

## CHAPTER 20 LAKES AND BEACHES

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

20.02 APPLICABILITY AND ENFORCEMENT. The provisions of this chapter shall apply to the lakes within the jurisdiction of the Town and to the rivers within such Town wherever the provisions of this chapter would be applicable to river traffic, except to the waters of Silver Lake, which shall be enforced jointly by the officers of the Water Safety Patrol of the Town and appropriate officers of the Village of Silver Lake.

### 20.03 STATE STATUTES INCORPORATED.

(1) The following sections of the Wis. Stats. 1987, 1988 and any subsequent amendments there to are hereby adopted and by reference, made a part of this section as though fully set forth herein.

30.50 Definitions

30.51 Operation of Un-numbered Boats Prohibited

30.52 Certificate of Number

30.53 Identification Number to be Displayed on Boat; Certificate to be Carried 30.531 Certificate of Title; Requirements; Exemptions

30.54(2) 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

30.635 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

30.681 Intoxicated Boating

30.682 Preliminary Breath Screening Test

30.683 Implied Consent

30.684 Chemical Tests

30.686 Report Arrest to Department

30.687 Officers Action After Arrest

30.69 Water Skiing

30.70 Skin Diving

30.71 Boats Equipped with Toilets

(2) Any act required to be performed or prohibited by the provisions of any of the above referenced statutory sections incorporated herein, is required or prohibited by this section.

### 20.04 DEFINITIONS.

(1) "SHORE ZONE" shall mean the water area within two hundred (200) feet of any lakeshore within the Town of Salem except as to Silver Lake, where the shore zone shall mean the water area from the shore to the five (5) foot depth as shown on the hydro-graphic map bearing legend DNR 1968.

(2) "SWIMMING ZONE" shall mean an authorized area marked by official buoys to designate a swimming area.

(3) "MOORAGE" shall mean an area where continuous mooring of boats for more than 24 hours is permitted.

(4) "PUBLIC ACCESS" shall mean a marina or landing facility and the adjoining public shoreline under the ownership of the state, county or other municipality.

(5) "SLOW NO-WARE SPEED" shall mean that speed at which a boat moves as slowly as possible while still maintaining steerage control.

### 20.05 SPEED RESTRICTIONS.

- (1) In addition to the speed restrictions set forth in Sec. 20.03 of this Code adopting Sec. 30.66 Wis. Stats., no person shall operate a boat in excess of the slow no-wake speed:
- a. On any lake within a defined shoreline zone;
  - b. On any lake between the hours of 7 P.M. and 10 a.m. on either the shore zone or the traffic lane;
  - c. On that part of the Fox River bounded on the north by the face of the dam at Wilmot and extending south a distance of one quarter (1/4) mile.
  - d. on Lake Shangri-La in the area of the lake known as "the narrows". Slow no-wake buoys shall be placed to implement the speed restrictions as follows: 1 buoy 140 feet from the shore of the property identified as 12026 214th Avenue.  
1 buoy 140 feet from the shore of the property identified as 21401 -21st Street.
- (2) Pursuant to Sec. 30.635, Wis. Stats., no person shall operate a motorboat on Rock Lake in excess of the slow no-wake speed.

**20.06 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 chapter with more passengers or cargo than shall be stated on the capacity information plate as required by Sec. 30.501, Wis. Stats.

**20.07 BUOYS PIERS AND RAFTS.**

(1) **REMOVAL.** The Town or the Village of Silver Lake may remove or cause to be removed all buoys, markers, piers and their supports, privately owned or placed, which are not removed by December 1 of each year, and charge the cost and expense of such removal to the riparian owner. If such charge is not paid within thirty (30) days after request there-fore, a penalty of ten (10) 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 Town tax roll by the Town Clerk upon order of the Town Board and after notice to the riparian owner.

(2) **COMPLIANCE.** All buoys and aids to navigation must comply with Sec. 30.74(2), Wis. Stats., and administrative regulations and shall have affixed thereto such numbers as assigned to them by the permit. Such numbers shall be located at least twelve (12) inches above the waterline and shall be not less than three (3) inches in height.

(3) **WHARVES AND PIERS.** No person shall erect or maintain any wharf or pier contrary to the statutes and regulations of the state or extending more than one-hundred (100) feet from the shore unless prior written approval is obtained by the Town and the Village of Silver Lake as to waters of Silver Lake and as to the Town on all other lakes and waters within the Town's jurisdiction.

(4) **PIER OR MOORING BUOY.** No pier or mooring buoy shall be placed in the waters located within the boundary of a designated fire lane (extended into the water) unless so authorized in writing by the Village Board of the Village of Silver Lake as to fire lanes under the jurisdiction of the Village of Silver Lake and by the Town Board as to all other waters under the jurisdiction of the Town Board.

(5) **RAFTS AND PLATFORMS.**

a. No person shall place or maintain any raft or platform more than 100 feet from shore.

b. Each raft or platform must:

1. Be firmly anchored with at least eighteen (18) inches of freeboard above the waterline;
2. Be painted white; and
3. Have attached thereto not less than twelve (12) inches from each corner or projection, a red reflector of not less than three (3) inches in diameter.

(6) **BUOY PERMITS.**

a. No bathing beach marker, speed zone marker, information marked, mooring buoy, fishing buoy or other marker shall be anchored or shall be placed on any of the waters under the jurisdiction of the Town unless a written application therefor is made to and approved by the Town Board. As to such markers and buoys located on Silver Lake, an application must be made jointly to the Village of Silver Lake and to the Town and approved by both bodies. The Town shall issue numbers for buoys as required in paragraph (2) above.

b. **PERMIT FEE ESTABLISHED.** Any person making application for the placement of a mooring buoy or other approved marker in the waters of any lake within the Town of Salem in accordance with the above section shall pay to the Clerk a permit fee of \$10. Such permit shall remain in effect so long as the applicant owns or rents the property for which such permit is granted. The permits granted hereunder shall automatically expire when an applicant sells or no longer occupies the premises for which the permit has been granted.

(7) **PLACEMENT OF AUTHORIZED MARKERS.** The chief of the Water Safety Patrol 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 chapter and to post and maintain a copy of this chapter at all public access points within the jurisdiction of the Town.

#### 20.08 SWIMMING REGULATIONS.

(1) **SWIMMING FROM BOATS PROHIBITED.** No person shall swim from any unmanned boat unless such boat is anchored.

(2) **DISTANCE FROM SHORE OR BOATS.** No person shall swim beyond the shore zone or more than fifty (50) feet from any pier unless within marked or authorized areas, or more than twenty-five (25) feet from anchored rafts or boats unless accompanied by a boat manned by a competent person and having readily available a ring buoy. Such boat shall stay reasonably close to and guard such swimmer, not less than one boat for each two (2) swimmers.

(3) **HOURS LIMITED.** No person shall swim more than two-hundred (200) feet from the shoreline between the hours of 7 p.m. and 10 a.m.

#### 20.09 WATERSKIING.

(1) **HOURS.** No person shall operate a boat for the purpose of towing a water-skier, aquaplane or similar device or engage in waterskiing between the hours of 7 p.m. and 10 a.m.

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

(3) **TOWING.** There shall be not more than two (2) persons being towed by one (1) boat and each shall have an individual tow line. Persons being towed must wear personal flotation devices as defined in Sec. 30.62(3), Wis. Stats.

(4) **EXCEPTIONS.** The limitations of this section shall not apply to participants in ski meets or exhibitions authorized and conducted as provided in Sec. 20.11 of this chapter.

#### 20.10 LITTERING WATERS PROHIBITED.

(1) Any boat or craft which is designed for persons to use as living, sleeping or camping activities, commonly referred to as a "houseboat," shall be equipped with suitable sanitation facilities and comply with Sec. 20.03 of this chapter, adopting Sec. 30.71, Wis. Stats.

(2) No person shall leave, deposit, place or throw on the waterways, ice, shores of waterways or upon any other public or private property adjacent to waterways any cans, bottles, debris, refuse or other solid waste material of any kind.

#### 20.11 RACES. REGATTAS. SPORTING EVENTS AND EXHIBITIONS.

(1) **PERMIT REQUIRED.** No person shall direct or participate in any boat race, regatta, water-ski meet or other water sporting event or exhibition on Silver Lake, unless such event has been authorized jointly by the Village Board of Silver Lake and the Town Board. On all other waters under the jurisdiction of the Town, such permit shall be authorized by the Town Board.

(2) **PERMIT.** A permit issued under this section shall specify the course or area of water to be used by participants in such event and the permittee shall be required to place markers, flags or buoys approved by the chief of the Water Safety Patrol designating the specified area. Permits shall be issued only when 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.

(3) **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 persons shall obstruct such area during the race or event or interfere therewith.

(4) **PERMIT FEE REQUIRED.** Upon making application for a special event permit, the applicant shall pay a \$10 permit fee to the Town Clerk.

#### 20.12 DRIVING AUTOMOBILES OR OTHER MOTOR DRIVEN VEHICLES ON THE ICE

(1) **SPEED.** No person shall use or operate any automobile at a speed in excess of 10 mph on the ice of any lake or waterway within the Town of Salem.

(2) HOURS. No person shall use or operate any automobile on the ice of any lake or other waterway within the Town of Salem after 9 p.m.

(3) DEFINITION. the word "automobile" as used in this chapter shall be construed to mean all motor vehicles of the type and kind permitted to be operated on the highways in the State.

(4) RISK AND LIABILITY. All traffic on the icebound waters within the Town of Salem shall be at the risk of the traveler as set forth in Sec. 30.81(3), Wis. Stats. Nothing in this chapter shall be construed as rendering the Town liable for any accident to those engaged in permitted traffic while this chapter is in effect.

20.13 JURISDICTION. Recognizing the joint jurisdiction of the Village of Silver Lake and the Town over the waters of Silver Lake, it is the intent of this chapter that the Village of Silver Lake and the Town shall cooperate and coordinate ordinances, rules and regulations and shall have joint jurisdiction for enforcement purposes, except that violations occurring in the Town shall be brought before the Municipal Court of the Town and those violations under the jurisdiction of the Village of Silver Lake shall be brought before the Municipal Court of the Village of Silver Lake.

20.14 DUTIES AND QUALIFICATIONS OF WATER PATROL OFFICER.

(1) QUALIFICATIONS. The Town Board of the Town of Salem may appoint one (1) or more water patrol officers who shall be adults of good moral character with no prior criminal record. The water patrol officer shall be a certified law enforcement officer.

(2) AUTHORITY. The Water Patrol Officer of the Town of Salem shall have the authority to make arrests in the course of duty enforcing the provisions of this chapter, including those provisions of the Wisconsin Statutes incorporated by reference. The Water Patrol officer shall have the authority to carry firearms in the course of duty, subject to the restrictions and policies established by the Town Board from time to time. (Adopted February 13, 1995; Ordinance 95-2-133).

(3) ORDINANCE ENFORCEMENT OFFICER. The Town of Salem Ordinance Enforcement Officer may perform the additional duties of water patrol officer and shall have the power of arrest and may issue citations for violations of this chapter, but shall not carry a firearm. (Adopted April 12, 1993; Ordinance 93-4-12).

20.15 PENALTIES.

(1) Unless otherwise provided herein, any person violating any provisions of this chapter, shall, upon conviction, be subject to the penalty provided in Sec. 25.04(1)a. of this Code for the first offense and shall be subject to the penalty provided in Sec. 25.04(1)b. of this Code upon conviction for the same offense a second or subsequent time within one year.

(2) Any person violating the provisions of Sec. 20.03 of this chapter incorporating Sec. 30.681 or Sec. 30.684 Wis. Stats., shall, upon conviction, be subject to a forfeiture of not less than \$150 nor more than \$300.

(3) Any person violating any provision of the Wis. Stats. incorporated herein, which violation is punishable by the imposition of a fine or imprisonment or both shall be referred to state authorities for prosecution.

(4) Citations for violations of this chapter shall be issued on forms prepared by the Department of Natural Resources and the Uniform Wisconsin Schedule adopted pursuant to Sec. 23.66, Wis. Stats., shall be effective for the posting of bonds for violations under this chapter.

July 18, 1991