

ORDINANCE NO.4

AN ORDINANCE TO REGULATE WATER TRAFFIC, BOATING AND WATER SPORTS UPON THE WATERS OF HAY CREEK LAKE, ALSO KNOWN AS ROCK DAM LAKE, IN THE TOWN OF FOSTER, CLARK COUNTY, WISCONSIN.

Section 1. Intent. The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation constant with public needs and the capability of the water resource.

Section 2. Applicability and Enforcement. The provisions of this ordinance shall apply to the waters of Hay Creek Lake also known as Rock Dam Lake, within the jurisdiction of the Town of Foster, Clark County, Wisconsin.

The provisions of this ordinance shall be enforced by the members of the Town Board, the Town Constable and the Clark County Sheriff's Department and such other officer duly appointed by the Town Board of Foster.

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(2) (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)

30.68 (Prohibited operation)

30.69 (Water Skiing)

30.70 (Skin Diving)

30.71 (Boats Equipped with Toilets)

Section 4. Definitions.

(a) Shore Zone: The water area within 100 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 100 feet wide.

(d) Anchorage; Moorage: An area where continuous anchoring or mooring of boats for more than 24 hours is permitted. .

(e) Houseboat: A boat on which persons are living, sleeping or camping.

(f) Public Landing: A marina or landing facility and the adjoining public shore line under the jurisdiction of the state, county or municipality.

Section 5. SPEED RESTRICTIONS.

(a) General Limits: No person shall operate a boat at a speed in excess of 5 m.p.h., or in excess of a speed which creates a wake, whichever is less, between the hours of sunset and sunrise on all waters of the lake.

(b) Special Limits: No person shall at any time operate a boat in excess of 5 m.p.h. or in excess of a speed which creates a wake, whichever is less, within 100 feet of any shore, nor within 50 feet of any swimmer, marked public swimming area, diving flag, canoe, rowboat, sailboat, non-operating motor boat, bridge or public landing or anchorage.

Section 6. Operation by minors.

(a) No person under 12 years of age shall operate or be permitted to operate a motorboat unless there is present a person 16 years of age or older. The owner of the boat shall be held to have violated this section if he knowingly permits or suffers any such operation.

Section 7. 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 8. Additional Traffic Rules. In addition to the traffic rules in 30.65 of the Wisconsin Statutes adopted in Section 3. 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 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 from 12:00 p.m. to sunrise but where the houseboat is moored to shore with written permission of the property owner and where suitable shore sanitary facilities are available for use by the occupant such use is permitted

Section 9. 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 10. 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 20 feet from the shore at any time unless a permit is obtained from the Clark County Sheriff's Department 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 is designated an anchorage or moorage except that anchoring or mooring of a boat other than an emergency craft is prohibited in swimming zones. Anchoring or mooring for more than 24 hours is prohibited elsewhere on the lake.

(c) Public Landings. Mooring or anchoring of boats at public landings other than at piers as designated by the controlling governmental agency is prohibited.

(d) Mooring Lights Required: No person shall moor or anchor any unoccupied boat, raft, buoy or other floating object more than 20 feet from the shore line between sunset and sunrise unless a permit has been obtained from the Clark County Sheriff's Department and there is prominently displayed thereon a white light of sufficient size and brightness to be visible from any direction for a distance of 1,500 feet on a dark night with clear atmosphere except as provided in Section (e). This provision shall not apply to the shore zone or objects moored or anchored in designated anchorages.

(e) Buoys Marking Race Courses: Such buoys may be set without lighting provided that a permit has been obtained from the Clark County Sheriff's Department, that they are a bright color and that they are made of materials which will not damage a boat if struck.

Section 11. 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.

Section 12. Swimming Regulations.

(a) Swimming from Boats Prohibited: No person shall swim from any boat unless such boat is anchored.

- (b) Distance from Shore: No person shall swim more than 100 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 50 feet from the shore line between sunset and sunrise.

Section 13. 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 sunset and 10:00 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 100 feet of the shore line or outside the limits of any swimming zone, any other watercraft, any swimmer or any diving flag or within 100 feet of any public boat landing.
- (d) Life Preserver or Belt: No person shall engage in water skiing, aquaplaning or similar activity unless they are wearing a life belt or preserver.
- (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.
- (f) Exceptions: The limitations of this section shall not apply to participants in ski meets or exhibitions authorized and conducted as provided in Section 15.

Section 14. 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 15. 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 event or exhibition unless such event has been authorized and a permit issued therefore by the Clark County Sheriff's Department.
- (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 Clark County Sheriff's Department, designating the specified area. Permits shall be issued only if in the opinion of the Clark County Sheriff's Department the proposed use of the water can be carried out safely and without danger to or substantial obstruction of other watercraft or persons using the lake. Permits shall be valid only for the hours and areas specified thereon.
- (c) Right of Way of Participants: Boats and participants in any such permitted event 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 16. Seaplanes.

- (a) Landing, taking off or anchoring of a seaplane is prohibited.

Section 17. Marker and Navigation Aids; Posting Ordinance. (a) Duty of Town Board: The Town Board is authorized and directed to place authorized 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 Town Board or any other person upon the waters of the lake 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 lake by the authority of the United States, state, county or Town of Foster, or by any private person pursuant to the provisions of this ordinance.

Section 18. Driving Automobiles or Other Motor Driven Vehicles On the Ice.

- (a) Safe Operation: No person shall use or operate any automobile or other motor driven vehicle in any manner so as to endanger persons engaged in skating or in any other winter sport or recreational activity

being engaged in upon the ice and no person shall, while using or operating any automobile or motor driven vehicle, tow, pull, or push any person or persons on skates, sleds, skis, toboggan or device or thing of any kind designed or utilized to carry or support one or more persons.

(b) Speed: No person shall use or operate any automobile or other motor driven vehicle at a speed in excess of ten (10) miles per hour.

(c) Propeller Driven Craft Prohibited: No person shall operate any propeller driven vehicle, device or thing, whether or not designed for the transporting of a person or persons.

(d) Hours: No person shall use or operate any automobile or motor driven vehicle on the ice after 8:30 P.M. in the evening.

(e) 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."

(f) Risk and Liability: All traffic on the icebound water of Hay Creek Lake, also known as Rock Dam Lake shall be at the risk of the traveler 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 19. Converted Motor Driven Land Craft Forbidden. (a) No person shall use or operate any converted type of motor driven vehicle such as snowmobiles with pontoons or any other land craft upon or in the waters of Hay Creek Lake also known as Rock Dam Lake in the Town of Foster, Clark County, Wisconsin.

Section 20. Motors Creating Loud and Unnecessary Noise Forbidden.

(a) No person shall use or operate any motor which produces a loud or unnecessary amount of noise so as to disturb the peace and quiet of the inhabitants of the area surrounding said Hay Creek Lake, also known as Rock Dam Lake. Any motor producing more than 80 decibels of sound at 100 feet is forbidden.

Section 21. Penalties and Deposits.

(a) Any person violating any provisions of this ordinance shall upon conviction thereof, forfeit not less than \$25.00 nor more than \$200.00 together with the costs of prosecution and in default of payment thereof may be imprisoned in the county jail of Clark County not to exceed 10 days.

(b) 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 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 to the County Sheriff's Department or Clerk of Court. 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 Foster, Clark County, Wisconsin, are hereby repealed.

Section 24. 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 declare invalid and if any provision of this ordinance or the application the of 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 25. Effective Date; Clerk's Duty.

(a) This ordinance shall take effect and be in force from and after its passage and posting as provided by law.

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

Introduced and adopted this 5th day of August, 1974.

Amended 14th day of June, 1977