

AN ORDINANCE TO REGULATE WATER TRAFFIC, BOATING, AND WATER SPORTS UPON THE WATERS OF THE TOWN OF DEERFIELD, TOWN OF HANCOCK, AND VILLAGE OF HANCOCK, WAUSHARA COUNTY, WISCONSIN AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The Boards of the Town of Deerfield, Town of Hancock, and Village of Hancock, Waushara 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 needs and the capability of the water resource.

SECTION 2. Applicability and Enforcement. The provision of this ordinance shall apply to the waters and shore within the jurisdiction of the Town of Deerfield, Town of Hancock, and Village of Hancock, Waushara County, Wisconsin.

The provisions of this ordinance shall be enforced by the constable of the Town of Deerfield, Town of Hancock, and Village of Hancock as well as the Townships and Village Water Police Patrol.

SECTION 3. 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, and amendments thereto, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violations of said statutes, are hereby adopted and by reference made a part of this ordinance 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 ordinance.

- 30.50 (Definitions)
- 30.51 (Operation of Unnumbered Boats Prohibited)
- 30.52 (Certificate of Number)
- 30.53 (Certification Number to be Displayed on Boat;
Certificate to be carried)
- 30.54 (2) (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)
- 30.64 (Patrol Boats Exempt for 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)
- 30.71 (Boats Equipped with Toilets)

SECTION 4. Definitions.

- (a) Shore zone: The water within 75 feet of any shore.
- (b) Swimming area: An authorized area marked by official buoys to designate a swimming area.
- (c) Channel: A waterway less than 150 feet wide.
- (d) Anchorage; Moorage: An area where continuous anchoring or mooring of boats for more than 24 hours is permitted.
- (e) Houseboat: A boat on which persons are living, sleeping or camping.
- (f) Public Landing: A landing facility and the adjoining public shore line under the jurisdiction of the Town of Deerfield, Town of Hancock, and Village of Hancock.
- (g) Slow-no-wake: The slowest possible speed so as to maintain steerage.

SECTION 5. Speed Restrictions.

(a) General Limits: No person shall operate a boat on Fish Lake except at slow-no-wake speed between the hours of 4:00 p.m. in the afternoon to 10:00a.m. the following morning. This provision shall not apply to boats participating in duly authorized exhibitions over a course laid out and plainly marked and adequately lighted and patrolled.

(b) Pine Lake Limits: No person shall operate a boat at any time in excess of slow-no-wake speed upon the waters of Pine Lake (Hancock Lake).

(c) Special Limits: No person shall at any time operate a boat except at slow-no-wake speed within 100 feet of any swimmer, marked public swimming area, public landing or anchorage.

(d) Slow-no-wake Buoys: Placement of slow-no-wake buoys in the narrows of Fish Lake, more particularly described as: West buoy on narrows will be approximately 150 feet from pipe on beach in a line from the house owned by Tom Rooney. East buoy 360 feet southeast of first buoy in line with Tom Rooney's house and second pipe on shore. There will be approximately 100 feet between the east buoy and the second pipe on shore. The buoys located in the narrows are slow-no-wake buoys and that no boat shall operate at a speed in excess of slow-no-wake between said buoys.

SECTION 6. 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 ordinance with more passengers or cargo than a safe load, with reference to the capacity plate on the craft.

SECTION 7. Intoxication and Intoxicating Liquors. Intoxicated Persons Not to Ride in Boats. 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.

SECTION 8. Anchorage and Stationary Objects.

(a) Rafts and buoys: No person other than a riparian owner shall erect or maintain any swimming raft, or stationary platform. All such rafts and stationary platforms must be located within 100 feet from shoreline.

(b) Designation of Anchorages: The shore zone is designated an anchorage or moorage except that anchoring or mooring of a boat other than an emergency craft is prohibited in swimming areas.

(c) Public Landings: Mooring or anchoring of boats at or within 100 feet of public landings is prohibited.

(d) Mooring Lights Required: No person shall moor or anchor any unoccupied boat, raft, buoy or other floating object more than 100 feet from the shore line 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 1,500 feet on a dark night with a clear atmosphere except as provided in Section 12. This provision shall not apply to the shore zone or objects moored or anchored in designated anchorages.

SECTION 9. Swimming Regulations.

(a) Swimming from Boats Prohibited: No person shall swim from an unoccupied boat.

(b) Swimming Areas: No boat shall be operated within a water area which has been clearly marked by buoys as a swimming or bathing zone except in the case of emergency, control, or rescue craft. These swimming zones are located at or near:

1. Hancock Park

At the Hancock Park Swimming Area buoys will be placed starting at west end of steps of the Bath house, 110 feet south to placement of first buoy. Then approximately 75 feet east to second buoy, then approximately 110 feet north, then 75 feet west to point of beginning. This is the officially designated swimming area.

2. Tomorrow Wood Campground

At the Tomorrow Wood Campground Swimming Area buoys will be placed starting at the east end by the house, 100 feet north to placement of first buoy. Then approximately 75 feet west to the second buoy, then approximately 100 feet south, then 75 feet east to point of the beginning.

3. _____

SECTION 10. Water Skiing.

(a) Restricted Hours: Water skiing, aquaplaning, and similar activities are permitted on Fish Lake only between the hours of 10:00 a.m. in the morning and 4:00 p.m. in the afternoon.

(b) Pine Lake Restriction: Water skiing, aquaplaning or similar activities of any nature are not allowed on Pine Lake (Hancock Lake).

(c) 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 100 feet of the shore line or within 100 feet of the outside limits of any swimming zone, other watercraft, swimmer, or any public landing.

(d) Life Preserver: No person shall engage in water skiing, aquaplaning or similar activity unless they are wearing a Coast Guard approved personal flotation device.

(e) Length of Tow: The maximum length of any tow rope for towing a person water skiing, aquaplaning or similar activity is 75 feet.

(f) Additional Restrictions: No person shall operate an air driven boat or airplane towing a person on water skis, aquaplane or similar device, nor shall any person engage in water skiing, aquaplaning or similar activity while being towed by an air driven boat or airplane on the waters within the jurisdiction of the Town of Deerfield, Town of Hancock and Village of Hancock at any time.

(g) Exceptions: The limitations of this section shall not apply to participation in ski exhibitions authorized and conducted as provided in Section 12.

SECTION 11. Throwing Refuse in Water or on Ice. No person shall deposit, place, or throw into the waters within the jurisdiction of the towns or village, or leave upon the ice or in the water thereof, any cans, bottles, debris, refuse or other solid or liquid waste materials.

SECTION 12. Races, Regattas, Sporting Events and Exhibitions.

(a) Permit 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 therefore by the local town or village board.

(b) 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 police 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 using the lake. Permits shall be valid only for the hours and areas specified thereon. Equipment used for the activities specified in Section 12 (a) shall be removed from the lake by the sponsor within four (4) hours after completion.

(c) Buoys Marking Exhibition Courses: Such buoys may be set without lighting provided that a permit has been obtained from the local town or village board that they are bright color and they are made of materials which will not damage a boat if struck.

(d) 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 or event or interfere therewith.

SECTION 13. Mooring at Docks Without Permission. No person shall moor a boat or other watercraft at a private dock or beach if upon private property located in the Town of Deerfield, Town of Hancock, or the Village of Hancock without the permission of the owner thereof.

SECTION 14. Driving Automobiles or Other Motor Driven Vehicles on the Ice.

(a) Safe Operation: No person shall use or operate any automobile or other motor driven vehicle in any manner so as to endanger persons being engaged in skating or in any other winter sport or recreational activity being engaged in upon the ice, and no person shall, while using 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 designed or utilized to carry or support one or more persons, unless specifically designed for operation with the vehicle.

(b) Speed: No person shall use or operate any automobile in excess of ten (10) miles per hour.

(c) Definitions: The word "automobile" as used in this ordinance shall be construed to mean all motor vehicles of the type and kind permitted to be operated on the highways of the State of Wisconsin.

"Motor Driven Vehicles" as used in this ordinance shall be construed to mean any kind of vehicle or thing designed or utilized for propulsion or movement upon the ice using a motor, whether of internal combustion design or not.

(d) Risk and Liability: All traffic on the icebound water within the jurisdiction of the Town of Deerfield, Town of Hancock and Village of Hancock shall be at the risk of the traveler as set forth in Section 30.81 (3) of the Wisconsin Statutes and nothing in the ordinance shall be construed as rendering the enacting authority liable for any accident to those engaged in permitted traffic while this ordinance is in effect.

SECTION 15. Penalties and Deposits.

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(a) Major Violation: Any person violating the provisions of Section 30.67 (1) or 30.68 (1) of the Wisconsin Statutes as incorporated in Section 3 of this ordinance shall forfeit not more than \$200.00 together with the costs of prosecution. Any person violating any other provision of this ordinance shall forfeit not more than \$50.00 for the first offense and not more than \$100.00 together with the costs of prosecution for the same offense a second time within one year. Upon default in payment of such forfeiture such person shall be imprisoned in the Waushara County Jail until full payment is made, but not to exceed 60 days.

(b) Minor Violation: Any person violating any other provision of this ordinance except as specified in sub. (a) of this section shall upon conviction thereof forfeit not less than \$1.00 nor more than \$100.00, upon default in payment of such forfeiture, such person shall be imprisoned in the Waushara County Jail until full payment is made, but not exceeding 60 days.

(c) Money Deposits: Any officer arresting a person for violation of a provision of this ordinance who is unable to bring the person arrested before the Circuit Court of Waushara County without unnecessary delay shall permit such person to make a deposit as provided in Section 30.67 of the Wisconsin Statutes. Such deposit shall be made to the town police headquarters or the Sheriff's Department of Waushara County.

SECTION 16. Wisconsin Statutes Defined. Wherever used in this ordinance the term "Wisconsin Statutes" shall mean the Wisconsin Statutes of 1977 and subsequent amendments.

SECTION 17. Law Enforcement Craft or Vehicle. Law Enforcement crafts or vehicles shall be exempt when operated with due regard, for safety of all persons using the lakes, while attempting to apprehend an actual or suspected violation of this ordinance.

SECTION 18. Repeal of Conflicting Ordinances. All ordinances regulating water traffic, boats, boating of water sports upon the waters covered by this ordinance and all ordinances or parts of ordinances in conflict with this ordinance heretofore enacted by the Town Boards of Deerfield Township, Hancock Township, and Village of Hancock, Waushara County, Wisconsin, are hereby repealed.

SECTION 19. Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town of Deerfield, Town of Hancock, and Village of Hancock Boards would have passed the other provisions of this ordinance irrespective of whether or not 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 20. Effective date; Clerk's Duty.

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

(b) The Town Clerk of the Town of Deerfield, Town of Hancock, and Village of Hancock is directed to file a copy of this ordinance with the Wisconsin Department of Natural Resources in Madison, Wisconsin.

Signed:

Larry D. Bacon
Larry Bacon, Chairman
Town of Hancock

Thomas Whalley
Thomas Whalley, Chairman
Town of Deerfield

Paul K. Miller
Paul Miller, Chairman
Village of Hancock

Attest to:

Joyce Ebert
Joyce Ebert, Clerk
Town of Deerfield

Leslie Wetmore
Leslie Wetmore, Clerk
Town of Hancock

Oscar Olson
Oscar Olson, Clerk
Village of Hancock

Passed this _____ day of _____, 1983.

Posted this _____ day of _____, 1983 in the following three places in the Town of Deerfield, Town of Hancock and Village of Hancock.

Town of Deerfield

Town of Hancock

Village of Hancock

