

ORDINANCE NO. 1977-1 (As Amended)

AN ORDINANCE TO REGULATE WATER TRAFFIC, BOATING AND WATER SPORTS UPON THE WATERS OF THE TOWN OF DAKOTA, WAUSHARA COUNTY, WISCONSIN, AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The Town Board of the Town of Dakota, Waushara County, Wisconsin do ordain as follows:

SECTION 1. INTENT. The intent of this ordinance is to make provisions to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capabilities of the water resources of the Town of Dakota.

SECTION 2. APPLICABILITY & ENFORCEMENT. The provisions of this ordinance shall apply to all of the waters, persons, vessels, objects or things upon the waters of the Town of Dakota, within the jurisdiction of the Town of Dakota. The waters to which this Ordinance is applicable shall include, without limitation by reason of enumeration, WITTER'S LAKE, PICKEREL LAKE, BASS LAKE, the WHITE RIVER MILL POND located in Sections 13, 14 and 24, and all other unnamed lakes, ponds, impoundments or flowages located wholly within the boundaries of the Town of Dakota.

The provisions of this Ordinance shall be-enforced by the officers of the Water Safety Patrol of the Town of Dakota, Waushara County, Wisconsin, as well as by any Constable or Peace Officer authorized so to do.

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

30.52

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

30.63 Motorboat prohibition

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

SECTION 4. DEFINITIONS.:

(a) "Shore Zone" means all surface water within 200 feet of the shoreline.

(b) "Swimming Zone" means all water surfaces within 66 feet of the shoreline, and all other area in addition thereto marked by regulatory markers to designate a swimming area.

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

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

(e) "Navigation Lane" means an area designated by navigational aids.

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

SECTION 5. SPEED RESTRICTIONS:

- (a) On all waters within the jurisdiction of the Town of Dakota having an area of less than fifty (50) acres, it is found and determined by the Town Board that in view of the nature of all of such waters and the shallowness of the bottoms, and the likelihood of damage to the environment in said waters, bottoms and abutting property, that the use of motor propelled boats ought to be and hereby is prohibited,
- (b) That upon waters within the Town of Dakota having surface areas of more than fifty (50) acres, namely the WHITE RIVER MILL POND in Sections 13, 14, and 24, and WITTER'S LAKE, that no motor propelled boat should be operated at a speed in excess of a slow-no-wake speed as hereinbefore defined and provided.

SECTION 6. PROHIBITED OPERATIONS

- (a) No person shall operate a motor propelled boat within a swimming zone, as hereinbefore defined, EXCEPT for the purpose of loading or unloading passengers, docking or departing from a pier, or dock.
- (b) Capacity. No boat shall be loaded with passengers or cargo beyond its safe capacity, taking into consideration weather conditions and other conditions peculiar to the waters of the Town upon which the boat is being operated.

SECTION 7. SWIMMERS. No person shall swim more than 150 feet from shore on any water within the jurisdiction of the Town of Dakota unless accompanied by another person in a boat.

SECTION 8. LITTERING.

- (a) It is unlawful to throw or deposit any metal cans, glass bottles or any other debris, trash or refuse in or on the shores of any lake, stream or waterway located in the Town of Dakota.
- (b) It is unlawful to deposit, place or throw into any of the waters of the Town of Dakota, or leave upon the ice within the water thereof, any cans, bottle; debris, refuse or other solid-state materials including hereby, without limitation by reason of enumeration any automobile or other vehicle left in such waters for a period of more than thirty days.

SECTION 9. PENALTIES & DEPOSITS.

- (a) Any person violating any provision of Sections 350 to 380 of the Wisconsin Statutes herein adopted by reference, for which some other penalty is not hereinafter provided, 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 Section 30.67 (1) or 30.68 (1) or (2) of the Wisconsin Statutes, herein adopted by reference, shall forfeit not more than \$200.00, and in default of payment thereof may be imprisoned in they Jail until such forfeiture and COSLS count shall be fully paid, but not exceeding six months. Any person violating Section 30.68 Wis. Stats., as hereinbefore adopted by reference, shall be required to obtain a Certificate of satisfactory completion of a safety course under Section 30.74 (1) of the Wisconsin Statutes. Any person violating Section 30.67 (2) of the Wisconsin Statutes as adopted herein by reference, shall forfeit, not more than \$200.00.

SECTION 10. REPEAL OF CONFLICTING ORDINANCES. All Ordinances regulating water traffic, boats, boating or water sports upon the waters covered by this ordinance and all Ordinances in conflict with this ordinance heretofore enacted by the Town Board of the Town of Dakota, Waushara County, Wisconsin, are hereby repealed.

SECTION 11. 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 the Ordinance and 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 12. EFFECTIVE DATE; CLERIC'S DUTY.

- (a) This Ordinance shall take effect and be in force from and after its passage and posting as provided by law, the Town Board hereby electing to post, rather than publish, as permitted by law.

Passed October 10, 1977