

AN ORDINANCE TO REGULATE WATER TRAFFIC, BOATING AND WATER SPORTS UPON THE WATERS OF OKAUCHEE LAKE, UPPER OCONOMOWOC LAKE, ASHIPUN LAKE AND FLORENCE LAKE AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF

The Town Boards of the Town of Oconomowoc and the Town of Merton, each being a municipality as defined in Chapter 30 of the Wisconsin Statutes, and each having jurisdiction of a portion of Okauchee Lake, being an inland lake, located in Waukesha County, do ordain jointly and identically in conformity with Sections 30.77 and 30.81 of the Wisconsin Statutes, as follows:

SECTION I. INTENT. The intent of this Ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.

SECTION II. APPLICABILITY AND ENFORCEMENT. The provisions of this Ordinance are adopted in the interest of public health and safety and shall apply to persons, vehicles, boats and other objects upon, in and under the waters and ice of Okauchee Lake and Garvin Lake within the jurisdictions of the Towns above-named, which are all such municipalities surrounding, riparian to and having jurisdiction over said Okauchee Lake and of Upper Oconomowoc Lake, Ashippun Lake and Florence Lake within the jurisdiction of the Town of Oconomowoc, which is the only municipality surrounding, riparian to and having jurisdiction over said lakes.

SECTION III. 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 and safety 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.

30.50 Definitions

30.51 Operation of unnumbered motor boats prohibited

30.52 Certificates 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 Accidents and accident reports

30.675 Distress signal flag

30.68 Prohibited operation

30.69 Water skiing

30.70 Skin diving

30.71 (1) Boats equipped with toilets

All deletions, additions and amendments which may be made to the section of the state laws enumerated under Section III above are hereby adopted and incorporated herein by reference as of the time of their respective effective dates, as if they were to be set out herein verbatim.

SECTION IV. DEFINITIONS.

(a) "Swimming zone" means an authorized area marked by regulatory markers to designate a swimming area.

(b) "Designated anchorage" means an area of water established and marked as an anchorage by lawful authority.

(c) "Public access" means any access to the water by means of public property.

(d) "Navigation lane" means an area designated by authorized aids to navigation.

(e) "Slow-no-wake" is defined as the slowest possible speed so as to maintain steerage.

(f) "Houseboat" is a boat on which a toilet or food preparation facilities exist or on which persons are living, sleeping or camping.

(g) "Sealed or Inoperative Toilets or Heads" shall be defined as being plugged from the outside of the hull in such a manner that the plug cannot be removed from the inside of the boat.

SECTION V. SPEED RESTRICTIONS.

(a) General Limits.

(1) No person shall operate a boat at a speed in excess of ten (10) miles per hour from sunset each day until 8:00 a.m. the following morning.

(2) No person shall operate a boat at a speed in excess of 40 miles per hour on Okauchee Lake and Upper Oconomowoc Lake.

(b) Special Limits.

(1) No person shall, at any time operate a boat in excess of slow-no-wake in an area from a shore to shore line in Little Okauchee Lake, said line to be parallel to and 300 feet Southwest of the Lake Drive bridge and extending eastward to the mouth of the channel (entrance to Big Okauchee Lake), Bay Five, Park Bay, Pickerel Bay, and in the channel between Little Okauchee and Upper Oconomowoc Lakes.

(2) No person shall, at any time, operate a boat in excess of a slow-no-wake speed in the area North of an East-West line, said line being one hundred (100) feet south of the mouth of the Oconomowoc River in the Northeast portion of Okauchee Lake.

SECTION VI. CAPACITY RESTRICTIONS. No person shall operate or loan, rent or permit a boat to leave the place where it is customarily kept for operation on the waters covered by this Ordinance with more passengers or cargo than a safe load.

SECTION VII. STATIONARY OBJECTS.

(a) Reflectors Required. All piers, rafts, ski jumps or other stationary objects, extending into and/or located upon the waters covered by this Ordinance, shall have red reflector signals on each side thereof and in the case of piers, such reflectors shall be not less than three (3) feet from the outer limits thereof and shall be at least three (3) inches in diameter.

(b) Permits Required. No water ski jump shall be placed upon the waters covered by this Ordinance 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 so as not to interfere with or obstruct navigation and other uses of the water.

SECTION VIII. PROHIBITED OPERATION.

(a) Intoxicated person not to ride in boats. No person shall permit any person who is so intoxicated or under the influence of a controlled substance so as to be unable to provide for his own safety, to be a passenger in a boat operated by him, except in a case of an emergency.

(b) Safe Operation Required. No person shall operate, direct or handle a boat in such manner as to unreasonably annoy, unnecessarily frighten or endanger the occupants of his or other boats.

(c) Noise Levels.

(a) Maximum noise levels for operation.

1. No person may operate a motor boat powered by an engine manufactured before January 1, 1978, in such a manner as to exceed a noise level of 86 measured on an "A" weighted decibel scale measured at a distance of 50 feet from the motor boat.

2. No person may operate a motor boat powered by an engine manufactured on or after January 1, 1978 and before January 1, 1982, in such a manner as to exceed a noise level of 84 measured on an "A" weighted decibel

scale measured at a distance of 50 feet from the motor boat.

3. No person may operate a motor boat powered by an engine manufactured on or after January 1, 1982 in such a manner as to exceed a noise level of 82 measured on an "A" weighted decibel scale measured at a distance of 50 feet from the motor boat.

(b) Tampering. No person may move or alter any part of a marine engine, its propellor unit or its enclosure or modify the mounting of a marine engine on a boat in such a manner as to exceed the noise levels prescribed under paragraph (a).

(c) Exemption for regattas. This section does not apply to a motorboat while competing in a race conducted under a permit issued by the town, nor does it apply to a boat designed and intended solely for racing, while the boat is operated incidentally to the tuning up of the boat and engine for the race.

SECTION IX. ADDITIONAL TRAFFIC RULES.

In addition to the traffic rules in Section 30.65, Wisconsin Statutes adopted in Section III of this Ordinance, the following rule 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 pier, 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.

SECTION X. SWIMMING REGULATIONS.

(a) No person shall swim from any unmanned boat unless such boat is anchored.

(b) Distance from Shore. No person shall swim more than 150 feet from the shore unless in a designated swimming zone or when accompanied by a competent person in a boat.

(c) Hours Limited. No person shall swim more than 150 feet from the shore line between sunset and sunrise.

SECTION XI. LITTER AND POLLUTING PROHIBITED.

(a) No person shall deposit, place or throw any cans, paper, bottles, debris, refuse, garbage, solid or liquid waste, into the water of any lake covered by this Ordinance.

(b) Toilets and "Heads". The toilet of any boat, the nautical term for which is "head" must be plugged from the outside of the hull in such manner that the plug cannot be removed from the inside of the boat.

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

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

(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, designating the specified area. Permits shall be issued only if in the opinion of the Water Safety Patrol, the proposed use of the water can be carried on safely and without danger to or substantial obstruction of other watercraft or persons using the lakes. Permits shall be valid only for the hours and area specified thereon.

(c) Right-of-Way of Participants. Boats and participants in any such permitted events shall have the right-of-way on the marked area and no other person shall obstruct such area during the race or event or interfere therewith.

SECTION XIII. 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 on waters covered by this Ordinance.

(b) Standard Markers. All markers placed by the Water Safety Patrol or any other person upon the waters covered by this Ordinance 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 attach any watercraft to any buoy, beacon, or marker placed on the waters of any lake covered by this Ordinance, by the authority of the United States, State, County or Town or by any private person, pursuant to the provisions of this Ordinance.

(d) Marking required for restricted areas. Any person operating a business, or any association, corporation, organization of lot owners or groups of persons who allow the public or members to swim from shore line under his or

its control, shall mark the intended restricted area to be used for swimming. Marking shall be with appropriate "regulatory restricted activity area markers".

SECTION 13.1. NAVIGATION LANES. Pursuant to Section 30.74(2) Wisconsin Statutes, the following designated area is established as a "navigation lane" and mooring of boats is hereby prohibited in said area:

An area in the Channel between Steinmeyers Island and the East shore of Okauchee Lake, extending 480 feet North to South and 75 feet East to West located between lines extending from the Northeast and Southeast corner of said Island due East to the East shore of Okauchee Lake.

SECTION XIV. HOUSEBOATS.

No person, firm or corporation shall use any house-boat as a place of residence on Okauchee Lake, Upper Oconomowoc Lake, Ashippun Lake or Florence Lake.

SECTION XV. DRIVING AUTOMOBILES OR OTHER MOTOR DRIVEN VEHICLES ON THE ICE; FISHOREES

(a) No person shall operate an automobile on the ice of Ashippun or Florence Lakes.

(b) Safe Operation. No person shall use or operate any automobile or other motor driven vehicle on ice in any manner so as to endanger persons engaged in skating or in any other winter sport or recreation activity being engaged in upon the ice, or so as to endanger property belonging to others, and no person shall, while using or operating any automobile upon the ice, tow, pull or push any person or persons on skates, sleds, skis, toboggan or device or thing of any kind, designated or utilized to carry or support one or more persons.

(c) Speed. No person shall use or operate any automobile on the ice at a speed in excess of ten (10) miles per hour.

(d) Hours. (1) No person shall use or operate any automobile on the ice between 9:30 p.m. and 6:00 a.m. the following morning.

(2) No person shall use or operate any other motor driven vehicle on the ice between 1:30 a.m. and 6:00 a.m.

(e) Races, Time Trials, Sporting Events, Exhibitions and Fishorees. (1) Permit Required. No person shall sponsor, direct or participate in any race, time trial, sporting event, exhibition or fishoree upon the ice, unless such event has been authorized and a permit issued therefor by the Town Board.

(2) Permit. A permit issued under this section shall specify the course or area of ice to be used by participants in such event and the permittee shall be required to place markers or flags approved by the Town Board, designating the specified area. The Town Board shall refer all such applications to the Police Department for investigation, report and recommendation, and the permits shall be issued only if in the opinion of the Police Department, the proposed use of the ice can be carried on safely without danger to or substantial obstruction to other persons using the ice.

Permits shall be valid only for the hours and area specified thereon.

(3) Right-of-Way of Participants. Participants in any such permitted events shall have the right-of-way on the marked area and no other person shall obstruct such area during the event, or interfere with the participants.

(4) Cleanup. The permittee shall be required to remove all debris from the designated area immediately following the termination of the event. The Town Board may require a bond so as to insure satisfactory cleanup.

(5) Police. The permittee shall be required to provide adequate and proper policing during the event, including control of vehicular parking.

(f) Definitions. The word Automobile as used in this Ordinance shall be construed to mean all motor vehicles of the type and kind permitted to be operated on the highways in the State of Wisconsin. Motor Driven Vehicle, as used in this Ordinance shall be construed to mean any kind of device or thing designed or utilized for propulsion or movement upon the ice using a motor, whether of internal combustion design or not, including snowmobiles.

(g) Risk and Liability. All traffic on the ice-bound waters of the lakes to which this Ordinance applies, shall be at the risk of the traveller as set forth in Section 30.81(3) of the Wisconsin Statutes and nothing in this Ordinance shall be construed as rendering the enacting authority liable for any accident to those engaged in permitted traffic while this Ordinance is in effect.

SECTION XVI. WATER SKIING. In addition to the rules contained in Section 30.69, Wisconsin Statutes, the following rules shall control water skiing on the waters covered by this Ordinance:

(a) No person shall operate a motor boat and tow therewith any person or persons upon water skis, aquaplane or other similar device in the following designated area of Okauchee Lake: an area from a shore-to-shore line in Little Okauchee Lake, said line to be parallel to and 300 feet Southwest of the Lake Drive bridge extending Eastward under the bridge, and East-ward to the mouth of the Channel (entrance to Big Okauchee Lake), Bay Five, Park Bay, Pickerel Bay and in the channel leading from Little Okauchee Lake to Upper Oconomowoc Lake.

(b) No person shall operate a motor boat towing a person on water skis, aquaplane or similar device, nor shall any person engage in water skiing, aquaplaning or similar activity, at any time from sunset to 8:00 o'clock a.m. the following morning.

(c) GARVIN LAKE. Garvin Lake is less than 50 acres in size and comes under the limitations of Section 30.635, Wisconsin Statutes. Water skiing is prohibited on Garvin Lake.

SECTION XVII. PENALTIES AND DEPOSITS.

A. Any person violating any provision of Wisconsin Statutes 30.50 to 30.80 adopted by reference in Section 3 of this ordinance for which a penalty is not provided by subsections B and C shall forfeit not more than \$50.00 for the first offense and shall forfeit not more than \$100.00 upon conviction of the same offense a second or subsequent time within one year.

B. Any person violating Wisconsin Statutes Section 30.67(1) or (2) or 30.68(1) or (2) adopted by reference in Section 3 of this ordinance shall be fined not more than \$200.00.

C. Any person violating Wisconsin Statutes Section 30.71 adopted by reference in Section 3 of this ordinance shall forfeit not more than \$100.00

(c) Exemption for regattas. This section does not apply for the first offense and shall forfeit not more than \$200.00 upon conviction of the same offense a second or subsequent time within one year.

D. Any person violating any provision of Wisconsin Statutes Section 30.72 adopted by reference in Section 3 of this ordinance shall forfeit not more than \$100.00 for the first offense and shall forfeit not more than \$200.00 upon conviction of the same offense a second or subsequent time within one year.

SECTION XVIII. WISCONSIN STATUTES DEFINED. Whenever used in this Ordinance the term "Wisconsin Statutes" shall mean the Wisconsin Statutes of 1973 and all amendments thereof.

SECTION XIX. 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 Boards of the Town of Oconomowoc and the Town of Merton are hereby repealed.

SECTION XX. SEVERABILITY. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board of the Town of Oconomowoc and the Town Board of the Town of Merton 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 provisions 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 XXI. EFFECTIVE DATE; CLERK'S DUTY. This Ordinance shall take effect and be in force from and after its passage and publication (posting) as provided by Law. The Town of Oconomowoc Clerk and the Town of Merton Clerk, are directed to file a copy of this Ordinance with the Department of Natural Resources, Madison, Wisconsin.

Passed and adopted this 7th day of June, 1976. TOWN OF OCONOMOWOC TOWN BOARD OF SUPERVISORS LeRoy Jensen, Chairman John P. Herr, Supervisor Ronald J. Grace, Supervisor ATTEST: Carla Mae Ferdinand, Clerk

Passed and adopted this 8th day of June, 1976. TOWN OF MERTON TOWN BOARD OF
SUPERVISORS Donald Stapleton, Chairman Edwin B. Opliger, Supervisor Melvin W. Lucht, Sr.,
Supervisor ATTEST:
Johanna Lembke, Clerk