

Ordinance No. -83

An Ordinance to repeal and recreate Chapter 8 of the Municipal Code of the Town of Palmyra relating to boating and water safety on waters within the Town of Palmyra.

The Town Board of Palmyra, Wisconsin, does ordain as follows:

Section 1. Chapter 8 is repealed and recreated to read:

8.01 PURPOSE AND INTENT

It is the purpose and intent of this Chapter to provide for the health, safety and welfare of the general public and 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 within the jurisdiction of the Town of Palmyra.

8.02 APPLICABILITY AND ENFORCEMENT

(1) Applicability. The provision of this Chapter shall apply to the waters of Blue Spring Lake and Lower Spring Lake and to such tributary waters as are subject to the police powers of the Town of Palmyra. No person shall use such waters or operate boats or watercraft thereon except in compliance with the provisions, rules and regulations contained herein.

(2) Enforcement. The provisions shall be enforced by the Palmyra Police Department and Constables. A boat inspector may be appointed by the Town Board and be qualified to give a U. S. Coast Guard form 2736 inspection.

8.03 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Chapter:

(1) Shore Zone. All surface water within two hundred (200) feet of the shoreline.

(2) Swimming Zone. An authorized area marked by regulatory markers to designate a swimming area.

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

(4) Public Access. Any access to the water by means of

public property.

(5) Navigation Lane. Any area designated by authorized aids to navigation. Navigation lanes are hereby established as follows:

(a) The entire surface of Blue Spring Lake in the Town of Palmyra and the entire surface of Lower Spring Lake in the Town of Palmyra and the Village of Palmyra excepting therefrom that area between the shoreline and a line parallel to and one hundred (100) feet distant from the shore or one hundred (100) feet distant from any projecting dock, pier, or buoyed restricted area.

(6) Slow-No-Wake. That speed at which a boat moves as slowly as possible while still maintaining steerage control.

(7) Houseboat. Any boat or watercraft equipped with cooking and/or sleeping accommodations, the latter consisting of beds, cots, bunks or the like.

(8) 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 considered a rowboat, canoe or motorboat, depending on the other means of propulsion used.

(9) Under Way. Any time a boat is not at anchor or aground or made fast to a dock, fixed structure or the shore.

(10) Water Skis. Any apparatus used for the purpose of towing a person on the water by use of ropes or lines attached to a power driven boat.

(11) Watercraft. Any contrivance used or designed for navigation on water.

#### 8.04 BOATING AND WATER SAFETY

(1) State Laws Adopted by Reference. The provisions describing and defining regulations with respect to water traffic, boat equipment, use or operation of boats, related water sports, and safety in the following enumerated sections of Wisconsin Statutes (1981), exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and made a part of this Chapter by reference.

30.50 Definitions

30.501 Capacity plates on boats

30.52 Certificates of number; applications; issuance; renewals; fees

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 Sale and use of certain outboard motors restricted
- 30.635 Motorboat prohibition
- 30.64 Patrol boats
- 30.65 Traffic rules
- 30.66 Speed restrictions
- 30.67 Accidents and accident reports
- 30.675 Distress signal flag
- 30.68 Prohibited operation
- 30.69 Water skiing
- 30.70 Skin diving
- 30.71 Boats equipped with toilets

#### 8.05 SPEED RESTRICTIONS

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 (1) Slow-No-Wake Speed. No person may operate a motorboat in excess of slow-no-wake speed and in no case at a speed to exceed five (5) miles per hour, except on those days and between the hours of operation as provided in Section 8.06 below. No person shall at any time operate a motorboat or other watercraft at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing.

(2) Special Permit. The Town Board may, following written application made to the Clerk, issue a special permit for the operation of motorboats or other watercraft in excess of slow-no-wake speed. Such permit shall be valid for those hours specifically designated thereon between sunrise and sunset and shall be further limited to a period of three (3) calendar days.

#### 8.06 WATER SKIING

No person shall operate a watercraft or motorboat towing a person on water skis, aquaplane or similar device except during the following hours on the day indicated:

Sundays	10:00 a.m. to 4:00 p.m.
Mondays	10:00 a.m. to 4:00 p.m.
Tuesdays	10:00 a.m. to 4:00 p.m.
Wednesdays	3:30 p.m. to 7:30 p.m.
Thursdays	10:00 a.m. to 4:00 p.m.
Fridays	10:00 a.m. to 5:00 p.m.
Saturdays	10:00 a.m. to 5:00 p.m.

#### 8.07 PROHIBITED OPERATION

(1) Intoxicated Passenger. No person shall permit a person

who is under the influence of an intoxicant or a controlled substance as defined in Sec. 161.01(4), Stats., to be a passenger in a boat operated by him; except in transporting such person to a place of safety in an emergency.

(2) Riding on Decks and Gunwhales. No person shall ride or sit on the gunwhales, tops of seat backs or sides or on the decking over the bow of a motorboat while under way, unless such person is inboard of guards or railings provided on the boat to prevent passengers from being lost overboard. Nothing in this subsection shall be construed to prohibit entry upon the decking over the bow of the boat for the purpose of anchoring, mooring, or casting off or other necessary purpose.

(3) Waterskiing Without Preserver. No person shall engage in water skiing, aquaplaning or similar activity unless such person is wearing a Type I, II, or III personal floatation device of the sort prescribed by the regulations of the Commandant of the U. S. Coast Guard.

(4) Tampering or Destroying Dam. No unauthorized person shall move, remove, molest, tamper with, destroy or attempt to destroy, or moor or fasten a boat to any dam or appurtenance.

(5) Littering. No person shall throw or deposit any type of debris or waste material on or along any highway, access, public or private property, or in any body of water.

N6. (6) Houseboats Prohibited. No person shall maintain, anchor or operate a houseboat upon any body of water.

#### 8.08 PENALTY

3680 Any person who violates any provision of this Chapter shall upon conviction be subject to a penalty as provided in §25.06, of this Municipal Code.

Section 2. 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 or not one or more provisions may be declared invalid and if any provision of this or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 3. This ordinance shall take effect and be in force after passage and publication as provided by law.

Ordinance introduced by \_\_\_\_\_ who moved its adoption, and seconded by \_\_\_\_\_.

AYES:

NOES:  
ABSENT:

Adopted by the Town Board of Palmyra, Wisconsin, July \_\_\_\_\_,  
1983.

Clinton C. Crowl, Chairman

Stewart E. Calkins, Supervisor

John Partoll, Supervisor

ATTEST:

Kathryn L. Oleson, Clerk

Date of Publication: \_\_\_\_\_