

AN ORDINANCE TO REGULATE WATER TRAFFIC AND
WATER SPORTS UPON THE WATERS OF LAKE WISCONSIN

The Board of Supervisors of the Township of Lodi, Columbia County, do ordain as follows:

The Township of Lodi Boating Regulation Ordinance is hereby created to read as follows:

"(a) Intent. The intent of this Ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation and to reduce the ongoing destruction of shoreline consistent with public rights and interest and the capability of the Lake Wisconsin water resource.

(b) Applicability. This Ordinance shall apply to that portion of the waters of Lake Wisconsin within the jurisdiction of the Township of Lodi, and to such tributary waters as are subject to the police power of the Town of Lodi. No person shall use such waters or operate boats thereon except in compliance with the rules of this Ordinance.

(c) Boating and Safety Laws Adopted. The boating and safety laws of the State of Wisconsin found in Wis. Stats. §§ 30.50 to 30.71 are adopted by reference.

(d) Definitions.

(1) Shore zone. All surface waters within 200 feet of the shoreline.

(2) Swimming zone. An authorized area of water established by regulatory markers to designate a swimming area.

(3) Designated anchorage. An authorized area of water established by regulatory markers and marked as an anchorage by lawful authority.

(4) Public access. Any point of access to the waters of Lake Wisconsin by means of public property.

(5) Navigation lane. An area designated by authorized aids to navigation.

(6) Slow-no-wake. The slowest possible speed at which a boat moves while still maintaining steerage control.

(7) Boat. Every description of watercraft, other than a seaplane on the water, capable of being used as a means of transportation on water.

(8) Motorboat. Any boat propelled by machinery, whether or not such machinery is the principal source of propulsion, but not including a boat which has a valid marine document issued by the U.S. Bureau of Customs.

(9) Sailboat. Any boat propelled by sail. A rowboat, canoe or motorboat equipped with sail shall be deemed a sailboat only while propelled exclusively by sail; during such times as it may be propelled by sail in combination with other means, it shall be deemed a rowboat, canoe or motorboat, depending on the other manner of propulsion used.

(10) Water skis. Any apparatus used to tow a person on the water or above the water by means of ropes or lines attached to a motorboat.

(e) Water Exhibition Regulations.

(1) No person shall conduct or participate in a water ski tournament, boat race, regatta, competition, exhibition or trial therefor (hereinafter called "water exhibition") unless the water exhibition and its sponsor are duly licensed hereunder to operate in a water exhibition restricted area by the Lodi Town Board. Between the dates and during the hours when exclusive use of a water exhibition licensee is authorized, the use of the navigable waters of the area by persons other than law enforcement officials and the water exhibition licensee is prohibited. This prohibition shall not apply in case of an emergency, or to patrol or rescue craft.

(2) License Area to be Designated. A license issued under this section shall specify the course or area of water to be used by participants in such water exhibition, and the licensee shall be required to place markers, flags or buoys designating the specified area. The Town Board may issue licenses only if it finds that the proposed use of the waters of the Town of Lodi can be carried out safely and without danger to or substantial obstruction of other watercraft or persons using the lake.

(3) Right of Way to Participants. Boats and participants in any such permitted water exhibition shall have the right of way within the marked area and no other person may obstruct such area during the water exhibition or interfere therewith.

(4) License Procedure.

(A) Any person may apply to the Town Board for a license to use a water exhibition restricted area using forms provided by the Town Clerk. The applicant shall supply the following information:

(i) The name, mailing address and telephone number of the license applicant. If the applicant is a corporation, this shall include the state of incorporation and the names and addresses of its officers.

(ii) A description of the proposed water exhibition, including the proposed dates and hours of licensed restricted use, the locations of water skiing jumps and pickup/drop off areas, if any. A detailed map showing the precise location of the proposed water exhibition and markers or buoys shall be attached.

(iii) A brief description of the applicant's experience, financial responsibility and technical ability to present the proposed water exhibition.

The Town Board may require additional information from any applicant if it deems it necessary for the Town Board to exercise its informed judgment relating to the application.

(B) The Town Board shall consider the information contained in the application, as well as the following additional factors, when determining whether to grant a license to the applicant:

(i) The suitability of the proposed water exhibition for the water exhibition restricted area;

(ii) Existing values of land, riparian rights and enterprise within or in the vicinity of the proposed water exhibition restricted area;

(iii) Existing flora and/or fauna within or in the vicinity of the proposed water exhibition restricted area whose habitat may be adversely impacted by the proposed water exhibition;

(iv) The general public health, safety and welfare.

(C) All applications shall be submitted at least 30 days prior to the first date of the proposed water exhibition for that particular year. The Town Board's decision shall be final. The applicant may amend the application to conform to reasonable conditions attached to the granting of the license by the Town Board.

(5) Additional Regulations. The use of a water exhibition restricted area is subject to the following additional requirements:

(A) Lighting. The licensee shall provide sufficient lighting to the restricted area in order to permit the reasonably safe presentation of the water exhibition.

(B) Boats. No boat shall remain unattended in a water exhibition attended area.

(C) Pickup and Drop Off Areas. The licensee shall maintain all pickup and drop off areas authorized in the license.

(D) Jumps. The licensee shall maintain any and all waterski jumps authorized in the license. The jumps shall be securely moored during daylight hours on dates of operation, and removed to a designated and approved storage area at a shoreline, which need not be entirely out of the water, between sunset and sunrise, or at any time when unattended or not in use.

(E) Sound. Motorboats shall be equipped with closed exhaust systems emitting no more than 86 decibels of sound measured at the limit of the water exhibition restricted area. Engines shall not be tested on Sundays, nor dry-fired.

(F) Safety. The licensee shall provide for the safety of participants and spectators by the provision of sufficient ambulances and/or safety boats as approved by the Town Board.

(G) Buoys. If the water exhibition is contemplated to last more than two consecutive days, the licensee shall remove the markers, flags or buoys designating the specified area during the hours of darkness. All such markers, flags or buoys shall be materials which are safe for flora, fauna and the waters utilized.

(H) Insurance. Prior to the first scheduled water exhibition, the licensee shall file a liability insurance policy or binder with the Town Clerk by a company authorized to do business in the State of Wisconsin, with liability limits of not less than \$1 million per person and \$100,000 for property damage.

(I) Fee. The licensee shall pay an annual fee of \$100.00 to the Town to defray the cost of administering this Ordinance upon the granting of the license.

(J) Operation Outside Restricted Area. The licensee shall not permit participants in the water exhibition to make test runs or similar high performance activities outside the marked restricted area for the water exhibition.

(f) Controlled Areas.

(1) No person shall operate a motorboat or other motor-driven device in excess of the slow, no-wake speed within a water area which has been clearly marked with regulatory markers designating the area for such speed. The following areas, more particularly described in diagrams or aerial photographs on file with the Wisconsin Department of Natural Resources, are hereby designated as slow, no-wake areas:

(A) Okee Area -- Highway V Bridge. This slow, no-wake zone extends from the northerly and southerly faces of the Columbia County Trunk Highway V bridge into the waters of Lake Wisconsin a distance of 150 feet.

(B) Harmony Grove Lagoons. This slow, no-wake zone includes the five lagoons located on the southerly shore of Lake Wisconsin in Section 4, Town of Lodi, including the entire lagoons from their termini to their mouths, as well as extending 150 feet out into Lake Wisconsin from a line extending from each point of land across lagoon entrances.

(C) Okee Area -- Back Bay of Okee Bay. This slow, no-wake zone includes the area commonly known as the back bay of Okee Bay, adjacent to the mouth of Spring Creek. This area is bounded on the north by a line drawn from a starting point on the easterly shore of Okee Bay at the end of Red Cedar Drive extended southwesterly across Okee Bay to the westerly shore of Okee Bay adjacent to the blue silo abutting the Chicago & Northwestern Railroad tracks adjacent to State Trunk Highway 113.

(2) No person shall cause, allow or permit any person to move, remove, molest, tamper with, destroy or moor a boat (except to mooring buoys) to any navigation aids or regulatory markers, signs or other devices established and maintained for boaters on waters on the Town of Lodi.

(3) This Section does not apply to the operation of a boat in the case of an emergency, or to patrol or rescue craft.

(g) Penalties. Wisconsin State boating penalties, as found in Wis. Stats. § 30.80, are adopted by reference. Any person violating a provision of this Ordinance for which no statutory equivalent exists in Wis. Stats. Chap. 30 shall forfeit not less than \$25.00 nor more than \$100.00 upon conviction for the first offense, and not less than \$50.00 nor more than \$200.00 upon conviction for the second or subsequent offenses in the same year, together with any applicable penalty assessment, jail assessment and costs.

(h) Enforcement.

(1) The provisions of this Ordinance shall be enforced by the Columbia County Sheriff's Department and by one or more of the Supervisors of the Town.

(2) Pursuant to the authority of Wis. Stats. § 66.119, the Town of Lodi hereby elects to use the citation method of enforcement of Ordinances, including those for which a statutory counterpart exists.

(3) Form of Citation. The form of the citation to be issued shall contain the following information:

(A) The name, address, date of birth and physical description of the alleged violator;

(B) The factual allegations describing the alleged violation;

(C) The date, time and place of the alleged offense;

(D) Identification number of the boat involved in the alleged offense;

(E) The Section of the Ordinance violated;

(F) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so;

(G) The time and place at which the alleged violator may appear in court;

(H) A statement which in essence informs the alleged violator that:

(i) The alleged violator may make a cash deposit of a specified amount to be mailed to a specified official prior to the time of the scheduled court appearance;

(ii) If the violator makes such a deposit, the alleged violator need not appear in court unless subsequently summoned;

(iii) If the alleged violator makes a cash deposit and fails to appear in court, the nonappearance will be deemed to be a plea of no contest for which a forfeiture not to exceed the amount of the deposit is submitted, or, if the Court rejects the plea of no contest, a Summons will be issued for the alleged violator to appear in court to answer the Complaint;

(iv) If the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture up to the maximum permitted by law;

(I) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that the statement required under Subsection (G) above has been read. Such statement shall be sent or brought with the cash deposit;

(J) Such other information as may be deemed necessary.

(K) The form of the citation shall be uniform.

(4) Schedule of Deposits. The schedule of cash deposits for various Ordinances for which a citation may be issued are as established on the deposit schedule adopted by the Town Board, a copy of which is on file with the Town Clerk-Treasurer. In addition to the deposit amount listed, the deposit must include the penalty assessment imposed by Wis. Stats. § 165.87, jail assessment as imposed by Wis. Stats. § 302.46(1) and court costs as imposed by Wis. Stats. § 814.63.

(5) In cases in which enforcement is undertaken by the Columbia County Sheriff's Department, the procedures of Wis. Stats. §§ 23.50 to 23.99 shall apply, and actions shall be commenced by use of the citation authorized herein and in Wis. Stats. § 23.53. Where enforcement is undertaken by one or more of the Town Supervisors, forfeiture actions shall be commenced pursuant to Wis. Stats. §§ 778.10 to 778.11.

(6) The provisions of Wis. Stats. § 66.119(3) relating to violator's options and procedure on default are hereby adopted and incorporated herein by reference.

(i) Nonexclusivity. The adoption of this Ordinance does not preclude the Town Board from adopting any other Ordinances providing for the enforcement of any other law or Ordinance relating to the same or any other matters. The issuance of citation or a Complaint under this Ordinance in no way precludes the proceeding under any other law or Ordinance relating to the same or any other matter.

(j) Severability of Provisions. 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 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."

(k) Repeal of Prior Boating Ordinance. This ordinance supersedes all prior boating ordinances of the Town of Lodi adopted at any time in the past. If the provisions of this ordinance conflict with any such prior boating ordinances, such prior inconsistent ordinances are hereby repealed.

The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board on the ____ day of _____, 1993 at Lodi, Wisconsin.

TOWN OF LODI, WISCONSIN

Chair _____

Supervisor _____

Supervisor _____

Supervisor _____

Supervisor _____

ATTEST:

Town Clerk

VOTE: _____

AYES: _____

NOES: _____

ADOPTED: _____

PUBLISHED: _____