

BIG CEDAR LAKE PROTECTION & REHABILITATION DISTRICT

ORDINANCE NO. 93-1 (As Amended By Ordinances 94-1, 98-1, 98-2, 2003-3 and 2011-1)

REGULATIONS OF BOATING AND OTHER ACTIVITIES

IN AND ON THE WATER OF BIG CEDAR LAKE,

GILBERT LAKE AND THE CHANNEL CONNECTING BIG CEDAR LAKE

AND GILBERT LAKE

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93-1.01 GENERAL PROVISIONS.

(2) **PURPOSE.** The purpose of this ordinance is to promote the public health, safety and general welfare.

(3) **AUTHORITY.** This ordinance is adopted by the Big Cedar Lake Protection and Rehabilitation District, hereinafter referred to as BCLPRD, pursuant to the powers granted them by virtue of Section 30.77, Wis. Stats., and resolutions adopted by the Town of West Bend and the Town of Polk in May, 1993.

(1) **APPLICABILITY.** The provisions of this ordinance shall apply to all the waters of Big Cedar Lake and Gilbert Lake and the channel connecting Big Cedar Lake and Gilbert Lake within the Town of West Bend and the Town of Polk, Washington County, Wisconsin. 93-1.02 **INTERPRETATION.**

The sections of this ordinance pertaining to the use, operation or equipment of boats and other vehicles as well as the activities which are regulated by Sections 30.50 to 30.71, Wis. Stats. and the rules and regulations of the Department of Natural Resources established pursuant thereto, shall be construed and interpreted, if possible, to be consistent with and not contrary to said statute sections, rules and regulations, nothing to the contrary herein notwithstanding. 93-1.03 **ENFORCEMENT.**

(2) Sections 30.79(1)(b), (3) and (4), Wis. Stats., are adopted herein by reference.

(3) The Chief and other members of the BCLPRD Water Safety Patrol shall be appointed by the Commissioners of the BCLPRD.

(1) The provisions of this ordinance shall be enforced by the Water Safety Patrol Officers hired or contracted for by the BCLPRD. 93-1.04 **STATE BOATING AND WATER SAFETY LAWS ADOPTED.**

State boating and water safety laws as found in Sections 30.50 through 30.71 of the Wisconsin Statutes and in the rules and regulations of the Department of Natural Resources established pursuant to said statutory provisions are adopted herein by reference, including those laws or rules and regulations adopted therein by the State or the Department of Natural Resources subsequent to the enactment of this ordinance. Any act required to be performed or prohibited by the provisions of any said statute, rule or regulation adopted herein by reference is required to be performed or prohibited by this ordinance. 93-1.05 **DEFINITIONS.**

(1) **WATER TRAFFIC.** All moving objects controlled by man or his agencies on the surface of the lakes.

(2) **PERSON.** Includes an individual, firm, partnership, corporation or any other association of individuals organized together for any purpose whatsoever.

(3) **WATER SKIING and WATER SKIER.** Being towed or the one being towed, respectively, on water skis, aquaplane or some similar device by a motorboat.³

The definitions as set forth in Sec. 30.01, Wis. Stats., are incorporated herein by reference as though fully set forth herein, except as follows: (4) **WATER TRAFFIC LANES.** The water traffic lane is the surface of the lake that is beyond 150 feet distant from and parallel to the shore or 100 feet distant from the

projecting extremities of any pier, wharf or other structure built in or over the water, or the greater thereof, provided, however, that on any part of said lake where the distance between the opposite shores is such that the foregoing formula is impossible or impracticable in application, then the water traffic lane shall be as indicated by buoys placed for that specific purpose.

(5) SLOW-NO-WAKE SPEED. When used herein, slow-no-wake speed shall mean that speed at which a boat moves as slowly as possible while still maintaining steerage control.

(6) PERSONAL WATERCRAFT. "Personal watercraft" shall mean a motorboat that uses an inboard motor powering a water jet pump or a caged propeller as its primary source of motive power and that is designated to be operated by a person standing on, kneeling on or sitting astride the watercraft.

(7) BOAT, WATERCRAFT. "Boat" or "Watercraft" means every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water and a fishing raft.

(8) MOTORBOAT. "Motorboat" means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion.

(9) TUBE. An inflatable or solid device on which a person is or persons are towed by a motorboat.

93-1.06 LIGHTING OF BOATS AND EQUIPMENT.

(1) MOORING LIGHTS REQUIRED. No person shall moor, drift or anchor any boat, raft, buoy or other floating object in the traffic lane from sunset to sunrise unless there is prominently displayed thereon a white light. 93-1.07 SPEED RESTRICTIONS.

(a) Monday Through Friday.

8:00 A.M. to the earlier of 8:00 P.M. or sunset – 35 m.p.h. maximum

The earlier of 8:00 P.M. or sunset to 8:00 A.M. – 10 m.p.h. maximum

(b) Saturdays, Sundays and Legal Holidays.

8:00 A.M. to 6:00 P.M. – 35 m.p.h. maximum

6:00 P.M. to 8:00 A.M. – 10 m.p.h. maximum

(2) SPEED OUTSIDE OF WATER TRAFFIC LANES. When moving in waters that have not been designated as the water traffic lane, the operating speed shall be slow-no-wake speed. 4

(1) SPECIFIC LIMITS: (3) REDUCED SPEED IN WATER TRAFFIC LANES. When moving in waters that have heretofore been classified as the water traffic lane and it is necessary to approach closer than the prescribed distances set forth in this ordinance to a moored boat, a slow moving boat, a flag or marker warning of subsurface activity, or a swimmer, the operating speed shall be slow-no-wake speed.

(4) SPEED IN MARKED WEED BED AREAS. When moving in waters that are marked as weed bed areas, the operating speed shall be slow-no-wake speed.

5) REDUCED SPEED ON GILBERT LAKE. When moving in the waters known as Gilbert Lake, including the channel between Gilbert Lake and Big Cedar Lake, the operating speed shall be slow-no-wake speed.

93-1.08 REGULATIONS ON BOAT OPERATION.

(2) PASSENGER CAPACITY AND SAFETY. (a) Capacity. All boats for rent or hire shall have stenciled or painted on the rear seat thereof the maximum safe carrying capacity of such boat.

(b) Seaworthiness. Every owner of a boat for hire or rent shall be personally responsible for the seaworthiness of his boat.

(3) SPECIAL REGULATIONS IN THE PENINSULA NARROWS.

a) The Peninsula Narrows is that portion of Big Cedar Lake lying east of the peninsula which extends from Government Lots 2 and 3 in the SE 1/4 of the NE 1/4 and NE 1/4 of the SE 1/4 of Section 30 and is situated in the SW 1/4 of the NW 1/4 and the NW 1/4 of the SW 1/4 of Section 29, Township 11 North, Range 19 East, Town of West Bend, Washington County, State of Wisconsin. Said waters are further bounded on the south by a line running due east from the southernmost tip of said peninsula and on the north by a line running due east from the northernmost tip of said peninsula.

b) All motorboats operating in the water traffic lane in the Peninsula Narrows shall operate to the right side of the mid-channel marker buoys.

c) No person shall operate a boat towing a person or persons on water skis, aquaplanes, tubes or other similar devices within the Peninsula Narrows at any time.

(4) TIGHT CIRCULAR AND PROLONGED REPETITIVE OPERATION OF MOTORBOATS. No person may operate a motorboat repeatedly in a tight, circuitous course, or in a prolonged, repetitive manner in the same area of the lake. 5

(1) DISTANCES. No motorboat shall pass within 100 feet of a moored boat, swimmer (unless accompanying the swimmer) or skin diver's marker (unless part of the skin diving operation), unless existing circumstances require it. Then, in such event, such passing must be made at a slow-no-wake speed and in a manner so as to not interfere with or endanger the occupants of such moored boat, swimmer or skin diver. (5) OPERATION OF A CERTAIN WATERCRAFT ON GILBERT LAKE.

a) No person may operate a personal watercraft or other jet powered watercraft or a motorboat powered by a propeller not fully submerged in the water in the channel leading from Big Cedar Lake to Gilbert Lake or on Gilbert Lake at any time, unless that person possesses a currently valid permit issued by the Board of Commissioners pursuant to paragraph (b) or is authorized pursuant to paragraph (c).

b) A person may apply for a permit to operate a personal watercraft or other jet powered watercraft or a motorboat powered by a propeller not fully submerged in the water in the channel leading from Big Cedar Lake to Gilbert Lake or on Gilbert Lake by submitting a complete application for such permit to the Operations Manager of the District on a form prescribed by the District. The Board of Commissioners shall make a decision on the permit application within 30 days after receipt of the complete application. The Board of Commissioners may grant and issue a permit under this paragraph if it determines that:

- i) the permit is necessary to prevent undue hardship to the applicant; or
- ii) the applicant has demonstrated other good cause for issuance of the permit.

(c) This section does not apply to persons engaged in the provision of emergency services or law enforcement.

(6) DECLARATION OF HIGH WATER EMERGENCY AND IMPOSITION OF A TEMPORARY SLOW, NO WAKE SPEED LIMIT ON ALL OF BIG CEDAR LAKE AT ALL TIMES.

a) When the water level exceeds the ordinary high water mark on the dam in the northeast corner of Timmer's Bay by at least 4 inches, the Commissioners of the BCLPRD will meet and may declare that a high water emergency exists on all of Big Cedar Lake. If a high water emergency is declared by the Commissioners, no person shall at any time operate a boat at a speed faster than "slow-no-wake" in the waters of Big Cedar Lake during such high water emergency.

b) When the water level returns to a level that is 4 inches or less above the ordinary high water mark on the dam in the northeast corner of Timmer's Bay, the high water emergency will be considered as rescinded and the restrictions in subsection a) above will no longer be in effect.

c) The BCLPRD will post a notice of the existence and removal of a high water emergency at the launch ramps on Big Cedar Lake and it will also notify the local media of the existence and removal of a high water emergency. 6

(8) POWER LAUNCHING AND RETRIEVING PROHIBITED.

No person shall launch or retrieve a motorboat off or onto a trailer at the Big Cedar Lake Protection and Rehabilitation District Gonring Drive Boat Launch unless the motorboat's motor is turned off or the motor is being operated in its neutral gear. No person shall have the motorboat's motor operating in a gear other than neutral while engaged in the act of retrieving a motorboat onto a trailer after the motorboat is at rest on the trailer.

93-1.09 WATER SKIING.

Monday through Friday – 8:00 A.M. to the earliest of 8:00 P.M. or sunset

Saturdays, Sundays & Holidays (Memorial Day, July 4 & Labor Day) – 8:00 A.M. to 6:00 P.M.

(2) NUMBER OF LINES TOWING SKIERS, AQUAPLANERS OR PERSONS ENGAGING IN SIMILAR ACTIVITIES, OR TOWING TUBES OR SIMILAR DEVICES. On Saturdays, Sundays and Holidays (Memorial Day, July 4 and Labor Day), no motorboat operator shall tow more than one line towing a water skier, aquaplaner or person engaging in similar activities, or towing tube(s) or similar devices. On Mondays through Fridays, unless on a Holiday (Memorial Day, July 4 and Labor Day), the towing of 2 lines by a motorboat towing water skiers, aquaplaners, or persons engaging in similar activities or towing tubes or similar devices shall be allowed.

(3) AIRBORNE DEVICES PROHIBITED. No motorboat operator shall tow any water skier, aquaplaner, or person engaged in similar activity, or tow any tube or similar device using or equipped with any airborne devices, i.e., kite, sail, plane or other device designed to lift such skier, aquaplaner, or person

engaged in similar activity, or such tube or similar device above the surface of the water for a sustained period of time.

(1) HOURS OF OPERATION. No person shall operate a boat for the purpose of towing a water skier, aquaplane, tube or similar device, or engage in water skiing, or aquaplaning, tubing or similar activity except during the following hours on the following days on Big Cedar Lake: 93-1.10 SWIMMING REGULATIONS.

(1) WATER TRAFFIC LANE. No person shall swim in the water traffic lane unless he/she is accompanied by a manned boat capable of carrying such swimmer, unless more than one swimmer is swimming in a group and the manned boat accompanying the group of swimmers has the capacity to carry all of the swimmers in the group. No boat operator shall accompany a single swimmer or more than one swimmer swimming as a group in the water traffic lane unless the boat being operated has the capacity to carry the one swimmer or all of the swimmers in the group. In addition, one swimmer or a group of swimmers may swim in the water traffic lane without having a manned boat accompanying the one swimmer or group of swimmers if the swimmer or group of swimmers stay within 50 feet of an unmanned boat that has the capacity to carry the one swimmer or all of the swimmers in the group and the unmanned boat is anchored. 7 (2) HOURS. No person shall swim in the water traffic lane from sunset to sunrise unless the accompanying boat mentioned in sub. (1) above is properly lighted.

(3) FISH SPAWNING AREA. No person shall skin dive or water ski in any marked fish spawning area.

93-1.11 SWIMMING BEACHES MARKED.

(2) BOATS PROHIBITED FROM ENTERING. All boats are prohibited from entering such swimming beach, except a boat used by a lifeguard or safety patrol unit.

(1) GENERAL. All beaches used by the public shall be identified by markers placed on the outer perimeter thereof by the riparian owner; said markers are to be of a size normally visible for a distance of 300 feet and securely fastened so as to keep the markers in place and painted as required by sec. 93-1.13 of this ordinance. 93-1.12 AIRCRAFT.

It shall be unlawful for any manned aircraft, whether designed for taking off or landing on water or ice or not, to use any part of any lake for landing or taking off unless the pilot in command has declared an official "Mayday" emergency situation and a required full report is subsequently made to the Federal Aviation Agency. 93-1.13 RAFTS, BUOYS AND MARKERS.

(2) POSITION. All rafts, platforms, buoys and markers shall be anchored so that they shall have at least 12 inches of free board above the water line and so that they will not float or drift in excess of 10 feet in any direction from the position that is directly above their anchor.

(3) SHOALS. If any shoals are marked, the same shall be indicated with markers normally visible for a distance of 300 feet and which are securely fastened to prevent moving and painted in conformity with the color scheme in sub. (1) above.

(1) COLORS. All rafts and stationary platforms, buoys and markers of any kind anchored in the water, except docks and piers, shall be painted in conformity with the color scheme established by the rules and regulations of the Department of Natural Resources. Any such marker which does not comply with such color scheme is deemed an unlawful obstruction of navigable waters and can be removed in accordance with law. 93-1.14 UNDERWATER CRAFT.

No person shall engage in any activity employing a craft capable of operating below the surface of the water unless such craft submerges and surfaces in that area of the surface of the lake that has not been designated herein as the water traffic lane, or submerges or surfaces in the water traffic lane within a radius of 50 feet from a flag similar to that required by Section 30.70, Wisconsin Statutes, which regulates skin diving, except in the case of emergency. 93-1.15 MARKERS AND NAVIGATION AIDS: POSTING ORDINANCE.

(1) DUTY OF CHIEF. The chief of the BCLPRD Water Safety Patrol is authorized and directed to place and maintain suitable markers, navigation aids and signs in such water areas as shall be appropriate to advise the public of the provisions of this ordinance at all public access points to Big Cedar Lake.

(2) STANDARD MARKERS. All markers placed 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 or destroy or 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, this State or the BCLPRD, pursuant to the provisions of this ordinance.

93-1.16 MISCELLANEOUS PROVISIONS.

(2) DISORDERLY CONDUCT PROHIBITED. No person shall, within the area to which this ordinance applies, engage in violent, abusive, threatening, tumultuous, indecent, obscene, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance. Public urination or defecation shall be considered disorderly conduct.

(3) STATE UNDERAGE ALCOHOL PROVISIONS ADOPTED. State underage alcohol laws as found in Sections 125.07(1), 125.07(4)(a), (b), (bs), (c) and (cd) and 125.085(1), (3)(b) and (3)(bd) of the Wisconsin Statutes are adopted herein by reference, including amendments adopted by the State subsequent to the enactment of this ordinance. Any act required to be performed or prohibited by the provisions of any said statute adopted herein by reference is required to be performed or prohibited by this ordinance.

(1) LITTERING WATERS PROHIBITED. No person shall deposit, place or throw from any boat, vehicle, raft, pier, platform structure or shore any cans, paper, bottles, debris, refuse, garbage, or solid or liquid waste on or into the water of the lake. 93-1.17 RESISTING OR OBSTRUCTING WATER SAFETY PATROL OFFICERS.

No person shall resist or obstruct any Water Safety Patrol Officer in the performance of duty. 93-1.18 PENALTIES.

(2) OTHER VIOLATIONS. Any person who shall violate any of the provisions of this ordinance which are not covered under Section 93-1.18(1) above shall, upon conviction of such violation, forfeit not more than the amounts provided in Section 30.80(1), Wisconsin Statutes, provided however that any person who shall violate any of the provisions of Section 93-1.08(8), Power Launching and Retrieving Prohibited, shall forfeit not more than \$150 for the first offence and shall forfeit not more than \$300 upon conviction of the same offence a second or subsequent time within one year, and provided further that any person who shall violate any of the provisions of Section 93-1.16(3), State Underage Alcohol Provisions Adopted, shall be 9

(1) VIOLATION OF ADOPTED STATE LAWS. Section 30.80, Wisconsin Statutes, is adopted herein by reference to cover violations of State boating and water safety laws contained in Sections 30.50 through 30.71, Wisconsin Statutes, which have also been adopted herein by reference in Section 93-1.04 above. subject to the applicable penalties provided for in Section 125.07(1)(b), Section 125.07(4)(bs), (c) and (cd) and Section 125.085(3)(bd), Wisconsin Statutes.

93-1.19 SEVERABILITY.

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I, the undersigned, hereby certify that as of August 1, 2007, the above Big Cedar Lake Protection and Rehabilitation District (BCLPRD) Ordinance is a true and correct copy of BCLPRD Ordinance 93-1, as that Ordinance has been amended by BCLPRD Ordinances 93-1, 94-1, 98-1, 98-2, 2003-3 and 2011-1.

/s/ Roger E. Walsh

Roger E. Walsh, Chairperson

Big Cedar Lake Protection & Rehabilitation District

The provisions of this ordinance shall be deemed severable and it is expressly declared that the BCLPRD would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected. NOTE: Ordinance 93-1 was adopted on June 17, 1993 and published on June 22, 1993. Ordinance 94-1 was adopted on February 8, 1994 and published on March 23, 1994. Ordinance 98-1 was adopted on May 18, 1998 and published on June 3, 1998. Ordinance 98-2 was adopted on April 8, 1999 and published on April 19, 1999. Ordinance 2003-3 was adopted on January 8, 2004 and published on January 14, 2004. Ordinance 2011-1 was adopted on May 12, 2011 and published on May 24, 2011.)