

An Ordinance to Regulate Water Traffic and Boating and Water Sports Upon the Waters of All Lakes Within the Town of Auburn, Fond du Lac County, Wisconsin.

The Town Board of the Town of Auburn, Fond du Lac County, Wisconsin, does hereby ordain as follows:

SECTION 1. INTENT

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public needs and the capability of the water resources.

SECTION 2. APPLICABILITY & ENFORCEMENT The provisions of this ordinance shall apply to all lakes and waters within the jurisdiction of said Town of Auburn. The provisions of the ordinance shall be enforced by the Constables of the Town of Auburn and by Officers of the Water Safety Patrol and by any Sheriff or Deputy Sheriff of Fond du Lac County.

SECTION 3. STATE BOATING AND WATER SAFETY LAWS ADOPTED

The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water 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) 30.51 (Operation of Unnumbered Boats Prohibited); 30.52 (Certificate of Number); 30.53 (Identification Number to be Displayed on Boat; Certificate to be Carried); 30.54 (Transfer of Ownership of Numbered Boat); 30.55 (Notice of Abandonment or Destruction of Boat or change of Address); 30.60 (Classification of Motorboats); 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 (Skin Diving); 30.71 (Boats Equipped with Toilets).

SECTION 4. DEFINITIONS

(a) Shore Zone-the water area within 75 feet of any shore. (b) Swimming Zone-An authorized area marked by official buoys to designate a swimming area. (c) Channel- A waterway less than 400 feet wide. (d) House-boat-A boat on which persons are living, sleeping or camping. (e) Public Landing-A marina or landing facility and the adjoining public shoreline under the jurisdiction of the State, County or Municipality. (f) The term "Water Skiing" or the word forms thereof shall include any surf-board, saucer or other similar device towed by a boat.

SECTION 5. SPEED RESTRICTIONS (a) General Limits-No person shall operate a boat at a speed in excess of 8 m.p.h., between the hours of 4:00 P.M. and 11:00 A.M. on all waters provided that this provision shall not apply to boats participating in duly authorized races over a course laid out and plainly marked and adequately patrolled. (b) Special Limits-No person shall at any time operate a boat in excess of 8 m.p.h. within 75 feet of any shore, swimmer, marked public swimming area, diving flag, canoe, rowboat, sailboat, non-operating motorboat, bridge or public landing or anchorage.

SECTION 6. ADDITIONAL TRAFFIC RULES

In addition to the traffic rules in Section 30.65 of the Wisconsin Statutes adopted in Section 1 of this ordinance, the following rules shall apply to boats using the waters covered by this ordinance; (a) Right of Way at Docks, Piers and Wharves. Boats leaving or departing from a pier or dock or wharf shall have the right of way over all other watercraft approaching such dock, pier or wharf. (b) Right of way of Sailboats Boats propelled entirely by muscular power shall yield the right of way to sailboats when necessary to avoid risk of collision. (c) Houseboats-Anchoring, drifting or mooring of houseboats is prohibited.

SECTION 7. INTOXICATION AND INTOXICATING LIQUORS

(a) Intoxicated persons not to ride in Boats. No person shall permit any person who is so intoxicated as to be unable to provide for his own safety or the safety of others to ride as a passenger in any boat operated by him.

SECTION 8. ANCHORAGES AND STATIONARY OBJECTS

(a) Rafts and Buoys-No person shall erect or maintain any raft, ski jump, stationary platform or any other obstacle to navigation more than 75 feet from the shore at any time unless a permit is obtained from the Chief of the Water Safety Patrol and unless it is so constructed or anchored that it has at least 6 inches of free board above the water line. (b) Designation of Anchorages-The shore Zone, except such portion thereof as may be designated as a swimming zone is designated as an anchorage or moorage. No craft shall be anchored or moored elsewhere on the lake except that an occupied craft may be moored for not more than 12 hours. The above provision shall not apply to emergency or enforcement craft. (c) Public Landings Mooring or anchoring of boats at public landings other than at piers as designated by the controlling government agency is prohibited. (d) Mooring Lights Required-No person shall moor or anchor any raft, buoy or other floating object more than 75 feet from the shore line. (f) Lighting-Between sunset and sunrise, every boat or craft not required to be otherwise lighted and whether at anchor or drifting shall on the approach of a motor boat display a white light in sufficient time to avert a collision. Such light shall be of such character as to be visible at least 2 miles on a dark night with clear atmosphere.

SECTION 9. WATER SKIING

(a) Persons In Boat-No person shall operate a boat for the purpose of towing a person on water skis, aquaplane or similar device or permit himself to be towed for such purpose unless there are TWO or more competent persons over 12 years of age in such boat. (b) Hours-No person shall operate a boat for the purpose of towing a water skier, aquaplane or similar device or engage in water skiing between the hours of 9:00 P.M. and 11:00 A.M. (c) Distance from Shore, Landings and Beaches-No person shall operate a boat for the purpose of towing a water skier or no water skier shall ski within 75 feet of the shore line or the outside limits of any swimming zone nor within 75 feet of any other water craft or any swimmer or of any diving float or of any public boat landing. (d) This section shall not however, prohibit any water skier from starting to ski from within a prohibited zone, provided the tow boat is not within the zone and the skier leaves the zone at right angles to the shore. (e) Length of Tow-The maximum length of any tow rope for towing a person water skiing, aquaplaning or similar activity shall be 75 feet.

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

SECTION 11. SEAPLANES Landing, taking off or anchoring of a seaplane is prohibited. The operation of any boat or other device propelled by an airplane type propeller commonly known as "air boats" is prohibited.

SECTION 12. MARKER AIDS: POSTING ORDINANCE

(a) Standard Markers-All markers placed by the Chief of the Water Safety Patrol or any other person upon the waters of the lakes shall comply with the regulations of the Wisconsin Conservation Commission. (b) Interference with markers Prohibited. No person shall without authority remove, damage or destroy or moor or attach any watercraft to any buoy, beacon or marker placed in the waters of the lakes by the authority of the United States, State, County or Town or by any private person pursuant to the provisions of this ordinance. (c) It shall be the duty of the Chief of Water Safety Patrol or authorized person to post and maintain a copy of this ordinance at all public access points within the jurisdiction of the Town of Auburn.

SECTION 13. PENALTIES AND DEPOSITS

(a) Any person violating any provision of Section 3 of this ordinance shall forfeit not more than (\$50) for the first offense and not more than (\$100) for second or subsequent offense within one (1) year period, together with the cost of prosecution. Upon default in the payment of any such forfeiture, such person shall be imprisoned in the County Jail until full payment thereof is made, but not exceeding sixty (60) days. (b) Minor Violations-Any person who shall violate any provision of this ordinance except as specified in subsection (a) of the section, shall forfeit not less than One (\$1) Dollar nor more than Fifty (\$59) Dollars, together with the cost of prosecution and in default of payment thereof shall be imprisoned in the County Jail until full payment thereof is made, but not to exceed Thirty (30) days. (c) Money Deposits-Any officer arresting a person for violations of this ordinance who is unable to bring the person arrested before the

County Court without unnecessary delay, shall permit such person to make a money deposit as provided in Section 30.76 of the Wisconsin Statutes. Such deposit shall be made by mailing the deposit as directed by the arresting officer at the nearest mailbox to the office of the Clerk of the County Court of Fond du Lac County, Wisconsin or by going in the custody of the arresting officer to make such deposit to such clerk.

SECTION 14. WISCONSIN STATUTES DEFINED Wherever used in this ordinance the term "Wisconsin Statutes" shall mean the Wisconsin Statutes of 1961 and subsequent amendments.

SECTION 15. REPEAL OF CONFLICTING ORDINANCES

All ordinances regulating water traffic, boats, boating or water sports upon the waters covered by this ordinance heretofore enacted by the Town Board of the Town of Auburn are hereby repealed.

SECTION 16. SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provision of this ordinance or the application thereof to any persons 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 thereby.

SECTION 17. EFFECTIVE DATE-CLERK'S DUTY (a) This ordinance shall take effect and be in force from and after its passage and publication (Posting) as provided by law. (b) The Town Clerk is directed to file a copy of this ordinance with the Wisconsin Conservation Commission in Madison, Wisconsin.

SECTION 18. As provided in Section 30.77 of the Wisconsin Statutes posting of this ordinance at public access points is required.

SECTION 19. DEFINITION OF TIME

Any time or hours as specified in this ordinance shall be Local Time. (Daylight Savings Time when in season.)

Revised and adopted this 15th day of July, 1971.