

MAY 13 1977

Boating Safety

AN ORDINANCE REGULATING WATER TRAFFIC

Town of Troy, Walworth County

Ordinance No.

An Ordinance to regulate water traffic, boating and water sports upon the waters of Booth Lake and Lulu Lake, and prescribing penalties for violation thereof.

The Town Board of the Town of Troy, Walworth County, Wisconsin, do ordain as follows:

Section 1. Intent. The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.

Section 2. Applicability. The provisions of this ordinance shall apply to the waters of Booth Lake and Lulu Lake, within the jurisdiction of the Town of Troy.

Section 3. Enforcement. The provisions of this ordinance shall be enforced by all duly constituted peace officers of the Town of Troy.

Section 4. 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 and safety 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 said statutes, are hereby adopted and by reference made a part of this ordinance.

- 30.50 Definitions
- 30.51 Operation of unnumbered motorboats prohibited
- 30.52 Certificates of number
- 30.53 Identification number to be displayed on boat; certificate to be carried
- 30.54 Transfer of ownership of numbered boat

- 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
- 30.63 Motorboat prohibition
- 30.64 Patrol boats exempt from certain traffic regulations
- 30.65 Traffic rules
- 30.66 Speed restrictions
- 30.67 Accidents and accident reports
- 30.68 Prohibited operation
- 30.69 Water skiing
- 30.70 Skin diving

Section 5. Additional Definitions. In this ordinance:

(a) "Person" means an individual, firm, partnership, corporation or any other association or individuals organized together for any purpose whatsoever.

(b) "Slow-no-wake" is defined as the slowest speed required to maintain steerage.

(c) "Traffic lane" means that part of a lake lying more than 150 feet from the shore, or from any dock, raft, pier or buoyed restricted area.

(d) "Commercial passenger boat" means any boat for hire used to carry farepaying passengers.

Section 6. Additional Speed Restrictions. In addition to the speed restrictions in Section 4 (30.66), above, no person shall operate a motorboat at a speed in excess of the following:

- (a) From 10:00 A.M. to 7:00 P.M. - 25 miles per hour.
- (b) From 7:00 P.M. to 10:00 A.M. - slow-no-wake.
- (c) Except in the traffic lane, slow-no-wake.

Section 7. Prohibited Operation.

a. No person may operate a motorboat within 100 feet of any dock, raft, moored boat, skin diver's marker or swimmer at a speed in excess of slow-no-wake speed.

b. Passenger Capacity and Safety.

(1) All boats for rent or hire shall have stenciled or painted on the rear seat thereof the maximum safe carrying capacity of such boat.

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

c. Safe Operation.

(1) No person shall permit any person who is intoxicated or under the influence of a controlled substance so as to be unable to provide for his own safety or the safety of others to be a passenger in a boat operated by him.

(2) No person shall operate, direct or handle a boat in such manner as to unreasonably or unnecessarily annoy or endanger the occupants of his or other boats and swimmers.

Section 8. Water Skiing.

(a) Any boat towing a person on water skis, aquaplane or similar device, shall be manned by at least two capable persons, one attendant in addition to the operator of the boat.

(b) No motor boat operator shall tow more than one water skier nor shall any water skier allow himself to be towed by any motor boat already towing one water skier, except however, the towing of two skiers shall be allowed Mondays through Fridays excepting legal holidays.

(c) Each person being towed shall wear a personal floatation device approved by the United States Coast Guard.

(d) In water skiing, both boat and skier shall at all times remain in the traffic lane.

(e) No person shall operate a boat for the purpose of towing a water skier, aquaplane or similar device, or engage in water skiing or aquaplaning at any time between the hours of 7:00 P.M. and 10:00 A.M.

(f) Persons water skiing shall conform to all the provisions of this ordinance pertaining to the operation of motorboats.

(g) No person shall water ski or aquaplane in a marked weedbed or fish spawning area.

Section 9. Skindiving, Swimming and Swimming Beaches.

(a) No person shall swim beyond 150 feet from the shore unless accompanied by a boat manned by a capable individual 14 years of age or over and equipped with one Coast Guard Approved Floatation Device for each swimmer in the water.

(b) No person shall swim in the traffic lane from 10:00 A.M. to 7:00 P.M.

(c) No person shall skindive in any marked fish spawning area.

(d) 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 Section 11 of this ordinance.

(e) All boats are prohibited from entering such swimming beach except a boat used by a lifeguard or safety patrol unit.

Section 10. Commercial Passenger Boats.

(a) All commercial passenger boats shall be licensed by Town of Troy.

(b) Every owner of a commercial passenger boat shall be responsible for its seaworthiness and its operation to insure the safety of the persons and property of others.

(c) No intoxicated person shall be accepted as a passenger upon any commercial passenger boat.

(d) All commercial passenger boats shall be berthed and made fast at their respective regular mooring place from one hour before sunset until one hour after sunrise.

(e) No person shall operate a commercial passenger boat unless the same shall be equipped with fire extinguisher equipment as required by United States Coast Guard Regulations, which equipment shall at all times be kept and maintained in efficient operating order.

Section 11. Rafts, Buoys and Markers.

(a) 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 shall be removed in accordance with law.

(b) Position. All rafts, platforms, buoys and markers shall be anchored so that they shall have at least six 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.

(c) All private buoys and markers shall be no more than 50 feet from shore and shall be approved by a peace officer of the Town of Troy.

Section 12. Operation of Vehicles on Ice Prohibited. No person shall operate a motor vehicle on any icebound lake situated wholly within the Town of Troy. This provision does not apply to snowmobiles.

Section 13. Littering Waters Prohibited. No person shall deposit, place or throw from any boat, raft, pier, platform or similar structure or from the shore, any can, paper, bottle, debris, refuse, garbage, solid or liquid waste on or into the lake.

Section 14. Markers and Navigation Aids: Posting Ordinance.

(a) Duly appointed law enforcement officers are 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 the ordinance and to post and maintain a copy of this ordinance at all public access points within the jurisdiction of the Town of Troy.

(b) All markers placed upon the waters of the lake shall comply with the regulations of the Department of Natural Resources.

(c) 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, State, or Town of Troy pursuant to the provisions of this ordinance.

Section 15. Penalties.

(a) Any person violating any provision of this ordinance for which a penalty is not provided by subsection (b) shall forfeit not more than \$50.00 for the first offense and shall forfeit not more than \$100.00 upon conviction of the same offense a second or subsequent time within one year and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid but not exceeding six (6) months.

(b) Any person violating Section 4 (30.67(1) or (2) or 30.68(1) or (2)) shall forfeit not more than \$200.00 and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid but not exceeding six (6) months.

Section 16. Wisconsin Statutes Defined. Wherever used in this ordinance the term "Wisconsin Statutes" shall mean the Wisconsin Statutes of 1973 with all subsequent amendments.

Section 17. Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether one or more provisions may be declared invalid and if any provision of this ordinance or the application thereof 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 thereby.

Section 18. Effective Date: Clerk's Duty.

(a) This ordinance shall take effect and be in force from and after its passage, publication and posting as provided by law.

(b) The Clerk of the Town of Troy is directed to file a copy of this ordinance with the Department of Natural Resources, State Capital, Madison, Wisconsin.

(c) Adopted by the Town Board of the Town of Troy this 10 day of May, 1977.

TOWN BOARD OF THE TOWN OF TROY

Gerald Byrnes
Chairman

Donald Betts
Supervisor

Robert C. Tupt
Supervisor

ATTEST:

Phyllis H. Welch
Clerk