

A. WATER USE ORDINANCE

A SOLE ORDINANCE TO REGULATE THE USE OF THE WATERS OF THE TOWN OF FOX LAKE AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The Town Board of the Town of Fox Lake does ordain as follows:

Section 1. Applicability and Enforcement

- (a) The provisions of this Ordinance shall apply to the waters of the Town of Fox Lake.
- (b) The officers of the Town of Fox Lake and the Dodge County Sheriffs Department shall enforce this chapter.

Section 2. 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 resources.

Section 3. State Boating and Safety Laws Adopted

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section 4. Definitions

- (a) "Public access" means any access to the waters by means of public property.
- (b) "Shore zone" means all surface water within two hundred (200) feet of the shoreline.
- (c) "Slow-No-Wake" means that speed at which a boat moves as slowly as possible while maintaining steerage control.
- (d) "Water ski" means a boat towing a person using water skis, an aquaplane or similar device.

Section 5. Swimming From Boat

No person shall cause, allow or permit any person to swim, float, skin-dive, snorkel or engage in other swimming operations on the waters in the Town of Fox Lake from any boat on the waters in the Town of Fox Lake except if the boat is properly anchored and then only if the person stays within one hundred (100) feet of the boat during the swimming, floating, skin-diving, snorkeling or other swimming operations. In addition, no person shall cause, allow or permit any person to swim, float, skin-dive, snorkel or engage in other swimming operations on the waters in the Town of Fox Lake from any boat unless the boat is fully equipped with the proper amount and type of U.S. Coast Guard approved flotation equipment or devices to be used in a water rescue emergency.

Section 6. Controlled Areas

No person shall cause, allow or permit any person to operate a boat on the waters in the Town of Fox Lake at a speed in excess of slow-no-wake within the two hundred (200) feet of the shoreline marked by the restricted area marker buoy.

No person shall cause, allow or permit any person to operate a boat on Fox Lake at a speed in excess of slow-no-wake within the restricted areas designated on the map attached to this Ordinance and indicated as a "No Wake Zone". The no-wake-zones on Fox Lake include: the "government marsh area" from the shoreline east of Trailer Island northeasterly to the west of Brushwood Island and then northerly to the shoreline at the east end of Delbern Acres; the "jug area" west of the bog island; and the "inlet area" west of a line from Maple Point to Devils Island to the northern most shoreline of Howard Drive Section

7. Water Skiing

No person shall cause, allow or permit any person to operate a boat on the waters in the Town of Fox Lake where the boat is engaged in starting, towing and releasing of a person or persons on water-skis, aquaplanes or other similar water recreation devices unless the boat and the person or persons are at least one hundred (100) feet beyond the following:

- a. any swimmer not engaged in this operation
- b. bridge
- c. culvert
- d. public landing

- e. designated swimming area
- f. designated anchorage area
- g. diving flag
- h. canoe
- i. rowboat
- j. anchored motorboat
- k. navigational channel
- l. buoyed restricted area

The Town Board of the Town of Fox Lake may waive this provision for permitted water shows.

No person shall cause, allow or permit any person to operate a boat on the waters in the Town of Fox Lake where the boat is engaged in starting, towing and releasing of a person or persons on water skis, aquaplanes or other similar water recreation devices and where the boat has more than two (2) tows or more than one (1) person on any one (1) tow for the purpose of allowing the person or the persons to water-ski, aquaplane or engage in other similar water recreation operations.

No person shall cause, allow or permit any person to water-ski, aquaplane or engage in other similar water recreation operations as follows:

On Lake Emily: Between the hours of 4:00 P.M. and 10:00 A.M.

On Fox Lake: Between the hours of sunset and sunrise.

Section 8. Personal Watercraft (PWC) Hours of Operation

No person shall cause, allow or permit any person to operate a Personal Watercraft on the waters of the Town of Fox Lake as follows:

On Lake Emily: Between the hours of 4:00 P.M. and 10:00 A.M.

On Fox Lake: Between the hours of sunset and 10:00 A.M.

Section 9. Anchoring/Mooring Restrictions

No person shall cause, allow or permit any person to allow a boat to drift on the waters in the Town of Fox Lake wherein upon such boat people are living, sleeping or camping between the hours of 11:00 p.m. and 5:00 a.m.

No person shall cause, allow or permit any person to operate a boat on the waters in the Town of Fox Lake where the boat is moored or anchored at any private beach, park, landing, pier or wharf without approval of the owner of the berth, park, landing, pier or wharf or where the boat is moored or anchored at any public beach, park, landing, pier, wharf or other location in the Town of Fox Lake other than the landings, piers or wharves designated by the Town of Fox Lake as public boat landing areas. This provision shall not apply in an emergency situation where the public health and public safety of persons on the boat is in jeopardy.

No person shall cause, allow or permit any person to anchor any boat or other vessel on the waters in the Town of Fox Lake without causing such boat or vessel to be at all times tied, secured and anchored with proper care and with proper equipment and in a manner to prevent the boat or vessel from escaping moor or anchor.

No person may anchor or permit a boat to be anchored within the restricted area around the aerators designated by the uniform waterway markers.

Section 10. Boat as Residence Restrictions

No person shall cause; allow or permit any person to reside on any boat or vessel on the waters in the Town of Fox Lake. For purposes of this section, "reside" means the use of the boat or vessel located on the waters in the Town of Fox Lake as a primary residence or domicile for a period of two (2) consecutive days in any one (1) year.

Section 11. Launch Permits

A launch permit will be required at boat landings under the control of the Town of Fox Lake on both Fox Lake and Lake Emily from May 1st through September 30th.

Daily and seasonal launch permits will be available for purchase at each boat landing and seasonal permits may also be purchased from the Clerk of the Town of Fox Lake.

The daily fee for a launch permit shall be \$2.00 and the seasonal fee for a launch permit shall be \$20.00.

Residents of the Town of Fox Lake may purchase a seasonal permit for a fee of \$2.00.

The launch permits shall be displayed on all vehicles utilizing the Town of Fox Lake boat launch facilities.

Failure to purchase and display the launch fee permit shall result in a launch violation notice fee of \$10.00
Failure to pay the launch violation notice fee within fourteen days of receipt of the notice shall result in a citation with a forfeiture fine of \$40.00.

Failure To pay the forfeiture fine of \$40.00 resulting in an action in Municipal Court may result in a fine of not less than \$0.00 nor more than \$80.00 plus court costs)

Section 12. General Pollution/Littering Provisions

No person shall cause, allow or permit any person to discharge any solid waste or any other waste in any waters in the Town of Fox Lake or on the ice of any waters in the Town of Fox Lake. This provision does not apply to a person who deposits or discharges solid waste or any other waste in conformance with Chapters 30, 31, 144 and 147, Wis. Stats., or has a permit, license or other approval by the State Department of Natural Resources under these chapters. No person shall cause, allow or permit any person to fail to remove any motor vehicle, boat or other vehicle from the waters in the Town of Fox Lake within thirty (30) days of the discharge, deposit, placement or abandonment of the motor vehicle, boat or other vehicle into the waters in the Town of Fox Lake.

No person shall cause, allow or permit any person to deposit or discharge or allow any such deposit or discharge of any solid waste or any other waste on land owned or occupied by that person wherein such solid waste or other waste will naturally flow or will, by aid of an artificial structure, flow into the waters in the Town of Fox Lake or onto the ice in waterways in the Town of Fox Lake.

Section 13. General Artificial Structure in Water Provisions

No person shall cause, allow or permit any person to maintain artificial structures, rafts, buoys (other than a wharf or pier) within the shore zone of the Town of Fox Lake without first obtaining a written permit from the Town Board of the Town of Fox Lake. This provision does not apply to those structures regulated by the State Department of Natural Resources under Chapter 30, Wis. Stats.

No person shall cause, allow or permit any person to maintain any contrivance used or designed for navigation within or upon the waters in the Town of Fox Lake without first obtaining a written permit from the Town Board of the Town of Fox Lake. This provision does not apply to any structure regulated by the State Department of Natural Resources under Chapter 30, Wis. Stats.

Any person required to seek and obtain a permit under these provisions shall file an application with the Town Clerk of the Town of Fox Lake. The application shall request, at minimum, the following information from the applicant:

- a. the name of the applicant
- b. the address of the applicant
- c. the business and residential telephone number of the applicant d. the age of the applicant
- e. the type of proposed structure
- f. the location of the proposed structure
- g. the projected commencement and termination dates of the construction of the project
- h. the design and dimension of the project with attached maps and diagrams, including the type and amount of construction material! to be used
- i. the height of the project above and below the water line j. the width of the project
- k. the permanency of the structure, including projected time period for removal, if any
- l. the purpose and uses of the structure, including estimated number of persons to use structure at any one time m. the type and nature of the anchorage of the structure
- n. the safety equipment to be used in structure, if any

The applicant may request a public hearing regarding the application and permit.

The Town Board of the Town of Fox Lake within sixty (60) days of receipt of the application for permit shall:

- a. review the application for permit
- b. personally inspect the subject premises or request the designee of the Town Board to inspect the premises c. provide a public hearing, if requested by applicant, after the application for permit

The Town Board within ninety (90) days of the receipt of the application for permit shall: a. provide a written determination whether the propose structure or structures will be likely detrimental to the public

health or safety, will likely constitute an unreasonable obstruction or interference of the waters of the Town of Fox Lake or will likely cause injury to persons or damage to property in the Town of Fox Lake

b. issue the permit, issue the permit upon conditions or deny the permit

c. prior to any issuance of any permit, the Town Clerk of the Town of Fox Lake shall receive from the applicant a payment in the amount of twenty-five dollars (\$25.00) for payment of the permit fee

The permit, if issued by the Town Board, may be revoked or suspended by the Town Board at anytime for cause after a public hearing. The permittee shall be given ten (10) days written notice of the hearing. No person shall cause, allow or permit any person to construct or maintain any wharf, pier, beach or mooring in the waters in the Town of Fox Lake which interferes with the public right to navigate in navigable waters unless the person has a permit issued by the State Department of Natural Resources under Sec. 30.12, Wis. Stats.

No person shall cause, allow or permit any person to construct or maintain a wharf, pier, beach or mooring which interferes with the riparian rights of other riparian proprietors on waters in the Town of Fox Lake unless the person has a permit issued by the State Department of Natural Resources under Sec. 30.12, Wis. Stats.

No person shall cause, allow or permit any person to construct or maintain a wharf or pier in the waters in the Town of Fox Lake that will not allow for the free movement of water underneath the wharf or pier.

No person shall cause, allow or permit any person to maintain any wharf or pier in the waters in the Town of Fox Lake if the wharf or pier is so old, dilapidated or is in such need of repair that it is dangerous, unsafe or unfit for use by the public. The Town Board of the Town of Fox Lake may, under such conditions, proceed under Sec. 66.0495, Wis. Stats., or may proceed under Chapter 823, Wis. Stats.

No person shall cause, allow or permit any person to construct or maintain any marina or lagoon in the waters in the Town of Fox Lake without a permit issued by the State Department of Natural Resources. Any person applying for such permit shall file a notice of application with the Town Clerk of the Town of Fox Lake.

No person shall cause, allow or permit any person to knowingly obstruct any channel, fairway, harbor or waterway in the Town of Fox Lake.

No person shall cause, allow or permit any person to discharge any debris onto the waters in the Town of Fox Lake or which may, due to the discharge, be washed onto the waters in the Town of Fox Lake and which may then hinder, obstruct or destroy navigation by boats or other vessels in the waters in the Town of Fox Lake.

No person shall cause, allow or permit any person to maintain any dilapidated structure or building near the shores of waters in the Town of Fox Lake wherein such structure, due to its condition and proximity to shore, may be washed into the waters in the Town of Fox Lake and which may hinder, obstruct or destroy navigation by boats or other vessels in the waters in the Town of Fox Lake. For purposes of this section, "near the shores" shall mean within ten (10) feet from the shoreline in the waters in the Town of Fox Lake.

No person shall, without a permit issued by the Town Board of the Town of Fox Lake, cause, allow or permit any person to construct or maintain any pipe, culvert, ditch or any other artificial waterway in the Town of Fox Lake which is constructed or maintained to collect water from surface water sources, such as roads, structures or other devices and which then allows the discharge of this water into any waterway in the Town of Fox Lake.

This section shall have no application for any person who constructs or maintains the above with approval of an appropriate federal, state, County of Dodge or other municipal authority.

Section 14. Miscellaneous Water Provisions

No person shall cause, allow or permit any person to move, remove, molest, tamper with, destroy or moor a boat (except to mooring buoys) to any navigation aids or regulatory markers, signs or other devices established and maintained to aid boaters on the waters in the Town of Fox Lake.

No person shall cause, allow or permit any person:

a. to unlawfully obstruct any navigable waters in the Town of Fox Lake and thereby impair the free navigation on the waters in the Town of Fox Lake.

b. to unlawfully place in navigable waters in the Town of Fox Lake any substance that may float into and obstruct any such waters or impede their free navigation on the waters in the Town of Fox Lake.

- c. to construct or maintain in navigable waters in the Town of Fox Lake any boom not authorized by law.
- d. to obstruct or interfere, by a watercraft or float, with free navigation of any river, canal, or water channel within in the Town of Fox Lake.

Section 15. Enforcement and Penalties

Law enforcement officers of the Town of Fox Lake, and the Dodge County Sheriffs Department may enforce this Ordinance.

The statutory provisions of Sects. 66.115, 66.119, 66.12, 30.50 to 30.71, and Chapter 799, Wis. Stats., are adopted and by reference made a part of this Ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Ordinance. Any future additions, amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this ordinance in order to secure uniform state-wide regulation and enforcement of boating ordinance violations. The Town of Fox Lake specifically elects to use the citation method of enforcement.

The issuance of a citation hereunder shall not preclude the Town or any authorized officer from proceedings under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation or order.

Any person violating the provisions of this ordinance shall be subject to penalties as provided for in Section 30.80 of the Wisconsin Statutes and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, which are hereby adopted by this references with all references therein to "fines" amended to "forfeitures" and all references to "imprisonment" deleted.

The deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference are hereby adopted by reference with references to "fines" amended to "forfeitures" and all references to "imprisonment" deleted.

Section 16. Severability

The provisions of this Ordinance shall be deemed severable. If any provisions of this Ordinance or the application to any person or circumstance are held invalid the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected. It is expressly declared that the Town of Fox Lake would have enacted the other provisions of this Ordinance irrespective of whether any provision hereof may be declared invalid.

Approved this 9h day of November, 1998