are prohibited without specific written approval of the Commission. All boating shall be conducted in accordance with the Illinois Boat Registration & Safety Act, subject to the following additional regulations:

A. Boats shall be launched only from facilities designated by the Commission. Boating may be temporarily suspended by the Commission at its discretion.

B. Boats shall be licensed and display the current decal type sticker sold by the Commission. The license fees are set forth in a separate ordinance and are subject to change from time to time. A sticker is good from April 1 until March 31. No upgrades or transfers of boat permits shall be permitted. Expired licenses or stickers shall be covered or removed before April 1 of each year.

C. Personal water craft, including but not limited to Jet Skis and Wave Runners, are prohibited.

D. There shall be no boating within 100 feet of the water intake structure or 100 feet of the spillway structure. These areas shall be sufficiently posted to indicate the restriction.

E. Boat speed is restricted to the "No Wake" speed in the following areas of the Lake, defined as "No Wake Areas":

1.

1. In inlet areas, including but not limited to the four major inlet areas south of Emmerson Airline Road on the west side of the Lake and three major inlet areas south of Emmerson Airline Road on the east side of the Lake.
  2. Within fifty feet of anchored or oar-propelled boats.
  3. When approaching boat docking facilities.
  4. When within 100 feet of the shoreline.
  5. When restrictions are so marked by appropriate signs of the Commission.
  6. In water skiing areas, defined as the area of the Lake south of Emmerson Airline Road from the marker buoys at the north boundary thereof, extending southward to the dam at the south end of the Lake , except in those areas zoned and marked as "Fishing Areas. "
  7. In wake speed restricted areas marked as such.
  8. Within 100 feet of circulators near Emmerson Airline Road
  9. In fishing areas
- E. Boats with motors in excess of 115 h.p., and boats with inboard or inboard/outboard motors are prohibited.
- F. Hours of permitted boating are from 6:00 a.m. until 11:00 p.m., no exceptions.
- G. The speed limit on the Lake is 35 miles per hour, except in No-Wake Areas as defined above.
- H. The Lake south of Emmerson Airline Road, with the exception of inlets zoned for fishing, is reserved for speed boating, water skiing, and tubing.
- I. Speed boating, water skiing, and tubing are prohibited within 100 feet of the shoreline and shall proceed only in a counterclockwise direction.
- J. Persons engaged in speed boating, water skiing, and tubing shall observe state

laws regarding headgear, life jackets, number of persons occupying boats pulling skiers, etc., and shall not operate their boats in a careless or dangerous manner.

K. All skiers shall hold one ski aloft after falling into the water and awaiting pickup, to caution all other users of the Lake of their presence.

L. All boats shall stay clear of, and fishermen shall avoid anchoring in, areas of high speed boat traffic. All boaters shall stay well clear of other boats and anchored boats.

M. All boaters shall observe the information marked on the map in the Lake Office. All boaters shall comply with instructions of the Patrol Officer. The Patrol Boat is not bound to observe speeds prescribed for other boats.

N. No person shall throw or deposit, and no owner of a boat license shall permit occupants of a boat to throw or deposit, litter, garbage, or other waste in the Lake

O. Boats shall not be docked around the lake shoreline except in the following public areas:

1. At the docks located at boat launch area.
2. At the docks of the designated camping areas, only if assigned to that dock.

P. Vehicular parking at public docking areas shall be limited to boaters currently using the lake. Boat parking shall be limited to thirty minutes at boat docks.

Q. Inflatable rafts and other inflatable devices not intended for the use of being towed by a water craft are permitted on the lake. Such craft does require a class A boat permit.

R. All inlets are considered no wake areas, and boaters must comply with speed limits in these areas as to not endanger other boaters or their property.

S. Boaters shall proceed in a counterclockwise direction while driving on the south side of the Emmerson Airline Bridge.



**SECTION 13            BOAT DOCKS**

A.     Private boat docks may be built only with the prior written approval of the Manager, and must conform to specifications as established by the Commission which will be promulgated from time to time.

B.     Four types of private boat docks are allowed in the Otter Lake Area:

Class 1:         Docks established pursuant to contract rights, running with the land, of persons whose property abuts the Lake;

Class 2:         Docks established by persons whose property abuts the Lake, but who lack contract rights running with the land;

Class 3:         Docks associated with campsites.

Class 4:         Docks which are neither Class 1, Class 2, nor Class 3, but which were in existence and present on the Lake as of January 1, 2017.

C.     Boat docks of all classes are subject to the following regulations:

1.     Each boat dock shall be issued a number to be displayed on the dock, and identified for periodic inspections;

2.     Boat docks shall be used in a safe and proper manner;

3.     Each owner or lessee having a boat dock shall pay fees as established by the Fee Ordinance.

4.     Boat docks shall be maintained to Commission standards as established from time to time. Each dock and/or any of its appurtenances shall be maintained so that it does not become hazardous or unsightly, and shall be subject to an annual inspection, with or without prior notice, by the Commission in its discretion, and subject to the fees in the Fee Ordinance.

5.     In addition to the annual inspection, the Commission may inspect

any dock at any time for no fee, subject to a reinspection fee as set forth in the Fee Ordinance if re-inspection is required,

6. If a dock and/or any of its appurtenances fails to meet the Commission's standards upon any re-inspection, the user shall remove the dock upon 10 days written notice, and upon the failure to do so within 30 days then the Commission may remove the same, and the user shall promptly reimburse the Commission for the cost of removal.

7. The owners of Class 1, Class 2 and Class 4 boat docks shall annually provide proof of liability insurance in the amount of \$1 million, naming the Commission as an additional insured.

D. Contract rights of Class 1 dock owners will be honored subject to the regulations set forth in this Ordinance.

E. No new Class 2 or Class 4 docks are allowed. Class 2 boat docks existing as of the date of this Ordinance are subject to the conditions set forth in written agreements with the Commission pursuant to prior ordinances.

F. No person or group of persons leasing a campsite may have more than one Class 3 boat dock per campsite. However, persons who leased a campsite and had two Class 3 boat docks as March 1, 2008 may continue to have those boat docks so long as such persons have valid campground leases and the docks otherwise conform with the regulations in this Ordinance and other Ordinances of the Commission.

G. No person may sell, lease, convey, or otherwise transfer any interest in a Class 3 boat dock upon termination or expiration of a lease, nor may any person move a permitted Class 3 boat dock to another location on the Lake, without the prior written consent of the Commission, which the Commission may grant or withhold in its sole

discretion.

H. Additional regulations pertaining to Class 3 docks are contained in the Campground Ordinance.

I. Upon written approval any dock may have a cantilever style boat lift, installed and maintained by the holder of the dock, said boat lift shall be of manual or battery operated. AC powered lifts are prohibited. Lift covers are prohibited. Any dock with a lift shall pay an additional annual fee equal to the current dock fee.

#### **SECTION 14 HUNTING AND TRAPPING**

A. Trapping is prohibited in the Otter Lake Area.

B. Hunting is prohibited in the Otter Lake Area, except duck and goose hunting conducted pursuant to the following regulations.

1. Duck and goose hunting may be permitted on Otter Lake at the discretion of the Commission to be determined on an annual basis.

2. Duck and goose hunting will only be allowed North of Stamper Hill.

3. All boats used for hunting shall have a current Otter Lake sticker.

4. There may be no more than three hunters to a blind.

5. Blinds shall be accessed solely by water. Land access is prohibited.

6. Blinds may be boat blinds or temporary blinds on shore. All blinds must be within 25 yards of the number stake.

7. Blinds shall have at least 12 decoys. Decoys may not remain on the Lake after permitted hunting hours.

8. No person may establish a blind without paying a fee as set forth in the Fee Ordinance.

9. Hunting hours shall be as established set by federal regulations, but not later than 12:00 p.m. on any day.

10. Drawing for blind sites will be at least two weeks before start of duck season.

11. Hunting is allowed only in designated areas.
12. No open fires are permitted. Charcoal or fuel heaters may be used.
13. Hunters shall comply with all state, local and national hunting and firearm rules and regulations.
14. All persons shall encase their firearms while going to or from hunting areas.
15. No alcoholic beverages are allowed in or about any blind, or on the person of any hunter.

**SECTION 15                      WILDLIFE AND VEGETATION**

Except for hunting and fishing activities permitted pursuant to this Ordinance, and except in connection with the cutting of grass at campsites as permitted by the Campground Ordinance, no person shall purposefully kill, injure or harass any wildlife in the Otter Lake Area, nor cut or disturb any vegetation in the Otter Lake Area, without the express written permission of the General Manager or the Manager.

**SECTION 16                      OTHER ACTS PROHIBITED**

A. No person shall operate any motor vehicle, boat, vessel, or any aircraft within the Otter Lake Area, so as to disturb the peace, destroy or endanger public or private property, or otherwise annoy the Commission or other users of the Otter Lake Area.

B. No person shall pollute or threaten to pollute the Lake, or do anything which is harmful or potentially harmful to the public water supply.

**SECTION 17                      AUTHORITY OF THE MANAGER, THE GENERAL  
MANAGER, AND THE PATROL OFFICER;  
ENFORCEMENT OF ORDINANCE.**

A. The General Manager, through his agents, including but not limited to the Manager and the Patrol Officer, is charged with enforcement of this Ordinance and issuance of permits established hereby.

B. All persons found in the Otter Lake Area shall comply with the instructions and orders of the General Manager, the Manager, the Patrol Officer and their agents.

C. The General Manager, the Manager, the Patrol Officer and their agents may suspend the operation of any boat they reasonably believe to be in violation of boat safety requirements, horsepower limitations, or any state or local law until violation is investigated and corrected to their satisfaction.

D. The General Manager, the Manager, the Patrol Officer and their agents may temporarily suspend the hunting permit and fishing privileges of any person they reasonably believe to be in violation of the hunting or fishing provisions of this Ordinance until violation is investigated and corrected to their satisfaction.

E. In the exercise of his discretion in the case of a violation of this Ordinance, the General Manager or Manager may suspend or revoke a boat or hunting permit, or fishing privileges, subject to the right of the offender to appeal to the full Commission at the next regular meeting of the Commission.

F. In the exercise of his discretion in the case of a violation of this Ordinance, the General Manager or Manager may issue a warning ticket to a violator in lieu of suspending or revoking the violator's boat or hunting permit.

#### **SECTION 18            REVOCATION OF LICENSE**

A. In addition to the authority set forth in Section 17, in the event that the Manager, the General Manager or the Patrol Officer believes that any person has willfully violated any provision of this Ordinance, then the Manager, General Manager or Patrol Officer may suspend or revoke such person's license, established pursuant to Section 2D of this Ordinance to be on, in or about the Otter Lake Area, and may order such person immediately to vacate the Otter Lake Area and to remove his or her dependents, guests, vehicles, water craft and personal property

therefrom.

B. Any person who does not promptly comply with such an order to vacate is a trespasser and may be prosecuted as such.

C. Any person whose license to be on or about the Otter Lake Area has been suspended or revoked may appeal to the Commission at the next regular meeting of the Commission.

**SECTION 19                    AUTHORITY OF CONSERVATION POLICE AND  
OTHER LAW ENFORCEMENT OFFICERS**

A. No person in the Otter Lake Area shall resist or obstruct any officer, deputized police officer, employee or Commissioner of the Commission or the Illinois Department of Conservation in the discharge of his or her duties under the provisions of this ordinance or the laws of the State of Illinois.

B. All agents of the Illinois Department of Conservation and other duly authorized police officers or deputized officer, employees, or Commissioners may inspect any boat or area of the Lake at any time for the purpose of determining compliance with provisions of this ordinance and the laws of the State of Illinois.

**SECTION 20                    OTHER ENFORCEMENT ACTIONS**

The Commission may enforce this Ordinance by any means permitted at law or in equity, including but not limited to referral of a trespass to law enforcement authorities or the States Attorney of Macoupin County, and bringing of civil actions to restrain persons from threatening, operating or continuing a nuisance or trespass.

**SECTION 21                    REPEALER**

Ordinance No. 2022-04 and other recreational ordinances prior to the date hereof are hereby repealed.

**SECTION 22            CONFLICTS**

In the event of a conflict between this ordinance and the Campground Ordinance, the Campground Ordinance shall prevail.

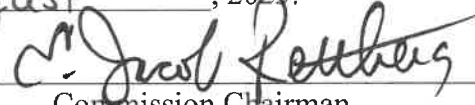
**SECTION 23            SEVERABILITY CLAUSE**

If any portion of this ordinance shall be determined to be invalid, said determination shall not effect the validity of any remaining portions of said ordinance.

**SECTION 24            LEGAL EFFECT**

This ordinance shall take effect on its passage, approval and publication. The Clerk shall publish this Ordinance in pamphlet form.

PASSED this 8th day of August, 2023.

  
\_\_\_\_\_  
Commission Chairman

ATTEST:

  
\_\_\_\_\_  
Commission Clerk

AYES: McCarthy, Davis, Ulery, Sutton, Mouser, Rettberg

NAYS: 2

PASSED: 6-0

APPROVED: 6-0

ABSENT: 2 - Skinner, Gudge

**ORDINANCE CERTIFICATE**

STATE OF ILLINOIS                   )  
  )  
  ) SS.  
COUNTY OF MACOUPIN   )

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Otter Lake Water Commission, ADGPTV, Macoupin County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 2023-02, adopted by the corporate authorities of said Commission on the 8th day of August, 2023, said Ordinance being entitled:

**AN ORDINANCE REGULATING RECREATIONAL ACTIVITIES IN AND AROUND  
OTTER LAKE, MACOUPIN COUNTY, ILLINOIS**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Commission, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Commission this 8th day of August, 2023.

  
\_\_\_\_\_  
Commission Clerk