

ORDINANCE NO. 92-3

AN ORDINANCE REGULATING WATER TRAFFIC, RAFTS/STRUCTURES, BOATING AND WATER SPORTS, UPON THE WATERS OF PIKE LAKE WHICH INCORPORATES SECTIONS OF ORDINANCE NO. 90-4 AND 91-4.

THE TOWN BOARD OF THE TOWN OF HARTFORD, WASHINGTON COUNTY, WISCONSIN ORDAINS AS FOLLOWS:

SECTION 1. APPLICABILITY AND ENFORCEMENT The provisions of this ordinance shall apply to the waters and to persons, vessels, objects, or things upon the waters of Pike Lake within the jurisdiction of the Town of Hartford as prescribed by the Department of Natural Resources, which waters are described as follows: a meandered Lake in the Township 10 North of Range 18 East, Town of Hartford, Washington County, Wisconsin. The provisions of this Ordinance shall be enforced by all Officers of the Town of Hartford, Washington County, Wisconsin.

SECTION 2. STATE BOATING AND WATER SAFETY LAWS ADOPTED.

The Statutory provisions described and defining regulations with respect to the water traffic, boats, boating and related water activities in the following enumerated sections of the Wisconsin State 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)

30.51 (Operations of Unnumbered Boats Prohibited)

30.52 (Certificate of Number)

30.53 (Identification Number to be Displayed on Boat: Certificate to be Carried)

30.54(2) (Transfer of Ownership of Numbered Boat)

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)

30.64 (Patrol Boats Exempt from Certain Traffic Regulations)

30.65 (Traffic Rules)

30.66 (Speed Restrictions)

30.67 (Accidents and Accident Reports)

30.68 (Prohibited Operation)

30.68 (1) (a) (Operating while under the influence of an intoxicant)

30.68 (a) (b) (Operating with alcohol concentration at or above specified levels)

30.684(5) (Refusal to take chemical test)

30.69 (Water Skiing)

30.70 (Skin Diving)

30.71 (Boats Equipped with Toilets)

SECTION 3. PUBLIC SWIMMING ZONES.

(a) All beaches used by the public shall be identified by markers placed by the owners of such beach. The marker size, design, placement and symbols are to be as prescribed by the Wis. Admin. Code NR 5.09.

(b) No boat of any description shall be allowed in an area so marked.

(c) (Am. Ord. 77-3) Any party desiring to designate an area as a public swimming zone shall obtain a permit from the Town Board of the Town of Hartford prior to the placement of the required markers.

(d) (Am. Ord. 77-4) This subsection does not apply in the case of an emergency, or to a patrol or rescue craft.

SECTION 4. SPEED RESTRICTIONS.

(a) Creating Hazardous Wake or Wash. No persons 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) Hours. No person shall operate a motorboat at a speed in an excess of a slow-no-wake speed between the hours of 8:00 P.M., or legal sunset, whichever comes sooner, to 10:00 A.M., except that on Saturdays, Sundays and Holidays no person shall operate a motorboat at a speed in excess of slow-no-wake speed between the hours of 6:00 P.M. and 10:00 A.M.

(c) Slow-no-Wake Areas. No person shall operate a motorboat at a speed greater than slow-no-wake within 150 feet from the shoreline and in areas which have been designated and posted for such speed with regulatory markers. The Town Board, in cooperation with the Pike Lake Protection District may, from time to time, identify and have marked as slow-no-wake areas such portions of the lake in which, due to shallowness of water, vegetation growth, lake bottom conditions or other factors, the slow-no-wake speed restrictions should be imposed in order to protect water quality or the health, safety and general welfare of lake users.

SECTION 5. ADDITIONAL TRAFFIC RULES. In addition to the traffic rules in Sec. 30.65 of the Wisconsin Statutes adopted in Section 2 of this Ordinance, the following rules shall apply to vessels using the waters covered by this Ordinance.

(a) Right of Way of Sailboats. Boats propelled by muscular power shall yield the right of way to sailboats when necessary to avoid risk or collision.

SECTION 6. RAFTS AND STRUCTURES.

Rafts shall be restricted to riparian land owners (and owners of easements to the lake will be allowed one raft/structure per easement right-of-way). One raft/structure only to be placed so as not to interfere with neighbors right-of-way.

(a) Permit Required. No person shall place a raft/structure in the lake without first obtaining a permit from the Town Board of the Town of Hartford. The fee for the initial permit is \$10 and thereafter \$5.00 annually. The applicant shall identify the location of the raft/structure and also provide proof of liability insurance coverage.

(b) Permit. A permit issued under this section shall be given a number. It will be the owners responsibility to then obtain a 2 inch size decal with the number that has been assigned and affix it to the raft so that it can be properly seen above the water line.

(c) Size of Raft/Structure. The size of the raft/structure shall not exceed 10 feet by 10 feet with a minimum of 12 inches freeboard above the water line and not to exceed 24 inches of freeboard. 8 inch minimum reflectorized white sides around the total perimeter with reflectors positioned one in each corner.

(d) Placement. A raft/structure must be placed within 150 feet from the shoreline.

(e) Removal. The raft/structure must be removed by November 1 of each year and may not be replaced before April 1 annually.

SECTION 7. SWIMMING REGULATIONS.

(a) Distance from Shore and Boats. No person shall swim more than 150 feet from the shore or more than 30 feet from an anchored raft/structure unless he is accompanied by a suitable boat.

(b) Hours Limited. No person shall swim more than 50 feet from the shore line or a pier or more than 30 feet from an accompanying boat between one hour after legal sunset and one hour before legal sunrise.

SECTION 8, WATER SKIING, SURF BOARD AND SIMILAR DEVICES.

(a) Persons in Boat. No person shall operate a boat for the purpose of towing a person on water skis, surf boards, or similar devices or permit himself to be towed for such purpose unless there are 2 persons in such boat.

(b) (Am Ord. 8102) Hours. No Person shall operate a boat for the purpose of towing a water skier, surfboard, or similar device between the hours of 8:00 P.M., or legal sunset, whichever comes first, except that on Saturdays, Sundays and Holidays no person shall operate a boat for the purpose of towing a water skier, surfboard, or similar device between the hours of 6:00 P.M. and 10:00 A.M.

(c) No person shall water ski, aquaplane or otherwise be towed by a boat, or wind surf, without wearing a U.S. Coast Guard approved type life preserver.

(d) No person shall operate a boat for the purpose of towing a water skier, surfboard or similar device within 150 feet of a canoe or anchored boat.

SECTION 9. RACES, REGATTAS, SPORTING EVENTS, AND EXHIBITIONS.

(a) Permit Required. No person shall direct or participate in any public boat race, regatta, water ski meet or other water sporting event or exhibition unless such event has been authorized by the Town Board of Hartford and a permit issued therefore by the Water Safety Patrol Officer.

(b) Permit. A permit issued under this section shall specify the course or area of water to be used by participants in such event and the permittee shall be required to place markers, flags or buoys approved by the Water Safety Patrol Officer designating the specified area. Permits shall be issued only if in the opinion of the Water Safety Patrol Officer the proposed use of the water can be carried out safely and without danger or substantial obstruction to other vessels or persons using the lake. Permits shall be valid only for the hours and area specified thereon. In the event that the Water Safety Patrol Officer denies a permit under this section, the applicant shall have the right to seek a review of the denial with the Town Board of the Town of Hartford within 48 hours of said denial.

SECTION 10. LITTERING OF WATERS PROHIBITED. No person shall deposit, place or throw from any boat, raft, pier, platform or similar structure any cans, bottles, debris, refuse, garbage, solid or liquid waste into the waters of the lake.

SECTION 11. MARKERS AND NAVIGATING AIDS.

(a) Duty of Water Safety Patrol Officer. The Water Safety Patrol Officer is authorized and directed to place and maintain suitable markers, navigation aids, and signs in such areas of the Lake as shall be appropriate to advise the public of the provisions of this Ordinance and to post and maintain a copy of this document at all public access points within the jurisdiction of the Town. Any person aggrieved by the placement of markers, aids or signs by the Water Safety Patrol Officer shall have the right to petition the Town Board of the Town of Hartford for a review of the placement.

(b) Standard Markers. All markers placed upon the water of Pike Lake shall comply with the regulations of the Department of Natural Resources.

(c) Interference with Markers Prohibited. No person shall without authority remove, damage or destroy or moor or fasten (except to mooring buoys) any water-craft to any buoy, beacon or marker placed in the waters of the Lake by the authority of the United States, State or Town or by any private person pursuant to the provisions of this Ordinance.

SECTION 12. SUBORDINATE OFFICERS. In the absence of the Water Safety Patrol Officer, any subordinate Water Safety Patrol Officer may act in his stead in every instance in this Ordinance.

SECTION 13. DEPOSIT SCHEDULE. Every police officer of Water Safety Patrol Officer or subordinate Water Safety Patrol Officer issuing a citation for violation of this ordinance shall indicate on the citation the amount of the deposit, including the penalty assessment and court costs, that the alleged violator may make in lieu of court appearance. The amount of the deposit shall be determined in accordance with the State of Wisconsin Revised Uniform Deposit and Bail Schedule for Conservation, Boating, Snowmobile and ATV Violations, which is hereby adopted by reference and made a part hereof.

SECTION 14. PENALTIES. Any person violating the provisions of this Ordinance shall forfeit not more than \$350.00 for the first offense and shall forfeit not more than \$500.00 upon conviction of the same offense a second or subsequent time within one year.

SECTION 15. SEVERABILITY. If any provision of this ordinance is determined to be invalid or unconstitutional, or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality will not affect the other provisions or applications of this ordinance which can be given effect aside from the invalid or unconstitutional provision or application.

SECTION 16. PUBLICATION. This ordinance shall, in accordance with §60.80(2), Stats., take effect the day after its publication as a Class 1 notice under Ch. 985, Stats.