

ORDINANCE AN ORDINANCE TO REGULATE WATER TRAFFIC, BOATING AND WATER SPORTS UPON THE WATERS OF LAKE ARBUTUS IN TIM TOWN OF Dewhurst, Clark County, Wisconsin

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 resource.

Section 2. Applicability and Enforcement. The provisions of this ordinance shall apply to the waters of Lake Arbutus and Arnold Creek, within the jurisdiction of the Town of Dewhurst, Wisconsin (hereinafter, "Town").

The provisions of this ordinance shall be enforced by the Town Constable and the Clark County Sheriff's Department if duly authorized by the Town of Dewhurst.

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.

Standard Regulations:

30.50 (Definitions)

30.501(Capacity plates on Boats)

30.51(Operation of Unnumbered Boats Prohibited; Exemptions)

30.52(Certificate of Number; Applications; Issuance; Renewals; Fees)

30.53(Identification Number to be Displayed on Boat; Certificate to be carried)

30.54(Transfer of Ownership of Unnumbered 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 carping.

Section 5. Slow No Wake.

(a) Special Limits: No person shall at any time operate a boat in excess of 10 m.p.h. within 100 feet of any swimmer, marked public swimming area, diving flag, canoe, rowboat, sailboat, nonoperating motorboat, bridge, or public landing or anchorage, or upon the waters of Arnold Creek.

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 of Sailboats: Boats propelled entirely by muscular power shall yield the right of way to sailboats when necessary to avoid risk of collision.

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 Stationery Objects.

(a). Buoys Marking Race Courses. Such buoys may be set providing a permit has been obtained. Buoys shall be of a bright color, made of material which will not damage a boat and removed from the water by sunset of each day.

Section 11. 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 12. Water Skiing.

(a) 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 to sunrise.

(b) Exceptions. The limitations of this section shall not apply to participants in ski meets or exhibitions authorized and conducted as provided in Section 15.

(c) No person shall operate a motorboat towing a person on water skis, aquaplane or similar device or engage in water skiing, aquaplaning or similar activity north of the Jackson Electric Cooperative electric power line across the Black River in the Northwest Quarter (NW 1/4 of the Southwest Quarter (SW 1/4)-, Section Twenty-five (25), of the Town of Dewhurst, Clark County, Wisconsin.

Section 13. 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 in to the water.

Section 14. Races, Regattas, Sporting Events and Exhibitions.

(a) Permit Required. No person shall direct or participate in any boat race, regatta, water ski or other water - sporting event or exhibition unless such event has been authorized and a permit issued therefore by the 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 County Sheriff's Department, designating the specific area. Permits shall be issued only if in the opinion of the County Sheriff's Department, the proposed use of the water can be carried out safely and without danger of the 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 15. Marker and Navigation Aids: Posting Ordinance.

- (a) Duty of Town Board. The Town Board is authorized and directed to place authorized markers and navigation aids in such water areas as shall be appropriate to advise the public of the provisions of this ordinance and to make reasonable efforts to post and publicize this ordinance.
- (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 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 in the waters of the lake by the authority of the United States, state, county or town or by any private person pursuant to the provisions of this ordinance.

Section 16. 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, 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 at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a vehicle shall be so controlled as may be necessary to avoid colliding with any object, person, vehicle or other conveyance or entering the ice in compliance with legal requirements and using due care.
- (c) 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.
- (d) Risk and Liability. All traffic on the icebound water of Lake Arbutus or Arnold Creek shall bear the risk of the traveler as set forth in Section 3U.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 17. 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 Lake Arbutus or Arnold Creek. Any motor producing more than 80 decibels of sound at 100 feet is forbidden.

Section 18. 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 not to exceed 30 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.

Section 19. Wisconsin Statutes Defined. Wherever used in this ordinance, the term "Wisconsin Statutes" shall mean the Wisconsin Statutes of 1975 and subsequent amendments.

Section 20. 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 are hereby repealed.

Section 21. 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 22. 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 Department of Natural Resources in Madison, Wisconsin.

Adopted September 23, 1977.