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ORDINANCE 2009-5-1

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**AN ORDINANCE TO REPEAL AND RECREATE  
SECTION 42-71 THROUGH 42-84 OF THE  
MUNICIPAL CODE**

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The Village Board of the Village of Richfield, Washington County, Wisconsin DO ORDAIN AS FOLLOWS:

ARTICLE III. BOATING AND LAKE RECREATIONAL ACTIVITIES

INTENT

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation in the Village of Richfield consistent with public rights and interests, and the capability of the water resources.

42-71. DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Mechanical* means a way to power a watercraft through electric, gas or other methods other than human motions.

*Public access* means any access to the waters by means of public property.

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

*Traffic lane* means the surface of the lake that is more than 150 feet distant from and parallel to the shore, or 100 feet distant from the projecting extremities of any pier, wharf or other structure built in or over the water.

Cross references: Definitions generally, § 1-2.

42-72. APPLICABILITY OF ARTICLE PROVISIONS

The provisions of this article shall apply to the waters of Amy Belle Lake, Bark Lake, Friess Lake, Little Friess Lake and Lake Five.

#### 42-73. ENFORCEMENT OF ARTICLE PROVISIONS

The provisions of this article shall be enforced by the Washington County Sheriff's Department lake patrol, a contracted law enforcement unit of the Village of Richfield.

#### 42-74. STATE BOATING AND SAFETY LAWS ADOPTED

The statutory provisions describing and defining water traffic, boats, boating and related activities contained in Wis. Stats. §§ 30.50--30.71 and the rules and regulations of the State Department of Natural Resources are adopted and by reference made a part of this article. Any act required or prohibited by the provisions of such statutes or rule or regulation incorporated by reference is required or prohibited by this article.

#### 42-75. POSTING OF VILLAGE BOATING REGULATIONS REQUIRED

Signs briefly stating boating regulations, as established in this article, shall be posted at all public and private launch sites where a fee is paid.

#### 42-76. SPEED REGULATIONS

In addition to the speed regulations in Wis. Stats. § 30.66, the following restrictions shall apply:

1. No person shall operate a boat powered by mechanical means at any time on Amy Belle Lake.
2. No person shall operate a boat at a speed greater than 25 miles per hour from 10 a.m. to 7 p.m. on Friess Lake. At all other times the maximum speed shall be slow-no-wake.
3. No person shall operate a boat at a speed greater than 40 miles per hour on Lake Five from 10 a.m. to 8 p.m. or sunset, whichever comes first. At all other times the maximum speed shall be slow-no-wake.
4. No person shall operate a boat at a speed greater than 25 miles per hour during the hours of 10:00 a.m. to 5:00 p.m. on Bark Lake. At all other times the maximum speed shall be slow-no-wake.
5. No person shall operate a boat at a speed greater than slow-no-wake at all times on Little Friess Lake.
6. No person shall operate a boat outside the traffic lane established in section 42-71 on Friess Lake, Lake Five or Bark Lake at a speed greater than slow-no-wake.
7. No person may operate any vehicle on any icebound lake at a speed greater than 25 miles per hour.

#### 42-77. EMERGENCY SLOW NO WAKE

1. *Declaration of emergency.* During periods of abnormally high lake levels, the village president or his/her designee is authorized and directed to declare a high lake water emergency for any and all lakes located in the village. The Village Administrator, working with the lake associations and the highway superintendent, shall establish benchmark(s) on each of the lakes to use as reference point(s) during abnormally high lake levels. These reference point(s) shall be used in the determination to declare an emergency. Additional factors may be considered to declare an emergency, such as weather forecasts, shoreline erosion, neighborhood concerns, historical data, DNR information and other variables.
2. *Orders.* During high lake water emergencies, the village president or his/her designee is authorized and directed to issue slow-no-wake orders for any and all lakes located in the village. Copies of such orders shall be posted at all public and private landings. When lake levels have returned to normal levels the village president or his/her designee shall declare a cessation of the high level emergency and rescind the slow-no-wake order.
3. *Speed limit.* During the period that the slow-no-wake order is in effect, no person shall operate a boat at a speed greater than slow-no-wake.
4. *Penalty.* Any person who violates this section shall be subject to a forfeiture of \$50.00 for the first offense and \$100.00 for the second and subsequent offenses.

#### 42-78. PROHIBITED OPERATION

In addition to the requirements and restrictions set forth in Wis. Stats. § 30.68 and 30.62(2):

1. No motor boat shall pass within 100 feet of a swimmer or skindiver's marker unless physical circumstances make compliance impossible.
2. No person shall operate any boat repeatedly in a circuitous course around any other boat or around any person who is swimming if such circuitous course is within 200 feet of such boat or swimmer nor shall any water skier operate or approach closer than 100 feet to any swimmer or skindiver's marker.
3. All boats for rent or hire shall have stenciled or printed on the top side of the rear seat thereof the maximum safe carrying capacity of such boat.
4. No motorboat shall approach or pass another boat in such a manner as to create a hazardous wake or wash.

5. No person shall use wake-enhancing devices, including ballast tanks, wedges or hydrofoils or other mechanical devices, or un-even loading of persons or gear, to artificially operate bow-high on any lake in the village.

#### 42-79. WATER SKIING

In addition to the requirements and restrictions set forth in Wis. Stats. § 30.68:

1. No person shall operate a motorboat towing a person on water skis, aquaplane, wakeboard or similar device unless there is in the boat a competent person in addition to the operator in a position to observe the progress of the person being towed. An observer shall be considered competent if he/she can, in fact, observe the progress of the person being towed.
2. No person shall operate nor shall any boat owner allow a boat to be operated to tow more than two persons on water skis, aquaplanes or other similar devices at any one time, except that on Bark Lake not more than one person may be so towed.
3. Persons waterskiing or using other similar devices shall also conform to all provisions of this article and shall not engage in any activity contrary to the provisions of this article.

#### 42-80. RAFTS, BUOYS AND MARKERS

1. All rafts, platforms, buoys and markers shall be anchored and shall have at least eight inches of freeboard above the waterline so that they will not float or drift in excess of ten feet in any direction from the position that is directly above their anchor.
2. On Bark Lake no raft or pier shall be located within 100 feet of the traffic lane marked with buoys in accordance with section 42-71.

#### 42-81. SWIMMING AND SKINDIVING

In addition to the requirements and restrictions set forth in Wis. Stats. § 30.70, no person shall swim in the traffic lane unless he is accompanied by a manned boat.

#### 42-82. AIRCRAFT

It shall be unlawful for any aircraft, whether designed for taking off or landing on water or not, to use any part of the lakes or waters regulated under this article for landing or taking off, except in the case of emergency.

#### 42-83. PUBLIC NOTIFICATION IF AMENDED

In addition to following all state and local laws governing public notification when amending this ordinance, the Village will make every effort to notify the Lake Association Presidents or lake residents at least 60 days prior to the proposed modifications.

#### 42-84. PENALTIES FOR VIOLATION OF THIS ARTICLE

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference.

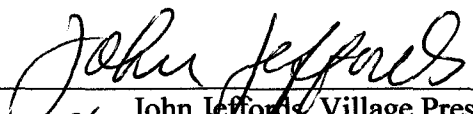
#### SECTION 2: SEVERABILITY

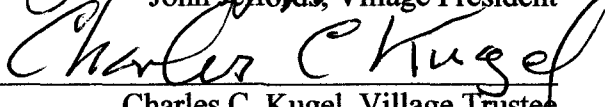
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

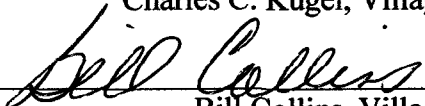
#### SECTION 3: EFFECTIVE DATE

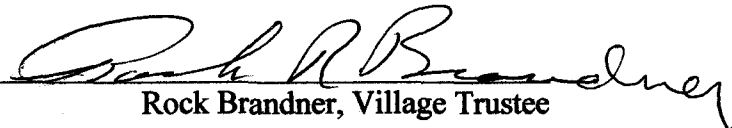
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Passed this 21st day of May 2009.

  
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John Jeffords, Village President

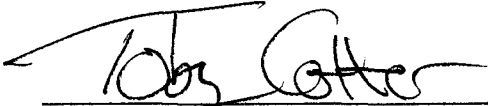
  
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Charles C. Kugel, Village Trustee

  
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Bill Collins, Village Trustee

  
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Rock Brandner, Village Trustee

  
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Dan Neu, Village Trustee

ATTEST:

  
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Toby Cotter, Administrator/Clerk