

AN ORDINANCE TO REGULATE BOATING AT SPEEDS GREATER THAN SLOW NO WAKE IN A CIRCULAR COURSE AT ANY TIME AND GENERAL RESTRICTIONS DURING HIGH WATER PERIODS

WHEREAS, the Village of Oconomowoc Lake Village Board is authorized by Wisconsin Statutes Section 30.77(3) to enact ordinances that are not contrary to or inconsistent with Chapter 30, Wisconsin Statutes, in the interest of public health, safety or welfare, including the public's interest in preserving the State's natural resources, if the ordinances relate to the equipment, use or operation of boats; and

WHEREAS, the Village of Oconomowoc Lake Village Board is specifically authorized pursuant to Wisconsin Statutes Section 30.77(3)(cr) to establish restrictions on speed; and WHEREAS, the Village Board of the Village of Oconomowoc Lake finds that boat traffic on Oconomowoc Lake and the Oconomowoc River within the Village of Oconomowoc Lake when the water levels in said lake and river are at flood stage (as further described below) presents numerous health, safety and welfare concerns, including concerns regarding preservation of natural resources. Among the concerns is erosion of shoreline areas caused by wakes created by boat traffic, and related damage to lawns, property, and natural areas on the shore of said lake; sedimentation within the lake, and reduction of water quality which could adversely affect natural wildlife within the lake; and safety of persons traveling on the lake, due to floating materials having drifted from the shore, among other concerns; and

WHEREAS, the Village Board of the Village of Oconomowoc Lake further finds that traveling repeatedly in a circular motion at speeds greater than slow no wake also presents numerous health, safety and welfare concerns, including, but not limited to, safety of persons traveling on the lake; and

WHEREAS, prior to acting on this matter, the Village submitted the proposed ordinance to the Department of Natural Resources pursuant to Wisconsin Statutes Section 30.77(3)(d), at least 60 days prior to final action on the matter by the Village Board; and

WHEREAS, the Village Board of the Village of Oconomowoc Lake has carefully considered the advisory report provided by the Department of Natural Resources and has incorporated the suggestions noted in that report,

NOW THEREFORE, the Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin, does hereby ordain as follows:

SECTION 1: APPLICABILITY AND ENFORCEMENT.

The provisions of this ordinance shall apply to the waters of Oconomowoc Lake and the Oconomowoc River in the Village of Oconomowoc Lake, Waukesha County. This Ordinance shall be enforced by the Water Safety Patrol and the Village Police Chief of the Village of Oconomowoc Lake, Waukesha County, or his or her designee.

SECTION 2: Regulations Governing the use of boats on Oconomowoc Lake and the Oconomowoc River within the Village of Oconomowoc Lake.

20.05 BOATS AND BOATING

"SLOW, NO-WAKE" RESTRICTION DURING HIGH WATER PERIODS. When the water of Oconomowoc Lake reaches the level of 862.30 feet above sea level as measured at the Oconomowoc Lake Dam, the lake and river are considered to be at flood stage. No person may operate a boat at greater than "slow no wake" until such time as the water level declines to a point below the level of 862.10 feet above sea level as measured at the Oconomowoc Lake Dam.

20.11 OPERATION IN CIRCULAR COURSE.

No person shall operate or use a motor boat or personal water craft repeatedly in a circular course with a diameter of less than 200 feet at a speed in excess of slow no wake speed.

SECTION 3: POSTING REQUIREMENTS.

The Village of Oconomowoc Lake shall place and maintain a copy of this Ordinance at all public access points on Oconomowoc Lake. The posted Ordinance shall be in compliance with the size requirements listed in NR 5.15 of the Wisconsin Administrative Code.

SECTION 4: PENALTIES.

Wisconsin State boating penalties as found in Section 30.80, Wis Stats., and deposits as established in the Uniform Deposit and Bail schedule established by the Wisconsin Judicial Conference, including any amendments or renumbering that may be made to Section 30.80, Wis. Stats. and/or the Uniform Deposits and Bail schedule in the future, are hereby adopted by reference with all references to fines amended to forfeitures and all references to imprisonment deleted.

SECTION 5: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful unenforceable, such decision shall apply only to the specific section or portion thereof direct specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 6: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 19th day of June 2001

Published and posted this 20th day of June 2001