

CHAPTER 19

PARKS AND RECREATION

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PARKS

19.01 PARK RULES ADOPTED.

- (1) **DEFINITIONS.** (a) Town means the Town of Delafield.

(b) Town Board means the Town of Delafield Board of Supervisors.

(c) Commission means the park and recreation commission.

(d) Park includes the grounds, buildings thereon, waters therein, and any other property which is now or may hereafter be under the control or jurisdiction of the commission.
- (2) **PURPOSE.** The purpose of this article is (a) To protect the town's parks and appurtenances thereto from fire, abuse and desecration;

(b) To provide for the recreational use of these areas;

(c) To control and regulate traffic and maintain general order therein; and

(d) To further the safety, health, comfort, morals and welfare of all persons while within the limits of the parks.

- (3) **Rules, Regulations, Fees and Policies.**

The Town Board may adopt additional rules and regulations for the proper conduct and administration of the parks in the town that are not inconsistent with the provisions of this ordinance, and may perform such other acts in managing the parks as are lawful and as it may deem expedient to promote the beauty and usefulness of said parks and to increase the comfort, safety, convenience and public welfare of the citizens of the town and of visitors to the parks in their use of same. All fees and policies for the administration of the park shall be adopted by the Town Board by separate resolution and kept on file in the Office of the Town Clerk.

- (4) **Permits.**

All permits required by this article shall be issued by a duly authorized representative of the committee in writing and shall be subject to park rules and regulations. The persons to whom such permits have been granted shall be bound by the rules and regulations as fully as though the same were inserted in the permits, and any person to whom a permit has been issued shall be liable for any loss, damage, or injury sustained by the town or by any person by reason of the negligence of the person to whom the permit has been issued, their servants or agents, and shall save and keep the town harmless from any and all liability whatsoever arising out of such negligence.

- (5) **Leasing of Equipment.**

The commission is authorized to lease equipment suitable for recreational purposes to private organizations upon such terms as it may determine provided that any such lease shall contain the provisions binding the lessee to save and keep the town harmless from any and

all liability whatsoever arising out of the leasing and use of such equipment, and provided further that the committee may, in its discretion, in each case require lessee to provide public liability insurance covering the use of such equipment.

(6) Operating Hours.

(a) Except for vehicular traffic moving upon through streets or roadways, and except when the commission publishes general permission to use all or certain parks or parkways upon summer nights, the parks and parkways shall be closed at 10:00 p.m. each night until 6:00 a.m. the following morning, and no person shall remain therein during those hours, provided that, the committee may from time-to-time, in all or any of the parks, publish or post closing hours different from the above, or discontinue closing hours, as in the exercise of the judgement of the committee may appear reasonable and necessary.

(b) In case of emergency, or when in the judgment of the commission the public interest demands it, any portion of the parks or buildings and/or shelters therein may be closed to the public, or to designated persons until permission is given to return.

(7) Interference With Park Employees.

No person shall interfere with or in any manner hinder any employee of the town, nor any employee of a contractor while engaged in constructing, repairing or caring for any portion of the parks, or while in the discharge of the duties conferred by this article.

(8) Alcoholic Beverages.

The use of alcoholic beverages in the parks shall be governed pursuant to the provisions of Section 9.09 of the Town ordinance.

(9) Disorderly Conduct.

(a) No person shall use threatening, abusive, insulting, profane or indecent language, nor be guilty of conduct that is abusive, insulting, obscene, indecent or constitutes a breach of the peace.

(b) No person violating any of the prohibitions enumerated in subsection (1) shall be allowed to remain in any park.

(c) All radios, television sets and any other amplified electrical equipment must be operated in compliance with Section 9.04 of the Town Code, so as not to disturb the use and enjoyment of the park and its facilities by others.

(10) Smoking and Disposal of Smoking Materials.

(a) No person shall be permitted to smoke, or to hold a lighted cigarette, cigar, or pipe in any building, or section of a building or shelter, or where officially posted notices so prohibit.

(b) No person shall throw or drop a lighted cigar or cigarette stub or empty a lighted pipe from a motor vehicle moving along a park drive.

(11) Sale of Soda.

The committee may sell soda water beverages at Town parks.

(12) Littering.

(a) No person shall scatter, drop or leave any piece of paper, rag, tin can, bottle, glass, peanut shells, melon rinds, banana peels or other garbage, dead flowers, or other rubbish in any portion of the parks, except in the receptacles provided for that purpose.

(b) Any person who breaks a bottle or other glassware in any park shall immediately pick up the broken pieces and remove same to a park waste container.

(c) No person shall deposit, dump, throw, or place any earth, rubbish, dust, manure, paper garbage, or any other refuse matter or any sand, stone, lumber, or building material, or any substance of any kind, in or upon any part of the waters, grounds, or roadways of any park without written permission of the committee.

(13) Public Meetings, Parades and Funeral Processions.

No public meeting or assemblies, military or other parade or procession, or funeral shall take place in or pass through the limits of any park except upon written permit from the authorized representative of the committee, pursuant to Section 4 above, and then only in areas designated in the permit.

(14) Advertising and Sales.

(a) No person shall sell, keep, or offer for sale any tangible or intangible article, merchandise, or thing; nor solicit for any trade, occupation, business or profession, or for alms, within any park without the written permit from the Town Board.

(b) No person, except upon written permit from the authorized representative of the commission, pursuant to Section 4 above, shall distribute, post, affix or display any card, handbill, sign, placard, target, banner, flag (except that of the United States and the State of Wisconsin), or advertisement of any kind. The word "distribute" includes the scattering of printed matter from aircraft.

(15) Permit for Picnic Areas.

(a) No person shall in any manner disturb, harass or interfere with any person or party holding a written permit from the commission or with any such person's or party's equipment or property.

(b) Permits for the exclusive use of any picnic or play area for any specific date or time may be granted at the discretion of the commission, and no person shall in any manner disturb or interfere with any person or party occupying the ground under such a permit, or with any of such person's or party's equipment or property.

(16) Weapons.

(a) No person shall carry, fire or discharge any gun, pistol, or firearm, nor any rocket,

torpedo or any other fireworks of any description, nor shall any person engage in trapping; nor shall any person hunt with bow and arrow within any park. The word "gun" includes air gun.

(b) No person shall throw stones or missiles in or into any park.

(17) Fires.

(a) Persons shall be permitted the use of private cooking grills subject to regulations as may be prescribed. Use of charcoal shall be permitted provided lawns and other vegetation are not damaged and provided further that all unburned coals or ash are disposed of in such manner as to prevent fire or damage to any park property.

(b) Any and all other fires within the park are strictly prohibited and governed under the provisions of Section 5.01 of the Town Code.

(18) Animals.

(a) No animal, except those placed in the park by the authority of the town board, except dogs on leash as regulated by subsection (b) hereof, shall be conducted into or driven within the parks or be allowed to remain therein.

(b) No person having the control or care of a dog on a leash shall permit a dog to enter or remain in a public park unless it is led by a leash of suitable strength not more than six (6) feet in length and then only within such areas in parks as have been designated by order of the town. The committee shall cause signs to be posted in areas wherein dogs are not permitted. All waste must be collected and removed in compliance with Town Ordinance of 8-8-95.

(19) Injury to Vegetation, Structures, and Equipment.

(a) No person shall climb any tree, or pluck any flowers or fruit, wild or cultivated, or break flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure, or other property within any park.

(b) No person in any park shall remove any device for the protection of trees or shrubs, nor shall any person fasten an animal next to any tree, shrub, or grass plot which may become damaged by the action of the animal.

(20) Aircraft Landing Prohibited.

(a) No person shall ascend or land with any aircraft including gliders and parachutes, nor engage in stunt flying or parachute landing in any park without the written permit of the Town Board.

(21) Sleeping or camping.

(a) No person shall camp or lodge in any park.

(22) Public Utilities and Private Construction.

(a) The location of all sewers and receivers, gas pipes, water pipes, stopcock boxes, hydrants, lamp posts, telegraph, telephone, and electric power posts and lines, manholes, conduit and pumps within any park shall be subject to the jurisdiction and control of the town. Their construction, erection, repair or relocation shall be undertaken only after written permission is received from the Town Board.

(b) No curb, weather stone, concrete or grass shall be cut for the purpose of constructing a private driveway across any park border nor for any other purpose, without written permission from the Town Board. The location, width, grade, and construction of all paths, driveways and roadways across any sidewalk border along any parkway shall be subject to the approval of, and constructed only after written permission thereof is obtained from the Town Board. Every person who shall receive a permit to open a trench, to cut a curb, or to deposit materials in or upon any park shall at all times after such work has been commenced or materials deposited, and until the same has been completed, and until all accumulations of materials resulting from such work have been removed, so guard and protect the same that persons driving or passing along the roadway sidewalk or in the vicinity of the place where the work is being done, shall not be likely to meet with any accident therefrom. Such a person shall also during the time from sunset to sunrise, each night while said work is in progress, cause the same to be securely fenced and guarded by a red light or lights placed in a conspicuous position and secured that the same shall not be extinguished.

(23) Traffic Regulations.

In addition to all other state and local traffic regulations, the following specific regulations shall apply within the parks:

(a) No person shall drive any automobile, motorcycle, or other vehicle traffic or burden, including "off road vehicles" upon any part of the parks except the proper drives and parking areas or permit the same to stand upon the drives or any part thereof so as to congest traffic or obstruct the drive. This subsection shall not apply to vehicles engaged in the construction, maintenance, or operation of the park or to vehicles making deliveries to the parks under permit of the commission.

(b) No person shall cause any taxicab, bus, limousine or other vehicle for hire to stand upon any part of the parks for the purpose of soliciting or taking in passengers or persons other than those carried to the parks by the vehicle, unless licensed by the Town Board.

(c) No person shall cause any bus, cart, dray, wagon, truck or trailer or other vehicle carrying goods, merchandise, manure, soil, or any other articles, or solely in use for the carriage of goods, merchandise, manure, or other article to enter or be driven in any part of the parks. This subsection shall not apply to vehicles engaged in the construction, maintenance or operation of the park or to vehicles making deliveries to the parks under permit of the commission.

(d) It shall be the duty of every person operating an automobile, motorcycle or other vehicle or traffic or burden within the parks to comply with the state, county and municipal traffic laws and with all orders, directions, and regulations of traffic officers, or officially displayed on any post, standard sign or device installed for the regulation of traffic.

(e) The commission shall cause signs to be erected indicating speed limits on roads and drives. Where no such signs are posted the speed shall in no case be greater than ten (10) miles per hour.

(f) The commission shall cause to be erected such other traffic control signs as are necessary or which might become necessary for the proper regulations and safe movement of vehicles and pedestrians.

(g) Vehicles normally shall be parked in designated parking areas.

(24) Bicycles.

(a) Riders of bicycles shall comply with the section on Traffic Regulations.

(b) No person shall ride a bicycle upon the lawns, walks, or foot trails in the parks.

(c) Bicycle riders shall proceed in the extreme right hand lane of the drives at all times, in a single file only.

(d) A bicycle shall not be towed by a rope or otherwise, nor shall any rider hold on to any moving vehicle for purpose of being drawn along.

(e) Children riding bicycles that have wheels less than twenty (20) inches in diameter may use the footpaths.

(f) Wherever possible, bicycles, shall be parked in places provided for such purpose.

(25) Horseback Riding.

No person shall ride horseback in any park.

PUBLIC WATERS

19.05 APPLICABILITY AND ENFORCEMENT. The provisions of this chapter shall apply to the waters of Pewaukee Lake, within the jurisdiction of the Town of Delafield. The provisions of this chapter shall be enforced by the officers of the Water Safety Patrol Unit under jurisdiction of the Town of Delafield.

19.06 STATE BOATING AND WATER SAFETY LAWS ADOPTED. The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any statute incorporated by reference herein is required or prohibited by this chapter.

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| §30.50 | Definitions |
| §30.501 | Capacity Plates on Boats |
| §30.51 | Operation of Unnumbered Boats Prohibited |
| §30.52 | Certificate of Number |
| §30.53 | Identification Number to be Displayed on Boat; Certificate to be Carried |
| §30.54 | Transfer of Ownership of Numbered Boat |

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| §30.55 | Notice of Abandonment or Destruction of Boat or Change of Address |
| §30.60 | Classification of Motorboats |
| §30.61 | Lighting Equipment |
| §30.62 | Other Equipment |
| §30.64 | Patrol Boats Exempt from Certain Traffic Regulations |
| §30.65 | Traffic Rules |
| §30.66(1) | Speed Restrictions |
| §30.67 | Accidents and Accident Reports |
| §30.675 | Distress Signal Flag |
| §30.68 | Prohibited Operation |
| §30.69 | Water Skiing |
| §30.70 | Skin Diving |
| §30.71 | Boats Equipped with Toilets |
| §30.79 | Municipal Water Safety Patrols |

19.07 DEFINITIONS. (1) SHORE ZONE. The water area within 200' of any shore.

(2) SWIMMING ZONE. An authorized area marked by official buoys to designate a swimming area.

(3) ANCHORAGE, MOORAGE. An area where continuous anchoring or mooring of boats for more than 24 hours is permitted.

(4) HOUSEBOAT. A boat on which a toilet or food preparation facilities exist and on which persons are living, sleeping or camping.

(5) PUBLIC LANDING. A marina or landing facility and the adjoining public shoreline under the jurisdiction of the State, county or municipality.

(6) SEALED OR INOPERATIVE TOILETS OR HEADS. Toilets or heads plugged from the outside of the hull in such a manner that the plug cannot be removed from the inside of the boat.

19.08 SPEED RESTRICTIONS. (1) GENERAL LIMITS. No person shall operate a motorboat at a speed in excess of 10 mph between one-half hour after sunset and one-half hour before sunrise on all waters, and no person shall operate a boat at a speed in excess of 50 mph at any time. This provision shall not apply to boats participating in authorized races over a course laid out and plainly marked and adequately patrolled.

(2) SPECIAL LIMITS. No person shall at any time operate a motorboat in excess of 5 mph within 200' of any shore, swimmer not in a designated swimming area, marked public swimming area, diving flag, canoe, rowboat, sailboat, non-operating motorboat, bridge or public landing or anchorage.

19.09 OPERATION BY MINORS. No person under 12 years of age shall operate or be permitted to operate a motorboat of more than 10 horsepower unless there is present in the boat a person 16 years of age or older. The owner of the boat shall be held to have violated this section if he knowingly permits or suffers any such operation.

19.10 CAPACITY RESTRICTIONS. No person shall operate or loan, rent or permit a boat to leave the place where it is customarily kept for operation on the waters covered by this chapter with more passengers or cargo than a safe load.

19.11 ADDITIONAL TRAFFIC RULES. In addition to the traffic rules in §30.65, Wis. Stats., adopted in §19.06 of this chapter, the following rules shall apply to boats using the waters covered by this chapter.

(1) RIGHT-OF-WAY AT DOCKS, PIERS AND WHARVES. Boats leaving or departing from a pier, dock or wharf shall have the right-of-way over all other watercraft approaching such dock, pier or wharf.

(2) RIGHT-OF-WAY OF SAILBOATS. Boats propelled entirely by muscular power shall yield the right-of-way to sailboats, when necessary to avoid risk of collision.

(3) HOUSEBOATS. Anchoring, drifting or mooring of houseboats is prohibited from midnight to sunrise. However, unoccupied houseboats may be anchored in designated anchorages or moored to shore during this period with written permission of the property owner and where suitable shore sanitary facilities are available for use.

19.12 INTOXICATION AND INTOXICATING LIQUORS. No person shall permit any person who is so intoxicated as to be unable to provide for his own safety or the safety of others, to ride as a passenger in any boat operated by him.

19.13 ANCHORAGES AND STATIONARY OBJECTS. (1) RAFTS AND BUOYS. No person shall erect or maintain any raft, ski jump, stationary platform or any other obstacle to navigation more than 200' from the shore at any time unless a permit is obtained from the Chief of the Water Safety Patrol. All rafts and other obstacles described in this section shall be so constructed or anchored as to provide at least 6" of freeboard above the waterline, painted white, and have attached not less than 12" from each corner or projection, a red reflector not less than 3" in diameter. All rafts shall be inscribed with the name and address of the owner.

(2) DESIGNATION OF ANCHORAGES. The shore zone is designated an anchorage or moorage except in areas of heavy traffic where anchoring or mooring may be prohibited by order of the Chief of the Water Safety Patrol. Anchoring or mooring of a boat other than an emergency craft is prohibited in swimming zones. Anchoring or mooring for more than 24 hours is prohibited elsewhere on the lake.

(3) PUBLIC LANDINGS. Mooring or anchoring of boats at public landings other than at piers as designated by the controlling governmental agency is prohibited.

(4) MOORING LIGHTS REQUIRED. No person shall moor or anchor any unoccupied boat, raft, buoy or other floating object more than 200' from the shoreline between sunset and sunrise unless a permit has been obtained from the Chief of the Water Safety Patrol and there is prominently displayed thereon a white light of sufficient size and brightness to be visible from any direction for a distance of 1500' on a dark night with clear atmosphere except as provided in par. (e). This provision shall not apply to the shore zone or objects moored or anchored in designated anchorages.

(5) BUOYS MARKING RACE COURSES. Such buoys may be set without lighting provided that a permit has been obtained from the Chief of the Water Safety Patrol and that they are a bright color and that they are made of materials which will not damage a boat if struck.

(6) MOORING BUOYS. All mooring buoys placed on the water of the lake must comply with regulations of the Department of Natural Resources. Special permits shall be issued by the Chief of Water Safety Patrol for temporary nonconforming buoys necessary during

regattas and sporting events.

19.14 SAFE OPERATION REQUIRED. No person shall operate, direct or handle a boat in such manner as to unreasonably annoy, unnecessarily frighten or endanger the occupants of his or other boats.

19.15 SWIMMING REGULATIONS. (1) SWIMMING FROM BOAT. No person shall swim from any unmanned boat unless such boat is anchored.

(2) DISTANCE FROM SHORE. No person shall swim more than 200' from the shore unless in a designated swimming zone or when accompanied by a competent person in a boat.

(3) HOURS LIMITED. No person shall swim more than 200' from the shoreline between sunset and sunrise.

19.16 WATER SKIING. (1) PERSONS IN A BOAT. No person shall operate a boat for the purpose of towing a person on water skis, aquaplane or similar device or permit himself to be towed for such purpose unless there are 2 or more competent persons 12 years of age or over in such boat.

(2) HOURS. No person shall operate a boat for the purpose of towing a water skier, aquaplane or similar device or engage in water skiing between sunset and 10 a.m.

(3) DISTANCE FROM SHORE, LANDINGS AND BEACHES. No person shall operate a boat for the purpose of towing a water skier, and no water skier shall ski within 200' of the shoreline (except that take-offs of skiers perpendicular to the shoreline from piers are permitted, provided boats adhere to the speed limits for shore zones), or the outside limits of any swimming zone, any other watercraft, any swimmer not in a designated swimming area, any diving flag, or within 200' of any public boat landing.

(4) LIFE PRESERVER OR BELT. No person shall engage in water skiing, aquaplaning or similar activity unless he is wearing a life belt or preserver.

(5) LENGTH OF TOW. The maximum length of any tow rope for towing a person water skiing, aquaplaning or similar activity shall be 75'.

(6) EXCEPTIONS. The limitations of this section shall not apply to participants in ski meets or exhibitions authorized and conducted as provided in §19.18.

19.17 LITTERING WATERS PROHIBITED. No person shall deposit, place or throw from any boat, raft, pier, platform or similar structure any cans, paper, debris, refuse, garbage, solid or liquid waste into the water or onto the ice.

19.18 RACES, REGATTAS, SPORTING EVENTS AND EXHIBITIONS. (1) PERMITS REQUIRED. No person shall direct or participate in any boat race, regatta, water ski meet or other water sporting event or exhibition unless such event has been authorized and a permit issued therefor by the Chief of the Water Safety Patrol.

(2) PERMIT. A permit issued under this section shall specify the course or area of water to be used by participants in such event and the permittee shall be required to place markers, flags or buoys approved by the Chief of Water Safety Patrol designating the specified area.

Permits shall be issued only if, in the opinion of the Chief, the proposed use of the water can be carried out safely and without danger to or substantial obstruction of other watercraft or persons using the lake. Permits shall be valid only for the hours and areas specified thereon.

(3) **RIGHT-OF-WAY OF PARTICIPANTS.** Boats and participants in any such permitted event shall have the right-of-way on the marked area and no other person shall obstruct such area during the race of event or interfere therewith.

19.19 **MARKER AND NAVIGATION AIDS, POSTING OF.** (1) **DUTY OF CHIEF.** The Chief of the Water Safety Patrol unit shall place authorized markers, navigation aids and signs in such water areas as shall be appropriate to advise the public of the provisions of this chapter and post and maintain a copy of this chapter at all public access points within the jurisdiction of the Village of Pewaukee, the Towns of Delafield and Pewaukee and the County of Waukesha.

(2) **STANDARD MARKERS.** All markers placed by the Chief of the Water Safety Patrol or any other person upon the waters of the lake shall comply with the regulations of the Department of Natural Resources.

(3) **INTERFERENCE WITH MARKERS PROHIBITED.** No person shall, without authority, remove, damage, destroy, moor or attach any watercraft to any buoy, beacon or marker placed in the waters of the lake by the authority of the United States, State, County, Town, village or by any private person pursuant to the provisions of this chapter.

19.20 **DRIVING AUTOMOBILES OR OTHER MOTOR DRIVEN VEHICLES ON THE ICE.** (1) **SAFE OPERATION.** No person shall use or operate any automobile or other motor driven vehicle in any manner so as to endanger persons engaged in skating or in any other winter sport or recreational activity being engaged in upon the ice and no person shall, while using or operating any automobile or motor driven vehicle, tow, pull or push any person or persons on skates, sleds, skis, toboggan or device, or thing of any kind, designated or utilized to carry or support one or more persons.

(2) **SPEED.** No person shall use or operate any automobile or other motor driven vehicle at a speed in excess of 10 mph.

(3) **PROPELLER DRIVEN SURFACE CRAFT PROHIBITED.** No person shall operate any propeller driven surface vehicle, device or thing, whether or not designated for the transporting of a person or persons.

(4) **HOURS.** No person shall use or operate any automobile or motor driven vehicle on the ice after 8:30 p.m.

(5) **DEFINITIONS.** (a) **Automobile.** All motor vehicles permitted to be operated on the highways in Wisconsin.

(b) **Motor Driven Vehicle.** Any kind of device or thing designated or utilized for propulsion or movement upon the ice using a motor, whether of internal combustion design or not.

(6) **RISK AND LIABILITY.** All traffic on the icebound water of Pewaukee Lake shall be at the risk of the traveler as set forth in §30.81(3), Wis. Stats., and nothing in this chapter shall be construed as rendering the enacting authority liable for any accident to those engaged in permitted traffic while this chapter is in effect.

19.21 PIERHEAD LINE. Pursuant to §30.11, Wis. Stats., a pierhead line is established within 100' of the shoreline of Pewaukee Lake. The line applies to all lands regardless of zoning classification and is shown on an official map on file in the office of the Town Clerk. For the purposes of this section, "shoreline" is defined as the intersection of the land surfaces abutting the lake with the average annual high water elevation. Exceptions to the line shall require the approval of the Town Board and the Department of Natural Resources.

PENALTIES

19.25 PENALTIES AND DEPOSITS. (1) STATE STATUTES. Any person violating the provisions of any statute adopted by reference in §19.05 of this chapter shall be subject to a forfeiture not to exceed the maximum forfeiture allowed under the comparable State offense, including any variations or increases for second and subsequent offenses, plus costs and assessments where applicable.

(2) LOCAL PROVISIONS. Any person violating any other provision of this chapter shall be subject to a penalty as provided in §25.04 of this General Code of Ordinances.

(3) MONEY DEPOSITS. Any officer arresting a person for violation of a provision of this chapter who is unable to bring the person arrested before the court without unnecessary delay shall permit such person to make a money deposit as provided in §30.76, Wis. Stats. Such deposit shall be made to the Law Enforcement Officer or other person designated for collections.