

TOWN OF MERTON  
WAUKESHA COUNTY, WISCONSIN

AN ORDINANCE TO REGULATE WATER TRAFFIC, BOATING AND WATER SPORTS UPON FREE WATERS OF THE TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

Effective August 4, 1960

THE TOWN BOARD OF THE TOWN OF MERTON DO ORDAIN AS FOLLOWS:

SECTION 1. Application and Enforcement. The provisions of this ordinance shall apply to the waters of Lake Keesus, Big North Lake, Little North Lake, Moose Lake, Okauchee Lake, Garven Lake and Beaver Lake and the Oconomowoc River in the Town of Merton, Waukesha County, Wisconsin.

SECTION 2. 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 (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)

30.69 (Water Skiing)

30.70 (Skin Diving)

30.71 (Boats Equipped with Toilets)

SECTION 3. Speed Restrictions.

(a) General Limits. No person shall operate a boat at a speed in excess of 10 miles per hour from one hour after sunset each day until one hour before sun rise of the next day.

(b) Special Limits in Restricted Areas.

(1) No person shall at any time operate a boat in excess of six miles per hour within 100 feet of a shoreline, swimmer, marked public swimming area, diving flag, raft, canoe, row boat, non-operating motor boat, sailboat, bridge or public boat landing or anchorage. (As amended August 4, 1960)

(2) No person shall operate a boat in excess of six miles per hour in the following designated areas of Okauchee Lake: An area from a shore to shore line in Upper Oconomowoc (Little Okauchee Lake), said line to be parallel to and three hundred feet (300') southwest (SW) of the Lake Drive bridge, extending eastward under the bridge to a line crossing the channel from Schradenbach's Island on the north to Lacy's on the south, Bay Five and Ice House Bay. (3) No person shall operate a boat in excess of ten (10) miles per hour in the following designated areas of Okuachee Lake: An area from a shore to shore line crossing the channel from Scradenbach's Island on the north to Lacy's on the South, extending Eastward to a line crossing the channel perpendicular from Schroeder's boat landing to a point on the opposite shore of said channel.

SECTION 4. Overloading.

No boat shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration the weather and other normal operating conditions.

#### SECTION 5. Additional Traffic Rules.

In addition to the traffic rules in s. 30.65 of the Wisconsin statutes adopted in Section 2 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, dock or wharf shall have the right of way over all 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.

#### SECTION 6. Stationary Objects.

- (a) Reflectors Required. All piers, rafts, ski jumps or other stationary objects, extending into and/or located upon the waters located in the Town of MERTON shall have red reflect signals on each side thereof. In the case of piers, such reflectors shall be not less than three (3) feet from the outer limits thereof.
- (b) Permits Required. No water ski jump shall be placed upon the waters of the Town of MERTON at any time unless a permit is obtained from the water safety patrol. No raft or other stationary object shall be placed more than 100 feet from the shore unless a permit is obtained from the water safety patrol.
- (c) A permit issued under this section shall specify the location of the ski jump, raft or other structure, and in the case of ski jumps, the area of water to be used by users of such jump. Permits shall be issued only if in the opinion of the water safety patrol, the proposed use of the water and location of the structure is such as not to interfere with or obstruct navigation and other uses of the water.

#### SECTION 7. Swimming Regulations.

Any person swimming more than 150 feet from the shoreline of any lake and more than 50 feet from a diving raft anchored more than 150 feet from the shoreline of any lake shall be accompanied by a boat for the protection of the swimmer and as an aid to other boats in determining the location of the swimmer, and such swimmer shall be not more than 50 feet from the boat accompanying him.  
(as amended August 4, 1960)

#### SECTION 8. Water Skiing.

- (a) No person shall operate a motorboat and tow therewith any person or persons upon water skis or other similar device, unless there is at least one other person in said towing boat besides the operator thereof, which person shall act as an observer and lookout for said boat operator during the towing operation.
- (b) Because of the size and shape of Moose Lake in the Town of Merton, Waukesha County, Wisconsin, no person shall operate a motorboat and tow therewith any person or persons on water skis or other similar device upon that part of Moose Lake which is south of a straight line between Herb Hasslinger's Resort and the Bargenhagen premises and appropriate signs readable off shore shall be located upon the Herb Hasslinger premises and the Bargenhagen premises and Kelner Point.
- (c) No person shall operate a motorboat and tow therewith any person or persons upon water skis or other similar device in the following designated areas of Okauchee Lake: An area from a shore to shore line in Upper Oconomowoc Lake (Little Okauchee Lake), said line to be parallel to and three hundred feet (300') southwest (SW) of the Lake Drive bridge, extending eastward under the bridge to a line crossing the channel perpendicular from Turtenwald's boat landing to a point on the opposite shore of said channel, and Bay Five.
- (d) No person shall operate a motorboat and tow therewith any person or persons upon water skis or other similar device in the following designated areas of Okauchee Lake, except when departing from or returning to the point of departure, at right angles to the shoreline and directly to or from the point of departure: An area between Turtenwald's boat landing and Schroeder's boat landing and lines crossing the channel from the respective boat landings, perpendicular to points on the opposite shore of the channel, Ice House Bay, and within 100 feet of a shoreline at any point on said Okauchee Lake with the exception of the areas described in ss. (c) above.
- (e) Exemption from Speed Regulations. The operator of a boat commencing to tow a person on water skis, or returning with a water skier is exempted from the six mile speed restriction set forth in section 3 (b) (1),

while departing from and returning to the point of departure at right angles to the shoreline and directly to or from the point of departure.

(f) Hours of Skiing. No person shall operate a boat for the purpose of towing a water skier or engage in water skiing between the hours of 5 p. m. and 9 a. m. of the following day on the following lakes: Moose Lake, Lake Keesus and Garven Lake.

#### SECTION 9. Littering Waters Prohibited.

No person shall deposit, place or throw from any boat, raft, pier, platform or similar structure, or from the adjoining shoreline any cans, paper, bottles, debris, refuse, garbage, solid or liquid waste into the waters of the Town of Merton.

(As amended August 4, 1960)

#### SECTION 10. Markers and Navigation Aids; Posting Ordinance.

(a) The water safety patrol is authorized and directed to place and maintain suitable markers, navigation aids and signs in such water areas as shall be appropriate to advise the public of the provisions of this ordinance and to post and maintain a copy of this ordinance at all public access points within the jurisdiction of the Town.

(b) Standard Markers. All markers placed by the water safety patrol or any other person upon the waters of the Town of Merton shall comply with the regulations of the Wisconsin conservation commission.

(c) 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 Town of Merton by the authority of the United State, state or town or by any private person pursuant to the provisions of this ordinance.

#### SECTION 11. Penalties and Deposits.

(a) Major Violations. Any person who shall violate the provisions adopted by reference in Section 2 of this ordinance as described and defined in ss. 30.67 (1) or 30.68 (1) or (2) of the Wisconsin statutes shall, upon conviction thereof, forfeit not more than \$200 nor less than \$25 together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until full payment thereof is made, but not to exceed 60 days.

(b) Minor Violations. Any person who shall violate any provision of this ordinance except as specified in sub. (a) of this section shall upon conviction thereof forfeit not less than \$1 nor more than \$100 together with the costs 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 60 days.

(c) Money Deposits. Any officer arresting a person for violation of a provision of this ordinance who is unable to bring the person arrested before the justice of the peace or proper court without necessary delay shall permit such person to make a money deposit as provided in s. 30.76 of the Wisconsin statutes. Such deposit shall be made to the town police officer or to the town justice of the peace.

SECTION 12. Wisconsin Statutes Defined. Whenever used in this ordinance, the term "Wisconsin statutes" shall mean the Wisconsin statutes of 1959 and all amendments thereof.

#### SECTION 13. Repeal of Conflicting Ordinances.

All ordinances regulating water traffic, boats, boating or water sports upon the waters covered by this ordinance and all ordinances or parts of ordinances in conflict with this ordinance heretofore enacted by the Town Board of the Town of Merton, Wisconsin are hereby repealed.

#### SECTION 14. 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 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 thereby.

#### SECTION 15. Effective Date, Clerk's Duty.

(a) This ordinance shall take effect and be in full force from and after its passage and posting as provided by law, but any local regulations which do not conform with state laws and regulations shall not be effective on Okauchee Lake unless and until the Town of Oconomowoc adopts identical regulations and shall not be effective on Big North Lake, Beaver Lake and Little North Lake unless and until the Village of Chenequa adopts identical regulations.

(b) The Clerk is directed to file a copy of this ordinance with the Wisconsin conservation commission in Madison, Wisconsin.

Passed this 20th day of July, 1960.