

An Ordinance To Regulate Water Traffic, Boating And Water Sports Upon The Waters Of All The Lakes Or Portions Thereof Over Which The Town of Trenton Exercises Jurisdiction And Those Areas of Wallace Lake Over Which The Town of Barton Exercises Jurisdiction, Hereinafter Referred To As The Lake, Lakes, Water Or Waters, And Prescribing Penalties For Violation Thereof

The Town Boards of the Town of Trenton and the Town of Barton, Washington County, Wisconsin, do ordain as follows:

**Section I  
APPLICABILITY**

The provisions of this ordinance shall apply to the waters of all of the lakes or portions thereof within the jurisdiction of the Town of Trenton, Washington County, Wisconsin, and those portions of Wallace Lake within the jurisdiction of the Town of Barton in said County and State.

**Section II ENFORCEMENT**

- A. The provisions of this ordinance shall be enforced by the officers of the water safety patrols for each of the lakes lying wholly or partially in the Town of Trenton.
- B. Section 30.79 (1) (b), Wisconsin Statutes, is incorporated herein by reference.
- C. The Chief of the Water Safety Patrol and the other members Thereof shall be appointed by the Town Board of the Town of Trenton.
- D. The Town Board of the Town of Trenton when making the aforementioned appointments may make such appointments by nominations forwarded to it by any lake association having interest.

**Section III INTERPRETATION**

The sections of this ordinance having to do with or pertaining to the use, operation or equipment of boats or the activities which are regulated by ss. 30.60 to 30.71 of the Wisconsin Statutes and the rules and regulations of the Wisconsin Conservation Commission established pursuant thereto, shall be construed and interpreted, if possible, to be consistent with and not contrary to said statute sections, rules and regulations, the contrary notwithstanding.

**Section IV DEFINITIONS** A. Section 30.50, Wisconsin Statutes, is incorporated herein by reference.  
B. Additional Definitions.

- (1) "Water Traffic" means all moving objects controlled by man or his agencies on the surface of the lakes.
- (2) "Person" shall include firm, partnership, corporation or any other association of individuals organized together for any purpose whatsoever.
- (3) "Water Skiing and Water Skier" means being towed or the one being towed, respectively, on water skis, aquaplane or some similar device, by a motorboat.

**Section V  
TRAFFIC LANE AND ANCHORAGES**

- A. Traffic Lane. The surface of the lake that is beyond 150 feet distant from and parallel to the shore or 75 feet distant from the projecting extremities of any pier, wharf or other structure built in or over the water, or the greater thereof; provided, however, that on any part of said lake where the distance between the opposite shores is such that the foregoing formula is impossible or impracticable in application then the traffic lane shall be as indicated by buoys placed there for that specific purpose.
- B. Anchorages. The Chief of the Water Safety Patrol is hereby authorized and empowered to make such rules and regulations governing the location, type and use of anchorages as he shall deem necessary for the public safety and convenience.

**Section VI CLASSIFICATION OF MOTORBOATS**

- A. Section 30.60, Wisconsin Statutes, is incorporated herein by reference.

**Section VII LIGHTING EQUIPMENT**

- A. Section 30.61, Wisconsin Statutes, is incorporated herein by reference.
- B. Mooring Lights Required. No person shall moor or anchor any boat, raft, buoy or other floating object in the Traffic Lane between one hour after sunset and one hour before sunrise unless there is prominently

displayed thereon a white light. This provision shall not apply to boats or objects moored or anchored in mooring areas approved by the Chief of the Water Safety Patrol when the entire area is marked by lights or other markers approved by the Chief.

#### Section VIII OTHER EQUIPMENT

A. Section 30.62, Wisconsin Statutes, is incorporated herein by reference.

#### Section IX PATROL BOAT EXEMPTION

A. Section 30.64, Wisconsin Statutes, is incorporated herein by reference.

#### Section X TRAFFIC RULES

A. Section 30.65, Wisconsin Statutes, is incorporated herein by reference.

B. Traffic Within the Traffic Lane. Traffic moving within the traffic lane is to be given the right of way, and all motorboats shall be operated in a counterclockwise direction, that is, south-east-north-west-south.

#### Section XI

##### SPEED RESTRICTIONS

A. Section 30.66, Wisconsin Statutes, is incorporated herein by reference.

B. Additional. Speed Restrictions. In addition to the speed restrictions in A above, the following restrictions shall apply to lake traffic subject to this ordinance:

(1) 9:30 a.m. to 4:30 p.m. - 20 mph maximum

(2) 4:30 p.m. to 9:30 a.m.. - 5 mph maximum

C. Miscellaneous Speed Provisions. In addition to the restrictions imposed by A and B above, the following restrictions shall apply to lake traffic subject to this ordinance:

(1) When moving in waters that have not been designated the Traffic Lane, the operating speed shall be the minimum that the power source is capable of producing and in no event greater than 5 mph.

(2) When moving in waters that have heretofore been classified as the Traffic Lane, and it is necessary to approach closer than the prescribed distances set forth in this ordinance to a moored boat, a slow-moving boat, a flag or marker warning of subsurface activity, or a swimmer, the operating speed shall be the minimum that the power source is capable of producing and in no event greater than 5 mph.

#### Section XII PROHIBITED OPERATION

A. Section 30.68, Wisconsin Statutes, is incorporated herein by reference.

B. Additional Restrictions and Requirements.

(1) No motorboat shall pass within 200 feet of a moored boat, swimmer or skin diver's marker unless existing circumstances require it. Then, in such event, such passing must be made at a speed and in a manner so as to not interfere with or endanger the occupants of such moored boat.

(2) Passenger Capacity and Safety.

(a) All boats for rent or hire shall have stenciled or painted on the rear seat thereof the maximum safe carrying capacity of such boat.

(b) Every owner of a boat for hire or rent shall be personally responsible for the seaworthiness of his boats.

(3) Operation by Minors. No minor under 12 years of age shall operate, and no parent of such minor under the age of 12, nor owner of such boat, shall allow him or her to operate a motor boat, unless accompanied by a person over 18 years of age.

(4) Safe Operation.

(a) No person shall permit any person who is

so intoxicated so 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.

(b) 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 and swimmers.

#### Section XIII WATER SKIING

A. Section 30.69, Wisconsin Statutes, is incorporated herein by reference.

B. Additional Restrictions.

- (1) Persons in 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 2 capable persons in such boat.
- (2) Hours. No person shall operate a boat for the purpose of towing a water skier or engage in water skiing between the following hours:  
4:30 p.m. to 9:30 a.m.
- (3) Persons water skiing shall conform to all the provisions of this ordinance pertaining to motorboats.
- (4) No motorboat operator shall tow more than 1 water skier nor shall any water skier allow himself to be towed by any motorboat towing more than 1 water skier.

#### Section XIV

##### SKINDIVING, SWIMMING AND SWIMMING BEACHES

A. Section 30.70, Wisconsin Statutes, is incorporated herein by reference.

##### B. Swimming Regulations.

- (1) No person shall swim in the Traffic Lane unless he is accompanied by a manned boat for each swimmer.
  - (2) No person shall swim in the Traffic Lane between one hour after sunset and one hour before sunrise unless the accompanying boat mentioned in subsection (1) hereof is properly lighted.
- C. Swimming Beaches Marked. All beaches used by the public shall be identified by markers placed on the outer perimeter thereof by the riparian owner; said markers are to be of a size no smaller than a 30 gallon drum securely fastened by a chain heavy enough to keep the markers in place, and painted as required by Section XVII of this ordinance.
- D. Boats Prohibited From Entering. All boats are prohibited from entering such swimming beach except a boat used by a lifeguard or safety patrol unit.

#### Section XV

##### BOATS EQUIPPED WITH TOILETS

A. Section 30.71, Wisconsin Statutes, is incorporated herein by reference.

#### Section XVI AIRCRAFT

It shall be unlawful for any aircraft, whether designed for taking off or landing on water or not, to use any part of any of the lakes, the activities on which this ordinance regulates, for landing or taking off except in the case of emergency.

#### Section XVII RAFTS, BUOYS & MARKERS

- A. Colors. All rafts and stationary platforms, buoys and markers of any kind anchored in the water, except docks and piers, shall be painted in conformity with the color scheme established by the rules and regulations of the Wisconsin Conservation Commission. Any such marker which does not comply with such color scheme is deemed an unlawful obstruction of navigable waters and can be removed in accordance with law.
- B. Position. All rafts, platforms, buoys and markers shall be anchored so that they shall have at least six inches of free board above the water line and so that they will not float or drift in excess of 10 feet in any direction from the position that is directly above their anchor.
- C. Shoals. If any shoals are marked, the same shall be indicated with markers of no smaller size than a 10 gallon drum capacity, which is securely fastened to prevent moving and painted in conformity with the color scheme in A above.

#### Section XVIII UNDERWATER CRAFT

No person shall engage in any activity employing a craft capable of operating below the surface of the water unless such craft submerges and surfaces in that area of the surface of the lake that has not been designated herein as the Traffic Lane or submerges or surfaces in the Traffic Lane within a radius of 50 feet from a flag similar to that required by Section XIV A hereof, except in the case of emergency.

#### Section XIX LITTERING WATERS PROHIBITED

No person shall deposit, place or throw from any boat, raft, pier, platform or similar structure, or from the shore, any cans, paper, bottles, debris, refuse, garbage, solid or liquid waste on or into the lake.

#### Section XX MARKERS AND NAVIGATION AIDS; POSTING ORDINANCE

A. Duty of Chief. The Chief of 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 within the jurisdiction of the Town of Trenton and the Town of Barton.

B. Standard Markers. All markers placed by the Chief 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, or Towns of Trenton and Barton pursuant to the provisions of this ordinance.

#### Section XXI PENALTIES AND DEPOSITS A. Penalties.

(1) Any person who shall violate any provisions of this ordinance for which a penalty is not provided in sub. (2) hereof, shall be fined not more than \$50.00 or imprisoned not more than 30 days, or both, for the first offense and fined not more than \$100.00 or imprisoned not more than 90 days, or both, upon conviction of the same offense a second or subsequent time within one year.

(2) Any person violating Section XII (A)(30.68 (1)) shall be fined not more than \$200.00 or imprisoned not more than 6 months or both.

(3) Any, person in default of payment of the forfeitures stated in the foregoing sub. (1) and (2), and the costs of prosecution, shall be imprisoned in the county jail until said forfeiture and costs are paid, for not less than 5 days nor more than 30 days.

(4) Any person who shall violate any provision of this ordinance three times within one year shall be prohibited from using the lakes, the activities on which this ordinance regulates, for any activity whatsoever for a period of 30 days in addition to the penalties of the foregoing subsections.

B. Deposit. Section 30.76, Wisconsin Statutes, is incorporated herein by reference.

#### Section XXII

##### STATE BOATING AND WATER SAFETY LAWS ADOPTED

A. The following sections of the Wisconsin Statutes are incorporated herein by reference:

- 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 (2) (Transfer of Ownership of Numbered Boat)
- 30.55 (Notice of Abandonment or Destruction of Boat or Change of Address)
- 30.67 (Accidents and Accident Reports)

#### Section XXIII WISCONSIN STATUTES DEFINED

Wherever used in this ordinance, the term "Wisconsin Statutes" shall mean the Wisconsin Statutes of 1959, as now enacted or hereinafter amended. Any section or part of this ordinance in conflict with the Wisconsin Statutes or the rules and regulations of the Wisconsin Conservation Commission established pursuant to statutory authorization shall be deemed suspended for so long as such conflict prevails.

#### Section XXIV REPEAL OF ORDINANCES

All ordinances regulating water traffic, boats, boating or water sports upon the waters covered by this ordinance and all ordinances or parts thereof in conflict with this ordinance heretofore enacted by the Town Boards of the Towns of Trenton and Barton, Washington County, Wisconsin, are hereby repealed.

#### Section XXV SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town 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 XXVI EFFECTIVE DATE; CLERKS DUTY**

A. The ordinance shall take effect and be in force from and after its passage, publication and posting as provided by law.

B. The clerk is directed to file a copy of this ordinance with the Wisconsin Conservation Commission in Madison, Wisconsin.