

ORDINANCE # 1989 - 1

AN ORDINANCE TO REGULATE WATER TRAFFIC, BOATING AND WATER SPORTS UPON THE WATERS OF THE TOWN OF MARION AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF

The Town Board of the Town of Marion, Waushara 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 all the water of the Town of Marion, Waushara County, Wisconsin, within the jurisdiction of said Town. The provisions of this ordinance shall be enforced by the officers of the Town of Marion.

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 Sections 30.50 through 30.80 of the Wisconsin Statutes, and adopting Section 30.80 of the Wisconsin Statutes as the penalty section, 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.

Section 4. Definitions in this Ordinance.

- (a) Shore zone means all surface water within 200 feet of the shoreline.
- (b) Swimming zone means an authorized area 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) Slow-no-wake means that speed at which a boat moves as slowly as possible while still maintaining steerage control.
- (f) Boat means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.
- (g) Motorboat means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion.
- (h) Flotation Device means a Coast Guard approved personal flotation device as described in Section 30.62 (3) of the Wisconsin Statutes.

Section 5. Restrictions - Specific to Particular Waters Located in the Town of Marion

(a) Silver Lake

(1) Speed Restriction

No person shall on any day operate a motor boat of any nature in excess of a slow-no-wake speed on the waters of Silver Lake between the hours of 8:30 P.M. and 6:00 A.M. the following morning. Further, no person shall operate any boat through the channel known as Fox Tail Bay at any time other than at slow-no-wake speed. No person shall operate any motor boat in a manner by which a water spout commonly called a "rooster tail" is raised more than four (4) feet above the surface of the water or extends more than twenty (20) feet beyond the rear of the boat.

(2) Water Skiing

No person shall operate a motorboat of any nature towing a person or persons on water skis, aquaplane or similar device, nor shall any person engage in water skiing, aquaplaning, or similar activity on the waters of Silver Lake between the hours of 8:30 P.M. and 6:00 A.M. the following morning, except on Saturdays, Sundays, and specific holidays; namely, Memorial Day, July 4th and Labor Day. On the days of Saturday, Sunday and aforementioned holidays, water skiing, aquaplaning and similar activities will be allowed only

between the hours of 10:00 A.M. and 6:00 P.M. At no time shall any person engage in these activities after the time of sunset contrary to Section 30.69, Wisconsin Statutes.

(3) Restricted Areas

The following described areas are designed as bathing or swimming areas on Silver Lake, and no person shall operate a boat except for emergency or rescue craft within these areas marked by the official buoys. A swimming area is designated on the northeastern side of Silver Lake and adjacent to Silvercryst which is described as an area 100 feet long beginning at the culvert which extends to the water line; thence northwesterly 100 feet; thence southerly 100 feet to a buoy; thence southeasterly 100 feet to a buoy; thence northwesterly 100 feet to the water, line, being the point of beginning.

(b) Hills Lake

(1) Speed Restrictions

No person shall operate a motor boat in excess of a slow-no-wake speed on the waters of Hills Lake except during the water skiing and boating hours hereinafter set forth. No person shall operate any motor boat in a manner by which a water spout commonly called a "rooster tail" is raised more than four (4) feet above the surface of the water or extends more than twenty (20) feet beyond the rear of the boat.

(2) Water Skiing and Boating Hours

Boating in excess of slow-no-wake speed, water skiing, aquaplaning and similar activities are permitted on Hills Lake only between the hours of 12:00 noon and 5:00 P.M. on the days of Monday through Friday except for specific holidays; namely Memorial Day, July 4th and Labor Day. Boating in excess of slow-no-wake speed, water skiing, aquaplaning and similar activities are permitted on Hills Lake only between the hours of 10:00 A.M. and 4:00 P.M. on Saturdays, Sundays and aforementioned holidays.

(3) Restricted Area

The following described area is designated a bathing or swimming area on Hills Lake and no person shall operate a boat except for emergency or rescue craft within this area marked by official buoys. The swimming area is designated an area located on the north side of Hills Lake adjacent to Camp Webb starting at the boat house; thence due West 200 feet to a point; thence due South 175 feet, more or less, to a buoy; thence due East 275 feet, more or less, to a buoy; thence due North 175 feet to a point; thence due West 75 feet to the point of beginning.

(c) Lake Alpine

(1) Speed Restriction

No person shall operate a motor boat at any time in excess of a slow-no-wake speed upon the waters of Lake Alpine.

(2) Water Skiing

Water skiing, aquaplaning or similar activities of any nature whatsoever shall not be allowed on Lake Alpine at any time.

(d) Lake Lucerne

No person shall operate a boat of any nature on the waters of Lake Lucerne unless it is powered by nature or a manual device. It is explicitly understood that electric engines, as well as combustible engines of any nature whatsoever, are prohibited at all times.

(e) Spring Lake

No person shall operate a motor boat at any time in excess of a slow-no-wake speed upon the waters of Spring Lake.

(f) Irogami Lake

(1) Speed Restriction

No person shall on any day operate a motor boat of any nature in excess of a slow-no-wake speed upon the waters of Irogami Lake between the hours of 8:30 P.M. and 6:00 A.M. the following morning. No person shall operate any motor boat in a manner by which a water spout commonly called a "rooster tail" is raised

more than four (4) feet above the surface of the water or extends more than twenty (20) feet beyond the rear of the boat.

(2) Water Skiing.

No person shall operate a motorboat of any nature towing a person or persons on water skis, aquaplane or similar device, nor shall any person engage in water skiing, aquaplaning or similar activity on the waters of Irogami Lake between the hours of 8:30 p.m. and 6:00 a.m. the following morning, except on Saturdays, Sundays and specific holidays; namely, Memorial Day, July 4th and Labor Day. On the days of Saturday, Sunday and the aforementioned holidays, water skiing, aquaplaning and similar activities will be allowed only between the hours of 10:00 a.m. and 8:30 p.m. At no time shall any person engage in these activities after the time of sunset contrary to Sec. 30.69, Wis Stats.

Section 6. Prohibitive Operation

(a) Use of Personal Flotation Devices

No person shall engage in water skiing, aquaplaning or similar activity unless they are wearing a United States Coast Guard approved Personal Flotation Device.

(b) Swimming Distance from Shore

No person shall swim more than 200 feet from the shore unless accompanied by a competent person in a boat and having readily available a United States Coast Guard approved Personal Flotation Device for each person on board and in the water.

(c) Floating Devices

No person shall float more than 200 feet from shore in an innertube or similar floating device unless accompanied by a competent person in a boat having readily available a United States Coast Guard approved Personal Flotation Device for each person on the floating device and in the boat.

Section 7. Penalties and Deposits

(a) Major Violations

Adopt state wide Uniform Bond Schedule.

(b) Minor Violations

Adopt state wide Uniform Bond Schedule.

Section 8. Wisconsin Statutes Defined

Whenever used in this ordinance, the term Wisconsin Statutes shall mean the Wisconsin Statutes of 1985-86 and subsequent amendments.

Section 9. Repeal of Conflicting Ordinances

All former 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 Marion Township, Waushara County, Wisconsin, are hereby repealed.

Section 10. Severability.

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Marion 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 hereof to any person or circumstance 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 11. Effective Date. Clerk's Duty.

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

(b) The Town Clerk is directed to file a copy of this ordinance with the Wisconsin Department of Natural Resources in Madison, Wisconsin.

AMENDED MAY 12, 1998