

LAKE ORDINANCE for TURTLE LAKE
Ordinance No. 18

NOV 4 5
Boating Society

An Ordinance to Regulate Water Traffic, Boating and Water Sports Upon the Waters of Turtle Lake, Walworth County, Wisconsin, and Prescribing Penalties for Violations Thereof.

The Town Board of the Town of Richmond, Walworth County, Wisconsin, does ordain as follows:

SECTION I
REPEAL OF CONFLICTING ORDINANCES

All ordinances regulating water traffic, boats or water sports upon the waters covered by this ordinance and all ordinances and parts of ordinances in conflict with this ordinance heretofore enacted by the Town of Richmond, Walworth County, Wisconsin, are hereby repealed.

SECTION II
INTENT

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

SECTION III
APPLICABILITY AND ENFORCEMENT

The provisions of this ordinance shall apply to the waters of Turtle Lake lying within the corporate limits of the Town of Richmond, Walworth County, Wisconsin. The provisions of this ordinance shall be enforced under the jurisdiction of the Town Board of the Town of Richmond, Walworth County, Wisconsin.

SECTION IV
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 and summarized sections of the Wisconsin Statutes, exclusive of any provision therein relating to the penalties to be imposed or the punishment for violation of said statutes, are hereby adopted and by reference made a part of this ordinance as if fully set forth therein. Any act required to be performed or prohibited by the provisions of any statute incorporated by such reference is required or prohibited by this ordinance.

30.50 Definitions

- (1) "Boat" means every description of watercraft other than a sea-plane on the water.
- (2) "Motorboat" means any boat propelled by machinery.
- (3) "Owner" means the person who has lawful possession of a boat by virtue of legal title.
- (4) "Operate" when used with reference to a motorboat or boat means to navigate, steer, sail, row or otherwise to move or exercise physical control over the movement of such "boat."

30.501 Capacity Plate on Boat

- (1) Every vessel less than 26 feet in length and designed to carry 2 or more persons shall if made or sold in this state have affixed permanently thereto a capacity plate.
- (2) A capacity plate shall bear the following information:
 - (a) The total weight of persons, gear and other articles placed aboard which the vessel is capable of carrying.
 - (b) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no case shall such presumed weight be less than 150 pounds per person.
 - (c) Clear notice that the information appearing on the capacity plate is applicable under normal conditions only.

30.501 Capacity Plate on Boat, Contd.

- (2) (d) In the case of vessels designed for use with outboard motor, the maximum horsepower of the motor the vessel is designed to accommodate. In this case, also the weight of the motor is considered to be part of the weight capacity.

30.51 Operation of Unnumbered Boats Prohibited

- (1) No person may operate, and no owner may give permission for the operation of, any motorboat or any sailboat over 12 feet in length on the waters of this state unless the motorboat or sailboat either is covered by a valid certificate of number issued pursuant to this chapter or is exempt from the numbering requirements of this chapter.

30.52 Certificate of Number

- (1) A motorboat principally used in this state shall be numbered in this state.
 (2) Numbering periods shall run for 3 years, commencing April 1 of the year in which the certificate is issued and expiring on March 31 of the 3rd year thereafter.
 (3) A fee of \$4.50 shall be paid to the department for the issuance of a certificate of number or renewal thereof.

30.53 Certificate Number to be Displayed on Boat; Certificate to be Carried

- (1) Upon being issued a certificate of number and decals, the owner of the boat shall paint on or attach the identification number and attach the decals to each side of the bow.
 (2) The certificate of number shall be available at all times for inspection on the boat for which issued, whenever such boat is in use.

30.54 Transfer of Ownership of Number

- (1) Whenever the owner of a boat covered by a certificate of number transfers all or any part of his interest in such boat, he shall notify the department of such transfer and return the certificate of registration to the department.
 (2) The transferee shall make application for a new certificate of number as prescribed by department.

30.55 Notice of Abandonment or Destruction of Boat or Change of Address

- (1) If a boat covered by a certificate of number is destroyed or abandoned, the owner shall notify the department within 15 days.
 (2) Whenever any person moves, after applying for or receiving a certificate of number, he shall notify the department in writing of both his old and new address within 15 days.

30.60 Classification of Motor Boats

- (1) Class A - Those less than 16 feet
 (2) Class 1 - Those 16 feet or over but less than 26 feet
 (3) Class 2 - Those 26 feet or over but less than 40 feet
 (4) Class 3 - Those 40 feet or over

30.61 Lighting Equipment

- (1) Lights required; prohibited
 (a) No person shall operate any motorboat at any time from sunset to sunrise unless such motorboat carries the lighting equipment required by this section and such equipment is lighted.
 (b) No person shall exhibit from or on any motorboat, when under way at any time from sunset to sunrise, any light which may be mistaken for those required by this section.
 (2) All motorboats of classes A and 1 when under way at any time from sunset to sunrise shall have lighted the following:
 (a) One lamp aft showing a white light all around the horizon.
 (b) One combined lamp in the fore part of the motorboat and lower than the white light aft, showing green to starboard and red to port and so fixed that each side of the combined lamp throws a light from directly ahead to 2 points abaft the beam on its respective side.
 (3) All motorboats of classes 2 and 3 when under way at any time from sunset to sunrise have lighted the following lamps:

30.61 Lighting Equipment, Contd.

- (3) (a) One lamp in the fore part of the boat showing an unbroken white light over an arc of the horizon of 20 points and fixed to throw light from directly ahead to 2 points abaft the beam.
- (b) One lamp aft showing a white light all around the horizon and higher than the lamp forward.
- (c) Two side lamps, green to starboard and red to port, both fitted with inboard screens to prevent them from being seen across the bow and both constructed to show an unbroken light over an arc of 10 points and fixed to throw the light from directly ahead to 2 points abaft the beam on its side.
- (4) Sailboats equipped with motors and propelled in whole or part by such motors must comply with paragraph (2) or (3) according to their classification. Whenever such a sailboat is being propelled entirely by sail at any time from sunset to sunrise, it shall show the colored lights which fit its class but not the white lights and shall carry a lantern showing a white light in time to avert collision.
- (5) Sailboats and Rowboats Without Motors
 - (a) Every boat propelled by muscular power and every sailboat not equipped with a motor, when under way at any time from sunset to sunrise, shall carry a lantern, showing a white light in time to avert collision.
 - (b) Moored, anchored and drifting boats and other fixed and floating structures outside of designated anchorages or beyond 200 feet from the shoreline shall be lighted from sunset to sunrise by a white light visible all around the horizon.
- (6) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least 2 miles on a dark night with clear atmosphere. Every colored light shall be visible at one mile on a dark night with clear atmosphere.

30.62 Other Equipment

- (1) No person shall operate any boat on the waters of this state unless such boat is equipped as required by this section.
- (2) The engine of every motor boat shall be equipped with a muffler.
- (3) Every boat shall carry at least one life preserver or other device of the sort prescribed by the regulations for each person on board or being attended by such boat.
- (4) Every motorboat, except outboards of open construction, shall be provided with such fire extinguishers as shall be capable of extinguishing burning gasoline. Specifications prescribed by rules of the department.
- (5) Every motorboat with an inboard motor using gasoline shall have the carburetors fitted with a device for arresting backfire. Specifications prescribed by rules of the department.
- (6) Every motorboat, except open boats, fueled by a volatile liquid shall be provided with a ventilation system capable of removing explosive gases.
- (7) Exceptions
- (8) Every motorboat equipped with storage batteries shall be provided with suitable supports and shields for said batteries.

30.64 Patrol Boats Exempt from Certain Traffic Regulations

The operator of a duly authorized patrol boat, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, need not comply with state or local regulations fixing maximum speed limits and, if a siren is being sounded, need not comply with state or local boat traffic regulations governing meeting, passing or right of way.

30.65 Traffic Rules

- (1) Every person operating a boat shall comply with the following traffic rules:
 - (a) When 2 motorboats 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.
 - (b) When 2 motor boats are approaching each other obliquely or at right angles, the boat which has the other on her right shall yield right of way to the other.

30.65

Traffic Rules, Contd.

- (1) (d) When a motorboat and a boat propelled entirely by sail or muscular power are proceeding in such a direction as to involve risk of collision, the motorboat shall yield the right of way to the other boat.
- (e) 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.
- (f) 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.

30.66

Speed Restrictions

- (1) No person shall operate a motorboat at a speed greater than is reasonable and prudent under the conditions. The speed of a motorboat shall be so controlled as to avoid colliding with any person, boat or other conveyance.
- (2) In addition to complying with Par. (1), no person shall operate a motorboat at a speed in excess of posted notice as established by regulatory markers.
- (3) No person may operate a motorboat within 100 feet of any dock, raft, pier or buoyed restricted area on any lake at a speed in excess of slow-no-wake speed.

30.67

Accidents and Accident Reports

- (1) Insofar as he can do so without serious danger to his own boat or to persons on board, the operator of a boat involved in an accident shall stop his boat and render assistance to other persons involved and shall give his name and address and identification of his boat to any person injured and to the owner of any property damaged.
- (2) Duty to Report
- (a) If the accident results in death or injury to any person or total property damage amounting to \$100.00 every operator of a boat involved shall give notice of the accident to a conservation warden or law enforcement officer and file a written report thereof with the department within 10 days.
- (b) If the operator is physically incapable of complying with the above and there was another occupant in the boat at the time of the accident the other occupant shall comply.

30.675

Distress Signal Flags

- (1) Insofar as is possible the operator of a boat observing an orange flag 18" x 30" shall render to the boat or person displaying the signal such assistance as may be practical and necessary.
- (2) No person shall display such a flag unless such person is in need of assistance to prevent bodily injury or destruction of property.

30.68

Prohibited Operation

- (1) No person may operate a boat or use water skis or a similar device upon the waters of this state while under the influence of an intoxicant or a controlled substance.
- (2) No person may operate a boat or use water skis or a similar device upon the waters of this state in a careless, negligent or reckless manner so as to endanger the life, property, or person of himself or another.
- (3) Operation by an incapacitated person
- (a) No person shall knowingly permit a boat of which he is in charge to be operated by any person who by reason of physical or mental disability is incapable of operating such boat safely.
- (b) No person under the age of 10 years may operate a motorboat. Persons at least 10 and less than 12 years of age may operate a motorboat only if they are either accompanied in the boat by a parent or guardian or a person at least 18 years of age designated by a parent or guardian. Persons at least 12 and less than 16 years of age may operate a motorboat of any horsepower; but only if they are either accompanied by a parent or guardian or a person at least 18 years of age designated by a parent or guardian, or are in possession of a certificate issued under s. 30.74 (1).

30.68 Prohibited Operation, Contd.

- (4) Creating a hazardous wake
 (a) No person shall operate a motorboat so as to approach or pass another boat in such a manner as to create a hazardous wake or wash.
 (b) An operator of a motorboat is liable for any damage caused by the wash or wake of such a motorboat.
- (5) No person may operate a motorboat repeatedly in a circuitous course within 200 feet of another boat or a swimmer nor shall any boat or water skier operate closer than 100 feet to any skin diver's flag or swimmer.
- (6) No person operating a motorboat shall allow any person to ride or sit on the gunwales, tops of seat backs or sides or on the decking over the bow of the boat while underway.
- (7) No person shall operate a boat within a water area which has been clearly marked by buoys or some other device as a swimming area.
- (8) No person may anchor any unattended boat, raft, float or similar structure in the traveled portion of any river or in any traffic lane.
- (9) No boat shall be loaded with passengers or cargo beyond its safe carrying capacity.
- (10) No boat shall be equipped with any motor beyond its safe power capacity.
- (11) No person shall unnecessarily sound a horn, whistle or other device on any boat while at anchor or under way.
- (12) 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.

30.69 Water Skiing

(1) No person may operate a motorboat towing a person on water skis, 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 can in fact observe the person being towed and relay any signals to the operator. This observer requirement does not apply to motorboats classified as Class A motorboats by the department, actually operated by the persons being towed and so constructed as to be incapable of carrying the operator in or on the motorboat.

No person may engage in water skiing or similar activity at any time from sunset to sunrise. This restriction does not prevent restrictions of the hours of water skiing between sunrise and sunset by local ordinances enacted pursuant to s. 30.77 (3).

(2) A person operating a motorboat having in tow a person on water skis or similar device shall operate such boat in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any persons.

(3) No boat towing persons engaged in water skiing or similar activity on any lake shall engage in such activity within 100 feet of any occupied anchored boat or marked swimming area or public boat landing, except where pickup and drop areas are established and marked with regulatory markers.

30.70 Skin Diving

No person may engage in skin diving or scuba diving in waters other than marked swimming areas or within 150 feet of shoreline unless the location of such diving is distinctly marked by diver's flag, not less than 12 inches high and 15 inches long, displaying one diagonal white stripe 3 inches wide on a red background and high enough above the water to be clearly visible at a distance of 100 yards. Anyone so diving shall not rise to the surface outside a radius of 50 feet from such flag.

No persons engaged in such diving shall interfere with anyone fishing, block any boat from proceeding to its destination, nor engage in such diving in established traffic lanes.

30.71 Boats Equipped With Toilets

No person shall operate any boat equipped with toilets on inland waters of this state unless the toilet wastes are retained for shore disposal by means of facilities constructed and operated in accordance with rules adopted by the department of health and social services.

SECTION V
WISCONSIN STATUTES DEFINED

Whenever used in this ordinance, the term "Wisconsin Statutes" shall mean the Wisconsin Statutes of 1973.

SECTION VI
TRAFFIC LANE DEFINED

A traffic lane is hereby established embracing the surface of Turtle Lake within the corporate limits of the Town of Richmond, Walworth County, Wisconsin in its entirety, excepting therefrom that portion of the waters lying between the shoreline and a line parallel to and one hundred seventy five (175) feet from the shoreline and such greater distance as shall be necessary to clear projecting piers, wharfs and any other similar structures a distance of one hundred (100) feet from the projecting extremities thereof.

SECTION VII
SPEED RESTRICTIONS

(1) The maximum speed between the shore and the one hundred seventy five (175) feet from shore line marked by buoys shall be slow-no-wake.

(2) All persons operating power driven boats upon the waters of Turtle Lake located in the Town of Richmond, Walworth County, Wisconsin, shall not operate said power driven boats at speed greater than slow-no-wake between the hours of 2:00 p.m. through 10:00 a.m. on weekends and holidays nor shall they operate at speed greater than slow-no-wake between the hours of 6:00 p.m. through 10:00 a.m. on any day.

(3) "Slow-no-wake" is defined as the slowest possible speed so as to maintain steerage.

SECTION VIII
SWIMMING REGULATIONS

(1) Swimming from drifting boats prohibited. No person shall swim from any boat unless such boat is anchored.

(2) Distance from swimmer to base. No person shall swim more than one hundred seventy-five (175) feet from the shore or more than fifty (50) feet from any pier, anchored raft or boat unless he is accompanied by a boat manned by a competent person trained in lifesaving techniques and having a ring buoy. Such boat shall stay reasonably close to and guard such swimmer. If there is more than one swimmer in the water, each shall be accompanied by a separate boat as above described.

(3) Hours limited. No person shall swim in the traffic lane as marked by buoys during the hours from sunset to sunrise.

SECTION IX
WATER SKIING REGULATIONS

(1) No person shall operate a boat for the purpose of towing a water skier or engage in water skiing or other similar sport from 2:00 p.m. through 10:00 a.m. on weekends and holidays nor shall they do so from 6:00 p.m. through 10:00 a.m. on any other day.

(2) There shall be no more than two (2) persons using said tow lines as a means of water skiing or similar sport; the persons being towed must be equipped with an approved life jacket, life belt or similar life saving device.

(3) Any boat engaged in towing a person on water skis, aquaplane or similar device must conform to all sections of this ordinance.

(4) There shall be no water skiing, aquaplaning or similar sport, outside the traffic lane.

SECTION X
MARKERS, NAVIGATION, MOORING BUOYS AND POSTING ORDINANCE

Duly appointed law officers are authorized and directed to place and maintain authorized markers, navigation aids and signs as shall be appropriate to advise the public of the provisions of this ordinance and to post and maintain a copy of this ordinance at all public access points within the jurisdiction of the Town of Richmond, Walworth County, Wisconsin.

(1) Standard markers. All markers or buoys placed by any person upon the waters of the lake shall comply with the regulations of the Wisconsin Conservation Commission.

(2) Mooring buoys. Any person placing mooring buoys upon the waters of the lake shall make application for permit for such buoys with the Town Clerk, stating the location of the buoy and the boat license number to correspond with the number on the buoy. Applications are to be approved by the Town Board of the Town of Richmond, Walworth County, Wisconsin. Permit shall be for a three (3) year period at a fee of \$3.00.

SECTION XI
AIRCRAFT PROHIBITED

No aircraft of any kind capable of landing on water shall land, take off, or be berthed on the waters covered by this ordinance except for emergency landing.

SECTION XII
LITTERING WATERS PROHIBITED

No person shall deposit, place or throw from any boat, raft, pier, platform or similar structure or from the shore; cans, bottles, debris, refuse, solid or liquid waste or paper on or into the water of the lake.

SECTION XIII
PENALTIES AND DEPOSITS

(1) Any person violating Sec. IV, 30.67 or 30.68 shall be fined not more than \$200.00 or imprisoned not more than 6 months or both.

(2) Any person violating any provision of this ordinance for which a penalty is not provided by Par. (1) above shall be fined not more than \$50.00 or imprisoned not more than 30 days, or both, for the first offense; and fined not more than \$100.00 or imprisoned not more than 90 days, or both, upon conviction of the same offense a second or subsequent time within one year.

SECTION XIV
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 as to 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 XV
EFFECTIVE DATE AND CLERK'S DUTY

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

(2) The Clerk is directed to file a copy of this ordinance with the Wisconsin Conservation Commission in Madison, Wisconsin.

This ordinance passed and adopted by the Town Board of the Town of Richmond,
Walworth County, Wisconsin this 11th day of November, 1975.

William Johnson

William Johnson, Chairman

Gordon Marquart, Sr.

Gordon Marquart, Sr., Supervisor

Wilbert Shadel

Wilbert Shadel, Supervisor

Attest:

Nancy Rowley

Nancy Rowley, Town Clerk

SCALE 1"=250'

- Shoreline
 - Old Shoreline
 - - Slow-no-wake Area Marker Buoys
- All buoy locations are 175' from shore.

TOMBLE LAKE
Sections 11-12-13-14
Township 3-E
Town Richmond
County Walworth
Area 159 Acres
Shoreline 2.3 Miles
Max. Depth 30 Feet

