

ORDINANCE NO. 307

WATERS, USE AND REGULATIONS OF SILVER LAKE

The Village Board of the Village of Silver Lake do ordain as follows:

10.01. INTENT. The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of the aquatic recreation consistent with the public needs and capabilities of the water resource.

10.02. APPLICABILITY. The provisions of this ordinance shall apply to Silver Lake within the jurisdiction of the Village of Silver Lake, Kenosha County, Wisconsin, and shall be enforced by the Silver Lake Water Patrol under the jurisdiction of the Police Department of the Village of Silver Lake except as otherwise provided in this ordinance. The provisions of this ordinance shall not apply to the operator of a duly authorized patrol boat when operated in the performance of duty and if due regard is given to the safety of other persons in the vicinity.

10.03. STATE LAWS REGULATING BOATING ADOPTED. All of the provisions of Wisconsin Statutes 30.50 to 30.71, 30.80 and 30.99 as may from time to time be amended or renumbered and any applicable penalties or bond schedules set by any state uniform bond schedule are herewith adopted by reference as though fully set forth herein.

10.04. DEFINITIONS.

(a) SHORE ZONE. Shall mean the water area from the shore to the five foot depth as shown on the hydrographic map bearing DNR legend June, 1968 or to a distance of two hundred feet from shore, whichever is further.

(b) SWIMMING ZONE. Shall mean an authorized area marked by official buoys to designate a swimming area.

(c) TRAFFIC LANE. Shall mean the area beyond the shore zone.

All other terms used in the ordinance shall have the definition set forth in Wisconsin Statutes 30.01 and 30.50.

10.05. SPEED RESTRICTIONS. In addition to the speed restrictions set forth in Section 10.03 of this ordinance adopting Wisconsin Statute 30.66 no person shall operate a boat on the Silver Lake in excess of the slow no wake speed either:

(a) Within the shore zone at any time, or

(b) Between the hours of 7:00 p.m. and 10:00 a.m. on any portion of the lake.

(c) When lake levels are higher than normal due to flooding or unusual weather conditions and when the operation of a boat at a speed in excess of the slow no wake speed has the potential of causing property damage or shore erosion, the Village President may declare a slow no wake emergency prohibiting the operation of any boat on Silver Lake in excess of the slow no wake speed for the duration of the emergency. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 10.14 of Ordinance Number 307.

10.06. WATER SKIING. In addition to the restrictions set out in Wisconsin Statutes Section 30.69 the following restrictions apply:

(a) 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 7:00 p.m. and 10:00 a.m.

(b) TRAFFIC LANE. Any boat engaged in towing a person on water skis, aquaplane or similar device must conform to all sections of this ordinance and in addition must operate in a counterclockwise direction on the lake and in the traffic lane. There shall be no water skiing, aquaplaning or similar activity within the shore zone.

(c) TOWING. There shall not be more than two persons being towed by one boat.

(d) FLOTATION DEVICES. Each person being towed must wear a United States Coast Guard approved type 1, 2, or 3 personal flotation device.

(e) EXCEPTIONS. The limitations of this section shall not apply to participants in skiing meets or exhibitions authorized and conducted as provided by this ordinance.

#### 10.07. RACES, REGATTAS AND SPECIAL EVENTS.

(a) PERMIT REQUIRED. No person shall direct or participate in any boat race, regatta, water ski meet or other water sporting events or exhibitions unless such event has been authorized by the Village Board of the Village of Silver Lake and a permit issued by the Clerk-Treasurer of the Village of Silver Lake.

(b) A permit issued under this section shall specify the course or area of water to be used by participants of such event and the permittee may be required to place markers, flags or buoys designating the specified area. The permit may also grant a waiver of the restrictions contained in Sections 10.05 and 10.06 to the permittee and any participants.

(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.

#### 10.08. SWIMMING.

(a) SWIMMING FROM BOATS PROHIBITED. No person shall swim from any unmanned boat or raft unless said boat or raft is anchored and the swimmer remains within twenty-five feet of the anchored boat or raft.

(b) DISTANCE FROM SHORE OR BOAT. No person shall swim beyond the shore zone or more than twenty-five feet from any anchored boat or raft unless accompanied by a boat manned by a competent person having a readily available type four personal floatation device. Such boat shall stay reasonably close to enguard such swimmer and there shall not be less than one boat for each two swimmers.

(c) HOURS LIMITED. No person shall swim outside the shore zone between the hours of 7:00 p.m. and 10:00 a.m.

10.09. SWIMMING AREAS ESTABLISHED. The following described area is hereby declared a swimming area and shall be buoyed according to the permit issued for the area. DeWitt Park located on Cogswell Drive and being the South one-half of lot one of Silver Lake Shores Subdivision and the North one-half of lot eighteen of Silver Lake Assessor's Plat

10.10. LITTERING. No person shall place, throw or otherwise deposit any cans, bottles, debris, garbage, refuse, waste, sewage or effluent into or on the waters, ice or shores of Silver Lake.

#### 10.11. BUOYS, PIERS AND RAFTS.

(a) All buoys, markers and piers and their supports, rafts and boat lifts must be removed from the water no later than December 1, of each year and remain removed until April 1, of the following year. Any such item or structure not removed by December 1, may be removed or caused to be removed by the Village of Silver Lake, which may charge the cost and expense of such removal to the riparian owner. If such charges are not paid within thirty days of the date of billing, a penalty of ten percent shall be added to such charge and the same shall constitute a lien on the property of the riparian owner and be inserted on the tax roll after notice to the riparian owner and upon order of the Village Board of the Village of Silver Lake or the Town Board of the Town of Salem.

(b) BUOYS. All buoys and aids to navigation must comply with applicable Wisconsin Statutes and administrative regulations. All mooring buoys shall extend at least eighteen inches above the water line, be white in color with a blue band clearly visible above the water line and should be spherical or ovate in shape. No person shall place any mooring buoys or moor a boat to a mooring buoy until the placement of the buoy is authorized by a written permit from the Clerk of the Town of Salem after application made by the riparian owner upon forms provided by the Town Clerk. The application form shall include the applicants name, permanent mailing address, address of the site of the proposed mooring, telephone numbers, names and addresses of adjacent riparian landowners on both sides and a detailed map indicating distances to known fixed objects such as property line. No buoy shall be permitted in front of any fire lanes, swimming area, public park or access point. There shall be only one mooring permit issued for each fifty feet of lake frontage of the riparian owner and no more than one boat may be attached to a single mooring buoy. No mooring may be placed that will allow the boat to drift or extend beyond one-hundred fifty feet from the shoreline. Before issuing any mooring permit the Water Patrol may inspect the location of the proposed mooring and determine if the mooring will be an obstruction or interfere with boaters, aids to navigation, swim areas, or the rights of other riparian owners.

A fee of \$10.00 shall be paid for each mooring buoy at the time of application and shall not be refundable. All permits issued prior to the effective date of this section are void. The permit number assigned to the buoy shall be painted or otherwise permanently affixed to the buoy using block characters of not less than three inches in height and shall be kept in legible conditions at all times.

(c) PIERS. No person shall construct or maintain a pier which extends more than one hundred feet from the shoreline. No pier shall be placed in the waters located within the boundary of the designated fire lane (extended into the water) unless so authorized in writing by the Village Board of Silver Lake.

(d) SWIMMING RAFTS. No person shall place or maintain any raft or platform on Silver Lake more than one-hundred fifty feet from the shoreline. Each raft shall have attached thereto not more than twelve inches from each corner or projection a red reflector of not less than three inches in diameter.

10.12. REGULATION OF SILVER LAKE BOAT LAUNCH. A public boat launch is hereby created on that access road leading from Cogswell Drive to Silver Lake located near the intersection of Cogswell Drive and Manor Drive in the Village of Silver Lake. Rules and Regulations and Restrictions as to dates and hours of operation shall be established by further action of the Board.

No person may launch any water craft at the boat launch without having first purchased and affixed to the water craft a color coded sticker from the Village Clerk-Treasurer. The price of the sticker shall be \$5.00 for Village residents, persons who own real estate within the Village of Silver Lake, all Village employees, including those employed by the Police, Fire Department, Rescue Squad and Underwater Recovery Team. Watercraft must be registered in Wisconsin to qualify for the \$5.00 price of this sticker. The price of the sticker shall be \$75.00 for non-residents who do not own property within the Village of Silver Lake. Water craft stickers are not transferable and anyone selling a water craft shall remove the sticker upon sale. No parking is allowed on the access road or boat launch. The water craft sticker shall only allow the water craft registered to be launched and a separate sticker is required for each water craft. Water craft stickers shall be effective for a period beginning on the first day of April and ending one year later on the last day of March.

PENALTIES. Any person violating section 10.12 of this ordinance or any rules or regulations propagated by the Board shall be subject to a forfeiture of not less than \$50.00 nor more than \$150.00 for each offense.

10.13. MOTOR VEHICLES ON THE ICE. No person shall operate any motor vehicle as defined by Wisconsin Statutes 340.01 at a speed in excess of fifteen miles per hour on the ice of Silver Lake.

10.14. PENALTIES. Any person violating the provisions of this ordinance for which a penalty is not otherwise specified in this ordinance or provided for in Wisconsin State Statutes 30.80 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 for a second or subsequent time within one year.

Adopted: November 21, 1989