

# TOWN OF LIBERTY MANITOWOC COUNTY, WISCONSIN

## ORDINANCE

### AN ORDINANCE TO CREATE CHAPTER 2 OF THE TOWN OF LIBERTY CODE OF ORDINANCES TO REGULATE BOATING UPON THE WATERS OF TOWN OF LIBERTY, MANITOWOC COUNTY, WISCONSIN, AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The Town Board of the Town of Liberty, pursuant to Section 30.77, Wis. Stats., do ordain as follows and enact Chapter 2 of the Code of Ordinances of the Town of Liberty as follows:

#### CHAPTER 2: BOATING ORDINANCE

##### Section 1. Applicability and Enforcement

1.1 The provisions of this Ordinance shall apply to the waters of the Town of Liberty, Manitowoc County, Wisconsin.

1.2 This chapter shall be enforced by the officers of the Town of Liberty and the Manitowoc County Sheriffs Department.

##### Section 2. Intent

2.1 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 within the Town of Liberty, Manitowoc County, Wisconsin.

##### Section 3. State Boating and Safety Laws Adopted

3.1 The provisions of Sections 30.56 to 30.71, Wis. Stats., providing for the regulation of boating, and as amended from time to time, are adopted and incorporated herein by reference.

##### Section 4. Speed Restrictions

4.1 Fixed Limits: No person shall operate a motorboat at a speed in excess of. slow-no-wake between 6:00 p.m. and 11:00 a.m. daily.

##### Section 5. Operation Regulations

5.1 Rafts: All swimming rafts, floats or similar devices shall be anchored within 100 feet of shore and marked with a reflector, reflective tape or reflective paint.

##### Section 6. Traffic Rules

6.1 Counterclockwise Direction: All boats operating at a speed in excess of slow no-wake speed between 11:00 a.m. and 6:00 p.m. shall proceed in a counterclockwise direction.

##### Section 7. Water Skiing

###### 7.1 Prohibited at Certain Times:

No person may engage in water skiing, aquaplaning or similar activity, at any time from 6:00 p.m. to 11:00 a.m.

##### Section 8. Swimming, Skin Diving and Scuba Diving

8.1 Time Restrictions: No person may use self-contained underwater breathing apparatus from 11:00 a.m. to 6:00 p.m. on Saturdays, Sundays and legal holidays.

8.2 Area Restrictions: No person may engage in underwater diving or swimming with the use of swimming fins or skin diving in waters other than marked swimming areas or within 150 feet of shoreline, and no person may engage in underwater diving or swimming with the use of self-contained underwater breathing apparatus in waters other than marked swimming areas, unless the location of such diving or swimming is distinctly marked by diver's flags, not less than 12 inches high and 15 inches long, displaying one diagonal white stripe 3 inches wide on a red background, and of height above the water so as to be clearly apparent at a distance of 100 yards under normal conditions, and so designed and displayed as to be visible from any point on the horizon. Except in case of emergency, anyone engaging in such diving or swimming shall not

rise to the surface outside of a radius of 50 feet from such flag. No person engaged in such diving or swimming shall interfere with the operation of anyone fishing nor engage in such diving or swimming in established traffic lanes; nor shall any such person alone or with another, intentionally or unintentionally, block or obstruct any boat in any manner .from proceeding to its destination where a reasonable alternative is unavailable. A reasonable alternative route is available when the otherwise unobstructed boat can proceed to its destination without reducing its lawful speed, by passing to the right or to the left of a marked diving operation.

8.3 Swimming Restrictions: No person may engage in any type of swimming beyond 100 feet from shore between the hours of 11:00 a.m. and 6:00 p.m. on Saturdays, Sundays and legal holidays unless the swimmer is accompanied by a person in a boat and the swimmer stays within 20 feet of the boat.

#### Section 9. Posting Requirements

The Town of Liberty shall place and maintain a copy of this Ordinance at all public access points within the jurisdiction of the Town.

#### Section 10. Penalties

The penalty provisions of S. 30.80, Wis. Stats., are adopted by reference. Unless otherwise set forth in S. 30.80, Wis. Stats., any person violating any provision hereof shall forfeit not more than \$50.00 for the first offense and not more than \$100.00 upon conviction of the same offense a second or subsequent time within one (1) year.

#### Section 11. Severability

The provisions of this Ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provisions of this Ordinance whether or not one or more provisions may be declared invalid. If any provision of this Ordinance or the application 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.

#### Section 12. Effective Date

This section will become effective upon passage and publication as provided by law.

August 12, 1996