

THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF MERTON,
WAUKESHA COUNTY, WISCONSIN, does ordain as follows:

*Rec'd
4-30-97
Smt*

Section 1. Sec. 20.05 of the General Code of Ordinances is repealed and re-created as follows:

20.05 Moose Lake.

(1) **APPLICABILITY AND ENFORCEMENT.** The provisions of this section shall apply to the waters of Moose Lake within the jurisdiction of the Town of Merton. The provisions of this section shall be enforced by the officers of the Water Safety Patrol of the Town of Merton.

(2) **DEFINITIONS.**

(a) Shore Zone. The shore zone is hereby defined as all surface water within 125 feet of the shoreline.

(b) Slow-no-wake means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

(3) **SPEED RESTRICTIONS.**

(a) Night Limit. No person shall operate a boat at a speed in excess of slow-no-wake from one hour after sunset each day to 9 a.m. the following day.

(b) No person shall operate a boat (including a personal watercraft) faster than slow-no-wake at the south end of Moose Lake in the two southern bays. The area restricted is south of the east-west line extending between the north line of Lot 594 (W332 N6240) on the west shore and the north line of Lot 14 (W330 N6209) on the east shore.

(c) No person shall operate a boat (including a personal watercraft) faster than slow-no-wake within the shore zone or within 100' of any dock, raft, pier, or buoyed restricted area.

(d) No person shall operate a motor boat (including a personal watercraft) in excess of slow-no-wake between 12:00 noon and 4 p.m. on Sundays and legal holidays.

(4) **STATIONARY OBJECTS.**

(a) Reflectors Required. All piers, rafts, ski jumps or other stationary objects extending into or located upon the waters of Moose Lake shall have red reflector signals on each side thereof, and such reflectors shall not be less than three inches from the outer limits thereof and shall be at least three inches in diameter.

(b) Rafts. No person shall erect or maintain any raft or platform unless it is so anchored that it has at least 10 inches of free board above the waterline and has attached thereto on each side above the waterline a reflector in good condition not less than three inches in diameter. No raft shall be placed more than 100 feet from the shore unless a permit is obtained from the Water Safety Patrol.

(c) Permits Required.

1. No water ski jump shall be placed upon the waters covered by this chapter at any time unless a permit is obtained from the Water Safety Patrol. No raft or other stationary object shall be placed more than 100 feet from the shore unless a permit is obtained from the Water Safety Patrol. A permit issued under this section shall specify the location of the ski jump, raft or other structure and, in the case of ski jumps, the area of water to be used by users of such jump. Permits shall be issued only if in the opinion of the Water Safety Patrol the proposed use of the water and location of the structure is such so as not to interfere with or obstruct navigation and other use of the water.

2. Buoys. No "slow-no-wake" or "swim area" buoy may be placed in Moose Lake without a permit from the Water Safety Patrol and must be anchored no further than 125 feet from the shoreline.

(5) SWIMMING REGULATIONS. No person shall swim more than 125 feet from the shoreline of Moose Lake and more than 50 feet from a diving raft anchored 100 feet or more from the shoreline of Moose Lake without being accompanied by a boat for the protection of the swimmer and as an aid to other boats in determining the location of the swimmer, and such swimmer shall not be more than 50 feet from the accompanying boat.

(6) 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 by and a permit issued therefor by the Water Safety Patrol. Permits under this section shall be granted pursuant to §5.19 of the Wisconsin Administrative Code.

(b) Permit. A Permit issued under this section shall specify the course of the area or water to be used by participants in such event, and the permittee shall be required to place markers, flags or buoys approved by the Water Safety Patrol designating the specified area. Permits shall be issued only if in the opinion of the Patrol the proposed use of the water can be carried on safely and without danger to or substantial obstruction of other watercraft or persons using the lake. Permits shall be valid only for the hours and area specified.

(c) Right-of-Way of Participants. Boats and participants in any such permitted events 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.

(d) Racing Prohibited. No person shall operate a motor boat or personal watercraft in a race or speed contest with any other motor boat or personal watercraft, except as provided in subsec. (6)(a).

(7) WATER SKIING AND TOWING. In addition to the rules contained in §30.69, Wis. Stats., the following rules shall control water skiing and towing on Moose Lake.

(a) No person shall operate a motor boat or personal watercraft and tow therewith any person upon water skis, kneeboard, tube or other towed recreational device in the south end of Moose Lake and (2) south bays of Moose Lake. The area restricted is south of the east-west line extending between the north line of Lot 594 (W332 N6240) on the west shore and the north line of Lot 14 (W330 N6209) on the east shore.

(b) No person shall water ski or operate a boat or personal watercraft while towing a person on water skis, kneeboard, tube or other towed recreational device on Saturdays, Sundays and legal holidays at any time between 6:00 p.m. and 9:00 a.m. of the following morning.

(c) No person shall operate a motor boat or personal watercraft and tow more than two water skiers, kneeboards, tubes or other recreational devices at one time unless participating in an authorized exhibition or contest with permit as provided in subsec. (6).

(d) No person shall operate a motor boat and tow water skiers, kneeboards, tubes or other recreational devices except during the following listed hours:

Monday through Friday	9:00 a.m. to sunset
Saturdays	9:00 a.m. to 6:00 p.m.
Sundays and Legal Holidays	9:00 a.m. to 12:00 p.m.

(e) Direction. No person shall water ski or operate a boat or personal watercraft while towing a person on water skis, kneeboard, tube or other recreational device unless in a counter-clockwise direction. This restriction shall not apply to the operator of a boat or personal watercraft attempting to pick up a skier or towed device rider who has fallen into the water.

(8) MARKERS AND NAVIGATION AIDS.

(a) Notice and Posting. The 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 chapter and to post and maintain a copy of this chapter at all public access points on Moose Lake.

(b) Standard Markers. All markers placed by the Water Safety Patrol or any other person upon the waters covered by this ordinance shall comply with the regulations of the Department of Natural Resources, §5.09 of the Wisconsin Administrative Code. No "slow-no-wake" or "swim area" buoys will be anchored any further than 125 feet from the shoreline.

(c) 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 on the waters of Moose Lake by the authority of the United States, state, county or town or by any private person, pursuant to the provisions of this chapter.

(9) PENALTIES. Wisconsin State boating penalties as found in §30.80, Wis. Stats., and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference are hereby adopted by reference, with all references to fines amended to forfeitures and all references to imprisonment deleted.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective upon passage, posting and publication as required by law.

Dated: _____

Town of Merton

By: _____

Chairman

ATTEST:

Clerk

Date Adopted: _____

Date Published: _____

Effective Date: _____