

ORDINANCE

An ordinance to regulate water traffic, boating and water sports upon the waters of Pewaukee Lake and prescribing penalties for violation thereof

The Town Board of the Towns of Delafield, the Town of Pewaukee and the Village Board of the Village of Pewaukee, 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 needs and the capability of the water resource.

SECTION 2. Applicability and Enforcement.

The provisions of this ordinance shall apply to the waters of Pewaukee Lake within the jurisdiction of the Town of Delafield, the Town of Pewaukee, and the Village of Pewaukee.

The provisions of this ordinance shall be enforced by the officers of the Water Safety Patrol Unit of the joint jurisdiction of the Town of Delafield, the Town of Pewaukee, and the Village of Pewaukee.

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 (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, paragraph 1)

30.67 (Accidents and Accident Reports)

30.68 (Prohibited operation)

30.69 (Water Skiing)

30.70 (Skin Diving)

30.71 (Boats Equipped with Toilets)

30.79 (Municipal Water Safety Patrols)

SECTION 4. Definitions:

(a) Shore Zone: The water area within 200 feet of any shore.

(b) Swimming Zone: An authorized area marked by official buoys to designate a swimming area.

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

(d) Houseboat: A boat on which a toilet or food preparation facilities exist or on which persons are living, sleeping or camping.

(e) 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 motor boat at a speed in excess of 10 mph between the hours of one-half hour after sunset and one-half hour before sunrise on all waters; provided that this provision shall not apply to boats participating in duly authorized races over a

course laid out and plainly marked and adequately patrolled.

(b) Special Limits: No person shall at any time operate a motor boat in excess of 5 mph within 200 feet of any shore, swimmer not in a designated swimming area, marked public swimming area, diving flag, canoe, rowboat, sailboat, nonoperating motor boat, bridge or public landing or anchorage.

SECTION 6. Operation by Minors: No person under 12 years of age shall operate or be permitted to operate a motor boat of more than 10 horsepower unless there is present in the boat a person 16 years of age or older. No person under 10 years of age shall operate or be permitted to operate a motorboat unless there is present in the boat 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 x.30.65 of the Wisconsin Statutes adopted in Section 1 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 midnight to sunrise: However, unoccupied houseboats may be anchored in designated anchorages or moored to shore during this period with written permission of the property owner. An exception may be granted by the Chief of the Water Safety Patrol for a period not to exceed twenty four hours provided such houseboat is moored to shore with written permission of the property owner and where suitable shore sanitary facilities are available for use

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 200 feet from the shore at any time unless a permit is obtained from the Chief of the Water Safety Patrol 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 in areas of heavy traffic where anchoring or mooring may be prohibited by order of the Chief of the Water Safety Patrol. 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 200 feet from the shoreline between sunset and sunrise unless a permit has been obtained from the Chief of the Water Safety Patrol and there is prominently displayed thereon a white light of sufficient size and brightness to be visible from any direction for a distance 1500 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 chief of the Water Safety Patrol 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) No person shall swim from any unmanned boat unless boat is anchored.
- (b) Distance from Shore: No person shall swim more than 200 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 200 feet from the shoreline between sunset and sunrise.

SECTION 13. Water Skiing:

- (a) Persons in a 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 12 years of age or over 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 200 feet of the shore line or the outside limits of any swimming zone, any other watercraft, and any swimmer not in a designated swimming area, any diving flag or within 200 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 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 waters sporting event or exhibition unless such event has been authorized and a permit issued therefore by the chief of the water safety patrol.
- (b) Permit: A permit issued under this section shall specify the course or area of water to be used by in such event and the permittee shall be required to place markers, flags or buoys approved by the chief of water patrol designating the specified area. Permits shall be issued only if in the opinion of the chief 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. Marker and Navigation Aids: Posting ordinance:

- (a) Duty of Chief: The chief of the water safety patrol unit 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 Village of Pewaukee, the Towns of Delafield and Pewaukee and the County of Waukesha.
- (b) Standard Markers: All markers placed by the chief of the water safety patrol 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, village, or by any private person pursuant to the provisions of this ordinance.

SECTION 17. 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 designated 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 Surface Craft Prohibited: No person shall operate any propeller driven surface 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 Pewaukee 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 18. Penalties and Deposits:

(a) Violations: - Major: Any person violating the provisions of Section 30.67 (1) or 30.68 (1) as incorporated by Section 3 of this ordinance shall be fined not more than \$200. Any person violating any other provision of this Ordinance shall be fined not more than \$50 for the first offense and not more than \$100 for conviction of the same offense a second time within one year. Upon default in payment of such fine such person shall be imprisoned in the County Jail until full payment is made but not exceeding sixty (60) days.

(b) Violations - Minor: 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 \$1.00 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 exceeding 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 (Police) Justice of the Peace or (County) Court without unnecessary delay shall permit such person to make a money deposit as provided in Sec.30.76 of the Wisconsin Statutes. Such deposit shall be made to the Village of Pewaukee Police Headquarters or other offices designated for collections.

SECTION 19. Wisconsin Statutes Defined: Wherever used in this ordinance the term "Wisconsin Statutes" shall mean the Wisconsin Statutes of 1959 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 heretofore enacted by the town or village boards of the Town of Delafield, Town of Pewaukee and Village of Pewaukee are hereby repealed.

SECTION 21. Severability: The provisions of this Ordinance shall be deemed severable and it is expressly declared that the town or village boards 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 publication (posting) as provided by law.

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

SECTION 23. As provided in Section 30.77 of the Wisconsin Statutes posting of this Ordinance at public access points is required.

PASSED AND APPROVED THIS 17th DAY OF JUNE 1963