

AN ORDINANCE AMENDING JOINT UNIFORM LAKE LAW ORDINANCE OF GENEVA LAKE,  
WALWORTH COUNTY, WISCONSIN

The Common Council of the City of Lake Geneva, the Village Boards of the Village of Williams Bay and the Village of Fontana-on-Geneva Lake, and the Town Boards of the Town of Linn and the Town of Walworth, Walworth County, Wisconsin, do ordain jointly and identically, in conformity with secs. 30.77 and 30.81 of the Wisconsin Statutes, as follows:

SECTION 1. The Joint Uniform Lake Law Ordinance of Geneva Lake, Walworth County, Wisconsin, be and the same is hereby repealed and recreated to read as follows:

Section I.

(a) Applicability. The provisions of this ordinance are adopted in the interest of public health and safety and shall apply to persons, boats and other objects upon, in and under the waters and ice of Geneva Lake within the jurisdictions of the city, villages and towns above-named, which are all such municipalities surrounding, riparian to and having jurisdiction over said lake.

(b) Enforcement. This ordinance shall be enforced by the officers, employees and agents of the Geneva Lake Law Enforcement Agency, and by the properly designated and authorized officers and agents of said municipalities.

(c) Water Safety Patrol. The Geneva Lake Water Safety Committee, Inc., through its Water Safety Patrol shall:

1. Promote water safety upon Geneva Lake in Walworth County, Wisconsin, including water rescue, promulgating and encouraging practices conducive to the safety of persons and property incident to the use and enjoyment of water traffic, pleasure and sports.

2. Educate in promoting water safety in all of its aspects.

Section II. State Boating and Water Safety Laws and Administrative Orders and Rules Adopted. (a) The statutory provisions describing and defining regulations with respect to water and ice traffic, boats, boating and related water and ice activities in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions 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 herein. Any act required to be performed or prohibited by the provisions of any statute incorporated by reference herein is required or prohibited by this ordinance:

30.50 (Definitions)

30.50 (Capacity plates on boats)

30.51 (Operation of unnumbered boats prohibited; exemptions)

30.52 (Certificate of number; applications; issuance; renewals; fees)

30.523 (Certification or registration card to be on board; display of stickers or decals and identification numbers)

30.53 (Certificate of origin; requirements; contents)

30.531 (Certificate of title; requirements; exemptions)

30.533 (Application for certificate of title; hull and engine identification numbers)

30.539 (Contents of certificate of title)

30.54 (Lost, stolen or mutilated certificates)

30.541 (Transfers of boat titles)

30.543 (Report of stolen or abandoned boats)

30.544 (Inspection of boats purchased out-of-state)

30.549 (Transfer of ownership of boats with a certificate of title, certificate of number or registration)

30.55 (Notice of abandonment or destruction of boat or change of address)

30.60 (Classification of motor boats)

30.61 (Lighting equipment)

30.62 (Other equipment)

- 30.63 (Use of certain outboard motors restricted)
- 30.64 (Patrol boats exempt from certain traffic regulations)
- 30.65 (Traffic rules)
- 30.66 (Speed restrictions)
- 30.67 (Accidents and accident reports)
- 30.675 (Distress signal flag)
- 30.68 (Prohibited operation)
- 30.681 (Intoxicated boating)
- 30.682 (Preliminary breath screening test)
- 30.683 (Implied consent)
- 30.684 (Chemical tests)
- 30.686 (Report arrest to department)
- 30.687 (Officers action after arrest for violating intoxicated boating law)
- 30.69 (Water skiing)
- 30.70 (Skin diving)
- 30.71 (Boats equipped with toilets)

(b) All rules and orders created by the Wisconsin Department of Natural Resources designated Chapter NR 5 of the Wisconsin Administrative Code, modifying or supplementing the foregoing provisions of the state law or which may be adopted or made in the future are hereby incorporated in and made a part of this ordinance by reference to the same as if they are or were to be set out herein verbatim.

(c) All deletions, additions and amendments which may be made to the sections of the State laws enumerated under Section II.(a) above are hereby adopted and incorporated herein by reference as of the time of their respective effective dates, as if they were to be set out herein verbatim.

(d) Speed limits.

1. No person shall operate any boat powered by an engine, or any other boat, in or upon the waters of Geneva Lake at a speed in excess of 35 miles per hour between sunrise and sunset nor at a speed in excess of 15 miles per hour between sunset and sunrise, from 12:01 p.m. Friday to midnight Sunday, from May 15th to September 30th of each year, and from 12:01 a.m. to midnight on Memorial Day, 4th of July, and Labor Day of each year. At all other times during the year, no person shall operate any boat powered by an engine, or any other boat, in or upon the waters of Geneva Lake at a speed in excess of 45 miles per hour between sunrise and sunset nor at a speed in excess of 15 miles per hour between sunset and sunrise.

2. The speed limit set forth in subsection II.(d)1. shall not apply to Police Patrol Boats in situations involving emergencies, or while engaged in law enforcement, nor to boats participating in a duly authorized race, regatta or water ski meet duly authorized by a permit while operating in the designated area authorized by said permit. The speed limit set forth in subsection II.(d)1. shall not apply to Water Safety Patrol Boats in situations involving emergencies.

### Section III. Zones, Lanes and Restrictions.

(a) Zones and lanes defined.

1. All areas marked by buoys and/or regulatory markers as swimming zones are so designated as swimming zones.
2. Traffic lanes for boats shall be those areas designated as such by identifying buoys or other aids to navigation.
3. Where the traffic lane is not so identified, a traffic lane is hereby established and shall be the greater distance between the shoreline and a line parallel to and 200 feet distant from it, and 100 feet from any dock, raft, pier, structure, mooring area or buoyed restricted area.

(b) Restrictions.

1. Traffic lights. Any municipality may install and operate boat traffic lights and when so installed and operating they must be obeyed by all boat or other watercraft operators using such traffic lane.

2. No water traffic outside the traffic lane shall exceed the "slow-no-wake" speed limit.

#### Section IV. Additional Safety Regulations and Rules.

(a) Right-of-Way at Docks, Piers and Wharves. Boats leaving or departing from a pier, dock or wharf shall have the right of-way over all other boats approaching such dock, pier or wharf.

(b) Right-of-Way of Sailboats over Rowboats. Boats propelled entirely by muscular power shall yield the right-of-way to sailboats when necessary to avoid risk of collision.

(c) Mooring Lights. No person shall moor or anchor any boat, raft, buoy or other floating object or permit the same to drift in the traffic lane above described between sunset and sunrise unless there is prominently displayed thereon a white light of sufficient size and brightness to be visible from any direction for a distance of two miles on a dark night with clear atmosphere. This provision shall not apply to authorized structures within the pier head line nor to boats or objects moored or anchored in mooring areas.

(d) Rafts and Platforms. No person shall place or maintain any raft or platform more than 50 feet from the shore unless it is so anchored that it has at least 6 inches of free board above the water line and has attached thereto not less than 12 inches from each corner or projection a red reflector not less than 3 inches in diameter.

(e) Swimming Regulations.

1. Swimming From Boats. No person shall swim from any boat unless such boat is anchored or the boat is manned by a competent person.

2. Swimming in Traffic Lane. No person shall swim in the traffic lane unless accompanied by a boat manned by a competent person. Such boat shall stay within 50 feet of and guard such swimmer. This paragraph is subject to the provisions set forth in paragraph 3., below.

3. Hours Limited. No person shall swim in the traffic lane from sunset to sunrise.

(f) Water Skiing.

1. All water skiing is forbidden outside the traffic lane.

2. No watercraft which shall have in tow a person or persons on water skis, surf-boards, or similar devices shall be operated upon Geneva Lake unless such watercraft shall be occupied by at least 2 competent persons. One person shall operate the boat and observe boat traffic at all times and the second shall observe the towed person.

3. The drivers or operators of all watercraft by means of which aquaplanes, water skis, or similar devices are being towed, and the riders of such devices, must conform to the same rules and clearance as provided in this ordinance for motor boats.

4. Any person using water skis, an aquaplane or a similar device, or any person who is towed in any manner by a watercraft or other means shall wear or have on his or her person a United States Coast Guard approved Personal Flotation Device.

(g) Shooting of Projectiles Prohibited. No person by use of a contrivance or device, or otherwise in any manner, shall throw, propel, send forth or shoot any missile, projectile or object toward or in the direction of a person, watercraft or other property.

(h) Buoys to be out by the first day of winter.

1. All buoys shall be removed from the water by the first day of winter of each year.

2. Every municipality, the Water Safety Patrol and the Geneva Lake Law Enforcement Agency may remove all buoys, regulatory markers or aids to navigation being privately owned or placed which are not removed before the first day of winter of each year.

#### Section V. Littering or Polluting.

(a) No person shall deposit, place or throw any cans, bottles, debris, refuse, garbage, solid or liquid waste, sewage or effluent into the waters of the lake or upon the ice when formed or cause or permit the same to be done by any agent or employee.

(b) Overboard Discharge Inactivation. No boat equipped with a means of discharging sewage directly from a toilet or holding tank

into the water upon which the boat is moored or is moved shall enter inland or outlying waters of the state until such means of discharge is inactivated. An owner or operator of a boat equipped with such means of discharge shall contact a representative of the department of natural resources or a local law enforcement official with respect to inactivation before entering state waters. overboard discharge inactivation shall include as a minimum either disconnection of the toilet piping, removal of the pumping device, securely plugging the discharge outlet, sealing of the toilet bowl, with wax or other method approved by the official contacted. The inspecting official shall provide the boat owner or operator with a signed written statement as to the method of inactivation accepted. The owner or operator shall give information as to the inland or outlying waters he plans to navigate and as to the time of stay on such waters.

(Pursuant to Wisconsin Administrative Provisions, Ch. ILHR 86.07.)

#### Section VI. Markers and Navigation Aids.

(a) Duty of Director-Manager. The Director of the Water Safety Patrol and the Manager of the Geneva Lake Law Enforcement Agency are authorized and directed to place and maintain suitable regulatory markers, navigation aids and signs, and waterway markers in such areas of the lake as shall be necessary under this ordinance, state law and state administrative code provisions, and to advise the public of the provisions of this ordinance and such state law and state administrative code provisions, and they shall post and maintain a copy of this ordinance at all public access points to the lake.

(b) Standard Markers. All regulatory markers, navigation aids and other waterway markers placed upon the waters of the lake shall comply with the regulations of the Department of Natural Resources.

#### Section VII. Skin Diving and Swimming; Scuba Diving and Swimming; Skin Fishing.

(a) In the interest and protection of the public health, safety and general welfare, the Board of Trustees of Williams Bay deems the area comprising Geneva Lake north of a line drawn from the most southerly point of Conference Point on the West and the most southerly point of Cedar Point on the east, and the Board of Trustees of Fontana-on-Geneva Lake deems the area comprising said lake west of a line drawn from the north line of Belvidere Park on the north shore and the eastern edge of the public road east of Club Unique Subdivision on the south shore in the Village, and the Common Council of Lake Geneva deems the area of Geneva Bay from Geneva Bay Estates east to the lakefront of the Somerset Condominium Association, as being highly congested and hazardous for all kinds of water traffic, especially motor powered watercraft of all kinds, sailboats, water skiers and fishermen, and that subsurface activities are especially dangerous in said areas because persons engaged in such activities cannot be seen by observers on the surface of the water. Therefore, the said Boards deem it expedient, proper and necessary to ordain as follows:

All skin and other underwater diving and swimming used or performed with self-contained, underwater breathing apparatus (SCUBA diving) or similar devices are hereby forbidden during the period from May 20 to September 15 of each year within the above-described areas, except to recover personal property, bodies, and to examine the bottom of the lake for some public authority, and then only after making application for and receiving permission from the Water Safety Patrol in writing.

(b) No person shall engage in underwater diving and swimming with self-contained underwater breathing apparatus without first having registered and been issued a permit card provided by the Water Safety Patrol.

(c) It shall be unlawful to SCUBA dive underwater when unassisted. When assisted it must be so done that each diver shall have another with him who is a competent, properly equipped SCUBA diver.

(d) A SCUBA diver shall be accompanied when in the water by a boat equipped with an approved dive flag as provided in sec. 30.70, Stats. The boat must be anchored and must be manned by a competent person.

(e) There shall be no SCUBA diving at any of the public beaches, nor shall SCUBA diving be done in such a way as to interfere with fishermen and their lines, or with boats and their anchors.

(f) Restricted areas on the lake other than those above designated may be out of bounds for SCUBA divers as determined by the Water Safety Patrol. These areas shall be properly marked and designated.

(g) All SCUBA divers and all other users of Geneva Lake who find articles of any value on the bottom of the lake shall deliver them to the Water Safety Patrol for return to their proper owners, and if such owners cannot be found, then for disposal according to law.

(h) SCUBA diving is forbidden between the hours of sunset and sunrise unless for some emergency and then only if properly authorized as above provided.

#### Section VIII. Repeal of Conflicting Ordinances.

Any ordinance conflicting with the provisions of this ordinance or any part thereof is hereby repealed.

Section IX. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional, by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The board or council hereby adopting this ordinance declares that they would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

#### Section X. Penalties.

- (a) 1. Any person who shall violate the provisions adopted by Subsection II.(a) of this ordinance as described and defined in Subsections 30.67(1) or (2) or 30.68(2) of the Wisconsin Statutes shall, upon conviction thereof, forfeit not more than Two Hundred (\$200.00) Dollars, together with the costs of prosecution and penalty assessment, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail not exceeding six (6) months. Any person who shall violate the provisions adopted by Subsection II.(a) of this ordinance as described and defined in Sec. 30.68 of the Wisconsin Statutes shall, in addition to the penalties set forth in this paragraph, be required to obtain a certificate of satisfactory completion of a safety course pursuant to Subsection 30.74(1), of the Wisconsin Statutes.
2. Any person who shall violate the provisions adopted by Subsection II.(a) of this ordinance as described and defined in Subsections 30.681(1) or 30.684(5) of the Wisconsin Statutes shall, upon conviction thereof, forfeit not less than One Hundred Fifty (\$150.00) Dollars nor more than Three Hundred (\$300.00) Dollars, together with the costs of prosecution and penalty assessment, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail not exceeding six (6) months. Any person who shall violate the provisions adopted by Subsection II.(a) of this ordinance as defined in Subsection 30.681(1) or 30.684(5) of the Wisconsin Statutes shall, in addition to the penalties set forth in this paragraph, be required to obtain a certificate of satisfactory completion of a safety course pursuant to Subsection 30.74(1) of the Wisconsin Statutes.
3. In addition to any other forfeiture order, a person who violates the provisions adopted by Subsection II.(a) of this ordinance as described and defined in Subsections 30.681(1) or 30.684(5) of the Wisconsin Statutes shall, upon conviction thereof, be ordered by the court to submit to and comply with an assessment by an approved public treatment facility for an examination of the person's use of alcohol or controlled substances. Intentional failure to comply with an assessment ordered under this paragraph constitutes contempt of court, punishable under Chapter 785 of the Wisconsin Statutes.
4. Any person who shall violate the provisions adopted by Subsection II.(a) of this ordinance as described and defined in Sec. 30.71, Stats. or any rule promulgated under that section, shall, upon conviction thereof, forfeit not more than One Hundred (\$100.00) Dollars for the first offense and not more than Two Hundred (\$200.00) Dollars upon conviction of the same offense a second and subsequent time within one (1) year, together with the costs of prosecution and penalty assessment, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail not exceeding six (6) months.
5. Any person who shall violate any provisions of this ordinance set forth in Sections II through VII, inclusive, except as specified in paragraphs X(a)1. thru 4. of this subsection, shall, upon conviction thereof, forfeit not more than Fifty (\$50.00) Dollars for the first offense and not more than One Hundred (\$100.00) Dollars upon the conviction of the same offense a second and subsequent time within one (1) year.

SECTION 2. Effective Date. This ordinance shall be in full force and effect upon and from its passage, approval and publication as required by law.

PASSED AND ADOPTED by the Common Council of the City of Lake Geneva, the Village Boards of the Village of Williams Bay and the Village of Fontana-on-Geneva Lake, and the Town Boards of the Town of Linn and the Town of Walworth, Walworth County, Wisconsin, on the dates set forth below.

2-7-90