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BUREAU OF LEGAL SERVICES

ORDINANCE # 1983-1

AN ORDINANCE TO REGULATE WATER TRAFFIC AND
BOATING UPON THE WATERS OF SILVER LAKE,
TOWN OF SPRINGWATER, AND PRESCRIBING PENALTIES
FOR VIOLATION THEREOF

The Town Board of the Town of Springwater, 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 recrea-
tion consistent with public rights and interest and the capability of the
water resource.

Section 2. Applicability and Enforcement. The provisions
of this ordinance shall apply to the waters of Silver Lake located within
the jurisdiction of the Town of Springwater. The provisions of this
ordinance shall be enforced by the officers of the Town of Springwater.

Section 3. Definitions in this ordinance:

(a) "Public access" means any access to the water by means
of public property.

(b) "Electric or internal combustion engines" means an
engine that drives or propels a boat, aquaplane or similar device through
the water on a source of power that is provided other than by wind power
or manual power.

Section 4. Prohibitive Operation.

(a) Intoxicated Operation: No person may operate a boat
or a similar device, upon the waters of Silver Lake, Town of Springwater,
while under the influence of an intoxicant or a controlled substance as
defined in Section 161.01 (4) of the Wisconsin Statutes.

(b) Negligent Operation: No person may operate or use any
boat or similar device, upon the water of Silver Lake, Town of Springwater,
in a careless, negligent or reckless manner so as to endanger the life,
property or person or the life, property or person of another.

(c) Operating Within Restricted Areas: No person shall oper-
ate a boat within a water area which has been clearly marked by buoys or
some other distinguishing device as a bathing or swimming zone; nor
operate a boat in restricted use areas contrary to regulatory notice
pursuant to Section 30.74 (2) of the Wisconsin Statutes. This section
does not apply in case of an emergency or to patrol or rescue craft.

(d) Molesting or Destroying Aids to Navigation and Regulatory Markers: No unauthorized person shall move, remove, molest, tamper with, destroy or attempt to destroy, or moor or fasten a boat to any navigation aids or regulatory markers, signs or other devices established and maintained to aid boaters.

Section 5. Traffic Rules.

(a) Every person operating a boat shall comply with the following traffic rules, except when deviation therefrom is necessary to comply with federal pilot rules while operating on the navigable waters of the United States:

(1) When two (2) boats are approaching each other "head and head", or so nearly so as to involve risk of collision, each boat shall bear to the right and pass the other boat on its left side.

(2) When two (2) boats are approaching each other obliquely or at right angles, the boat which has the other on her right shall yield the right of way to the other. "Right" means from dead ahead, clockwise to two points abaft the starboard beam.

(3) A boat may overtake and pass another boat on either side if it can be done with safety but the boat doing the overtaking shall yield the right of way to the boat being overtaken, notwithstanding any other rule in this section to the contrary.

(4) A boat granted the right of way by this section shall maintain her course and speed, unless to do so would probably result in a collision.

(b) Additional Traffic Rules. The Town may adopt such additional traffic rules as it deems necessary in the interest of public safety. Such rules shall conform as nearly as possible to the federal pilot rules.

Section 6. Speed Restrictions. It shall be unlawful to operate any type of boat or similar device upon the waters of Silver Lake, Town of Springwater, in any manner other than by wind power or manual power. The use of electric or internal combustion engines to power a boat on the waters of Silver Lake, is entirely prohibitive.

Section 7. Penalties and Deposits.

(a) Violations. Any persons violating the provisions of this ordinance which would coincide with Section 30.50 to Section 30.80

of the Wisconsin Statutes for which a penalty is not provided by sub. section (2) (3) or (4) of said statutes, shall forfeit not more than fifty (\$50.00) dollars for the first offense and shall forfeit not more than One Hundred (\$100.00) dollars upon conviction of the same offense a second or subsequent time within one year.

(b) 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 Waushara County Circuit Judge without unnecessary delay shall permit such person to make a deposit as provided by the Wisconsin Statutes. Such deposit shall be made to the town police headquarters or to the Waushara County Clerk of Courts or to the Town Water Patrol Chief, and properly receipted for.

Section 8. Wisconsin Statutes Defined. Wherever used in this ordinance, the term "Wisconsin Statutes" shall mean the Wisconsin Statutes of 1979-80 and subsequent amendments.

Section 9. Repeal of Conflicting Ordinances. All ordinances regulating water traffic, boats, boating or 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 Board of Springwater Township, Waushara County, Wisconsin, are hereby repealed.

Section 10. Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Springwater Town Board 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 11. Effective Date. Clerk's Duty.

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

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

Passed this 15th day of May, 1983.

Posted this 18th day of May, 1983.

Signed:

Warren D. Jones
Warren D. Jones, Chairman
Town of Springwater

Attest to:

Madella Sommer
Madella Sommer, Clerk
Town of Springwater

POSTED in the following three places in the Town of Springwater

Public Building - Little Silver Lake

Springwater Town Hall

Springwater Town Ramp