

AN ORDINANCE TO REGULATE WATER TRAFFIC, BOATING AND WATER SPORTS UPON THE WATERS OF LAKE KEESUS AND MOOSE LAKE PRESCRIBING PENALTIES FOR VIOLATION THEREOF

The Town Board of the Town of Merton, Waukesha County, Wisconsin do 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 rights and interest and the capability of the water resource.

Section 2. Applicability and Enforcement. The provisions of this Ordinance shall apply to the waters of Lake Keesus and Moose Lake within the jurisdiction of the Town of Merton. The provisions of this Ordinance shall be enforced by the officers of the water safety patrol of the Town of Merton.

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 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 motorboats 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 Boats equipped with toilets

Section 4. Definitions in this Ordinance:

(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.

Section 5. Speed Restrictions.

(a) Nighttime. No person shall operate a boat at a speed in excess of a slow-no-wake speed from sunset each day to 9 o'clock a.m. the following day.

(b) Special Moose Lake Speed Limit. No person shall operate a boat in excess of a slow-no-wake speed South of an East-West line extending between the center of Hasslinger Resort on the East shore and the North line of the Bergenhagen premises on the West shore, as marked by regulatory buoys.

Section 6. State Operation Required.

- (a) Proper Handling. No person shall operate, direct or handle a boat in such manner as to unreasonably annoy, unnecessarily frighten or endanger the occupant of his or other boats.
- (b) Racing Prohibited. No person shall operate a motor boat in a race or speed contest with any other motor boat, except as provided in Section 11.

Section 7. 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.

Section 8. 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) Moored, anchored, and drifting boats and other fixed and floating structures, except duck blinds constructed in emergent vegetation, outside of designated anchorages or beyond 200' from the shoreline shall be lighted from sunset to sunrise by a white light visible all around the horizon. "Designated anchorage" means that area of water established and marked as an anchorage by lawful authority.

(c) Rafts and Buoys. No person shall erect or maintain any raft, platform or buoy more than 100 feet from the shore unless it is so anchored that it has at least 10 inches of free board above the water line, and either (1) is painted white and has attached thereto on each side above the water line one or more reflectors in good condition not less than 3 inches in diameter, or (2) is painted with a band at least three inches in width of luminous paint so as to be visible from any direction.

(d) 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.

(e) 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 9. Littering 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 10. 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 of area or 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 11. 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 each of said lakes.

(b) Standard Markers. All markers placed by the Water Safety Patrol or any other person upon the waters of the lakes covered by this Ordinance shall comply with Wisconsin Administrative Code NR 5.09.

Section 12. Water Skiing.

In addition to the rules contained in Section 30.69 Wis. Stats., the following rules shall control water skiing in 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 Moose Lake: that area lying between the peninsula and the island.

(b) No person shall water ski and no persons shall operate a boat while towing a person on water skis, aquaplane, surfboard or other similar device on Saturdays, Sundays and legal holidays, at any time between 6 o'clock p.m. and 9 o'clock a.m. of the following morning.

(c) No person shall operate a motor boat and tow therewith more than two water skiers at one time on Saturdays, Sundays and legal holidays, unless participating in an authorized water skiing exhibition or contest.

(d) No person shall tow another on water skis, aquaplane or other similar device unless such person is wearing a personal flotation device.

Section 13. Penalties and Deposits.

(a) Any person violating any provision of this ordinance for which a penalty is not provided by subsection (b) shall upon conviction thereof, forfeit not more than fifty (\$50.00) dollars together with the cost 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 thirty (30) days.

(b) Any person violating subsection 30.67(1) or 30.68(1), adopted by reference in Section 3 of this Ordinance, shall upon conviction thereof, forfeit not more than Two Hundred (\$200.00) Dollars, together with the cost of prosecution and in default of such forfeiture and costs, shall be imprisoned in the County jail until full payment thereof is made, but not to exceed sixty (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 proper Court without unnecessary 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 whom and at the office designated by the Water Safety Patrol Officer.

Section 14. Wisconsin Statutes Defined. Whenever used in this Ordinance the term "Wisconsin Statutes" shall mean the Wisconsin Statutes of 1973 and all amendments thereof.

Section 15. 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 are hereby repealed.

Section 16. Severability. The provisions of this Ordinance shall be deemed severable and it is expressly declared that 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 17. 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 Merton Clerk is directed to file a copy of this Ordinance with the Department of Natural Resources, Madison, Wisconsin.

Passed and adopted this 25th day of May, 1976.