

SECTION 12.01 - PUBLIC WATERS.

1. Purpose. The purpose of this ordinance is to regulate water traffic, boating and water sports upon the waters of all the lakes over which the Town of East Troy exercises jurisdiction, hereinafter referred to as the "lake", "lakes", "water" or "waters".

2. Applicability. The provisions of this ordinance shall apply to all the waters of all the lakes or navigable waters, or portions thereof within the jurisdiction of the Town of East Troy, Walworth County, Wisconsin.

3. Enforcement.

A. The provisions of this ordinance shall be enforced by duly constituted law enforcement officers of the Town of East Troy.

B. Section 30.79, Wis. Stats., is incorporated herein by reference.

4. Interpretation. The section of this ordinance having to do with or pertaining to the use, operation or equipment of boats or the activities which are regulated by Section 30.50 to Section 30.71 (inclusive), Wis. Stats., and the rules and regulations of the Department of Natural Resources established pursuant thereto, shall be construed and interpreted, if possible, to be consistent with and not contrary to said statutory sections, rules and regulations.

5. Definitions.

A. Section 30.50, Wis. Stats., is incorporated herein by reference.

B. Additional Definitions.

i. "Water Traffic" means all boats, vessels, personal watercraft, seaplanes or fishing rafts in or on the water or in the air within 10 feet of the surface of the water.

ii. "Person" shall include a natural person, firm, partnership, corporation or any other association of individuals organized together for any purpose whatsoever.

iii. "Waterskiing" and "waterskier" mean being towed or the one being towed, respectively, on waterskis, aquaplane, flotation device or any other such device, by a motorboat, personal watercraft, or any other motorized device.

iv. "Parasailing" means any operation where a person is towed by a motorboat with the intent to become airborne with the use of a parachute or other similar device.

6. Traffic Lane and Anchorages.

A. Lake Beulah. The traffic lane on Lake Beulah shall be the surface of the lake that is more than 200 feet from the shore or 100 feet 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 for the specific purpose. The traffic lane shall also be restricted where underwater obstructions are marked.

B. Potters Lake and Army Lake. The traffic lane on Potters Lake and Army Lake shall be the surface of the lake that is more than 200 feet from the shore or 100 feet from the projecting extremities of any pier, wharf or other structure built in or over the water, or the greater thereof.

7. Classification of Motorboats. Section 30.60, Wis. Stats., is incorporated herein by reference.

8. Lighting Equipment.

A. Section 30.61, Wis. Stats., 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 at any time from sunset to sunrise unless there is prominently displayed thereon a white light.

9. Other Equipment. Section 30.62, Wis. Stats., is incorporated herein by reference.

10. Patrol Boat Exemption. Section 30.61, Wis. Stats., is incorporated herein by reference.

11. Traffic Rules. Section 30.65, Wis. Stats., is incorporated herein by reference.

12. Speed Restrictions.

A. Speed To Be Reasonable and Prudent. No person shall operate a motorboat at a speed greater than is reasonable and prudent under the conditions, and having regard for the actual and potential hazards then existing. The speed of a motorboat shall be so controlled as to avoid colliding with any object lawfully in or on the water, or with any person, boat or other conveyance in or on the water in compliance with the legal requirements and exercising due care.

B. Additional Speed Restrictions. In addition to the restrictions as stated in subsection (A) above, the maximum speed limit from sunset to sunrise shall be 10 m.p.h., except that on weekends and holidays between May 1st and September 15th, the 10 m.p.h. speed limit shall also apply from 6:00 P.M. to 10:00 A.M.

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

i. When moving in waters that have not been designated as the traffic lane, the operating speed shall not exceed slow-no-wake speed, and in no event shall such speed exceed 5 m.p.h. slow no-wake speed shall be the minimum speed necessary so as to maintain steerage.

ii. When moving in waters that have heretofore been classified as the traffic lane, and it becomes 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 sub-surface activity, or a swimmer, the operating speed shall not exceed slow-to-wake speed, and in no event shall such speed exceed 5 m.p.h.

13. Prohibited Operation.

A. Sections 30.68 and 30.71, Wis. Stats., are incorporated herein by reference.

B. Additional Restrictions and Requirements.

i. No motorboat shall pass at a greater than slow-no-wake speed within 200 feet of a moored boat, swimmer or skin diver's marker unless a reasonable and prudent person would conclude that extraordinary circumstances require such close passage. Then, in such event, such passing must be made slowly and cautiously so as to not risk interference, endangerment or distress of the occupants of such moored boat, such swimmer or skin diver.

ii. Passenger Capacity and Safety.

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

(2) Every owner of Boat for hire shall be personally responsible for the seaworthiness of his boats.

14. Waterskiing.

A. Section 30.69, Wis. Stats., is incorporated herein by reference.

B. Additional Restrictions.

i. Any boat towing a person on waterskis, aquaplane, personal watercraft or similar device, shall be manned by at least two (2) capable persons; one (1) observer in addition to the operator of the boat.

ii. No motorboat operator shall tow more than one (1) waterskier, aquaplane or similar device nor more than one (1) person on any individual device, nor shall any person allow himself/herself to be towed by any motorboat already towing one (1) waterskier, aquaplane or similar device, or be towed on any such device already being occupied by another person, except that the towing of not more than two (2) waterskiers shall be allowed Mondays through Fridays, excluding legal holidays. iii. In waterskiing, both boat and skier shall at all times be propelled more than 200 feet from the shoreline.

iv. (a) No person shall, without special permit from the Town, engage in ski jumping from any structure or device situated on the lakes in the Town of East Troy.

(b) No person shall, without special permit from the Town, engage in slalom skiing upon any laid-out slalom course on the lakes in the Town of East Troy.

v. No person shall operate a boat for the purpose of towing a waterskier, aquaplane or similar device, or engage in waterskiing or aquaplaning between the following hours on the following days:

Monday through Friday - Sunset to 10:00 A.M.

Saturdays, Sundays and legal holidays 6:00 P.M. to 10:00 A.M. vi. Persons waterskiing shall conform to all of the provisions of this ordinance pertaining to the operation of motorboats.

vii. No person shall waterski or aquaplane in a marked weed bed area.

viii. Operators of boats towing waterskiers in Mill Lake shall operate their boats in a counter-clockwise direction.

ix. Operators of boats towing waterskiers in Potter's Lake shall operate their boats in a counter-clockwise direction on Saturdays.

x. Persons waterskiing in Potter's Lake shall operate their boats in a counter-clockwise direction on Saturdays, Sundays and legal holidays between May 1st and September 15th of each year.

xi. Skiing Hours for Potters Lake. Notwithstanding the forgoing skiing and slow-no-wake limitations, skiing on Potters Lake shall be permitted from 8:00 A.M. until sunset during weekends and from 10:00 A.M. to 7:00 P.M. on weekends.

xii. All waterskiers must wear a coast guard approved life jacket (PFD).

15. Skindiving, Swimming and Swimming Beaches.

A. Section 30.70, Wis. Stats., is incorporated herein by reference.

B. Swimming regulations.

i. No person shall swim in a traffic lane unless accompanied by a boat manned by a qualified operator and equipped with one (1) United States Coast Guard approved flotation device for each swimmer in the water.

ii. No person shall swim in the traffic lane from sunset to sunrise.

iii. No person shall skindive or waterski in any marked fish spawning area.

iv. Swimming will not be permitted within a radius of 50 feet of any public boat launching area, except in marked-off swimming areas.

C. Swimming Beaches Marked. All beaches used by the public where a fee is charged shall be identified by markers placed on the outer perimeter thereof by the riparian owner; said markers are to be of a size normally visible for a distance of 300 feet and securely fastened so as to keep the markers in place, and painted as required by section 19 of this ordinance

D. Boats Prohibited From Entering. All boats are prohibited from entering into such swimming beach area, except a boat used by a lifeguard or safety patrol unit.

16. Boats equipped With Toilets. Section 30.71, Wis. Stats., is incorporated herein by reference.

17. Commercial Passenger Boats.

A. The term "commercial passenger boat" as used in this section means any boat for hire used for the purpose of carrying fare paying passengers.

B. Every owner of a commercial passenger boat shall be responsible for its seaworthiness and its operation in a manner calculated to insure the safety of persons and property.

C. No intoxicated person shall be accepted or permitted to remain as a passenger upon any commercial passenger boat.

D. All commercial passenger boats shall be berthed and made fast at their respective regular mooring place until at least one (1) hour after sunrise.

E. No person shall operate a commercial passenger boat unless the same shall be equipped with fire extinguisher equipment as required by the United States Coast Guard Regulations, which equipment shall at times be kept and maintained in efficient operating order.

18. Aircraft and Parasailing.

A. Aircraft shall not land or take off on any part of the lakes regulated by this ordinance, except in the case of emergency or unless a special permit has been obtained from the Town Board.

B. Skydivers and or parachutists shall not land in the waters regulated by this ordinance, except in the case of emergency or unless a special permit has been obtained from the Town Board.

C. Parasailing on the waters of any lake in the Town of East Troy shall be allowed Mondays through Fridays, excluding legal holidays.

19. Rafts, Buoys, Markers, Moorings and Piers.

A. Position. All rafts, platforms and markers shall be anchored in reasonable and prudent places and so that they will have at least six (6) inches of free board above the water line, buoys to have at least 18 inches 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.

B. No owner or owners of any lot or lots, including registered or permitted Marinas, except "Camp" B'Nai Brith Beber Camp, Salvation Army Camp, Camp Edwards, Divine Word Seminary, and Charles Allis, in the Town of East Troy shall permit or allow mooring or docking of more than 10 boats on its lake frontage, regardless of the number of tax key lots owned. For the purpose of this subsection, the terms "mooring" and "docking" shall be defined as the occupancy of space adjacent to any pier or dock for a period of time in excess of 12 hours unless a permit for moorings in excess of 10 has been granted pursuant to the provisions of Wisconsin Statutes section 30.12. The exemptions provided above will be lost in event that zoning, use or ownership of exempted properties change.

C. No person shall enter upon, remain upon or cause any object to be placed upon the raft, platform, mooring, or pier of another after having been notified by the owner or occupant not to do so. Notice may be given either orally, in writing or by posting. Posting shall consist of any conspicuously placed, legible sign that includes a statement of what is prohibited and the name of the owner or occupant posting the notice followed by the word "owner" or "occupant" whichever applies. An "owner" is the holder of legal title, and an "occupant" is not the holder of legal title but is a lawful occupant of the raft, platform, mooring or pier. Furthermore, no person shall intentionally enter upon the raft, platform, mooring or pier of another in a violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly manner under circumstances in which the conduct tends to cause or provoke a breach of peace without the consent of the owner or occupant.

20 Airboats, Hovercrafts, All-Terrain Vehicles and Aquatic Snowmobiles.

A. Definitions.

i. Airboats. "Airboats" are any and all boats, devices or other craft which are propelled by a motorized rotor or propeller and which operate on the surface of water, swamp or marsh.

ii. Hovercrafts. "Hovercrafts" are any and all boats, devices or other craft which operate a few inches above the surface of water, swamp or marsh on a cushion of air.

iii. All-Terrain Vehicles. "All-terrain vehicles" are those motorized vehicles which are not built for, nor intended to be operated on, highways or roads which do operate on water, marsh or land.

iv. Aquatic Snowmobiles. "Aquatic snowmobiles" are those snowmobiles which are equipped with pontoons or other flotation devices, and which operate on unfrozen water, swamp or marshlands.

B. Restrictions On Use. No person shall operate any airboat, hovercraft, all-terrain vehicle or aquatic snowmobile on any unfrozen lake, swamp or marshlands within the Town of East Troy, Wisconsin.

21. Operation of Motor Vehicles on Ice Prohibited. No person shall operate a motor vehicle upon an icebound lake situated wholly within the Town of East Troy. The definition of motor vehicle contained in Section 340.01, Wis.

Stats., is incorporated herein by reference. This prohibition shall not affect snowmobiles, all-terrain vehicles, or any other recreational vehicle under 1,000 pounds in weight.

22. 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, surfaces and travels beneath the surface of water which is outside of the traffic lane, or in the traffic lane within a radius of 50 feet from a flag identical to the flag described in section 15A hereto and the statutes cited therein, except in the case of emergency.

23. Littering Waters Prohibited. No person shall deposit, place or throw any cans, paper, bottles, debris, refuse, garbage, or solid or liquid waste onto or into the water.

A. The prohibitions in this section shall also apply to any icebound lake or waterway.

B. Icehouses, shanties, windbreaks and other temporary structures placed on any lake for ice-fishing purposes shall be allowed. Although any

owner or user of such structure shall be presumed responsible for their own litter and all litter of any kind within 25 feet of such structure. C. Any violation of this section shall be subject to a forfeiture of not less than \$50.00. No more than \$200.00 per violation.

24. Markers and Navigation Aids: Posting Ordinance.

A. Duly appointed law enforcement officers are 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 on the Town of East Troy.

B. Standard Markers. All markers placed upon the waters of the lake shall comply with the regulations of the Wisconsin Department of Natural Resources.

C. Interference With Markers Prohibited. No person shall remove, damage or destroy any buoy, beacon or marker placed in the waters of the lake by any governmental authority or agency. In addition, no person shall moor or attach any watercraft to such buoy, beacon or marker.

D. Any violations of this section shall be subject to a forfeiture of not less than \$500.00.

25. No person or persons shall remove ice or cause its removal from Lake Beulah or Potters Lake without first obtaining a yearly permit from the Town of East Troy. The application shall be made in writing and filed in the Office of the

Clerk. Failure to do so will result in a forfeiture of \$25.00 per occurrence. 26. Deposits. Section 30.76, Wis. Stats., is incorporated herein by reference. SECTION 12.02- REGULATION OF MOORINGS AND PIERS

1. Section 30.772, Wis. Stats., is hereby adopted and incorporated herein by reference.

2. Definitions.

A. "Boat Shelter." A structure in navigable waters designed and constructed for the purpose of providing cover or protection for the berth place for watercraft, which shall include but not limited to boat hoists.

B. "Marina." A facility for the rental of boats or mooring space that consists of a pier, pier slips, wharfs, mooring structures, or a combination of same for securing water craft.

C. "Mooring." A "mooring," when used as a noun, shall mean a structure, device, or hook up of any kind to which, or by which, a boat may be secured, held in place, or moored. A mooring shall include, but not be limited to, a mooring buoy, pier, boat shelter, boat hoist, marina, or wharf. Each separate location in which a boat is moored shall constitute a separate mooring for purposes of this ordinance. A device shall be presumed to be a mooring if a boat is secured, held in place, or moored thereto overnight.

D. "Mooring Anchor." Any anchor or weight which is designed to rest on the bed or to be buried in the bed of a navigable water, which is designed to be attached by a chain, cable, rope, or other mechanism to a mooring buoy and which is designed to be left in position permanently or on a seasonal basis.

E. "Mooring Buoy." Any float or marker which is attached to a mooring anchor. and either is suitable for attachment to a boat or facilitates the attachment of the boat to the mooring anchor. For purposes of this ordinance, a mooring buoy shall be presumed to mean a mooring anchor and mooring buoy, along with related equipment designed to secure a watercraft.

F. "Navigable Waters." Any body of water which is navigable under the laws of this state.

G. "Pier." Any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berth or mooring for watercraft, or for loading or unloading cargo or passengers onto or from watercraft.

H. "Riparian Property." "Riparian Property" shall refer to property abutting navigable waters, and such property shall be deemed to be a single property whether or not the same owner has separate tax key numbers or is recorded under a plat showing multiple lots or parcels for the same.

I. "Temporary Rigging." A "temporary rigging" shall include any device whose purpose is to moor a boat temporarily, such as a rigging mooring for sailboats. Temporary riggings shall not be considered a mooring for purposes of this ordinance.

J. "Watercraft." Any device used and designed for navigation on water. Watercraft and "boat" shall be used synonymous for purposes of this ordinance.

K. "Wharf." Any structure in navigable waters extending along the shore and built or maintained for the purposes of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft.

3. Intent. It is the intent of this ordinance to regulate the placement and use of moorings, piers, wharfs and marinas in navigable waters in the Town of East Troy. It is the intent of this ordinance to promote and enhance:

A. the health, safety and welfare of individuals using navigable waters;

B. the long-term quality of navigable waters in the Town of East Troy;

C. the beauty and aesthetic appearance of navigable waters and properties and improvements adjacent to such navigable waters;

D. the orderly usage of navigable waters by riparian owners and public; and,

E. the harmonious and non-exclusive use of all areas of navigable waters in the Town of East Troy in conjunction with the rights of riparian property owners. It is the further intent of this ordinance to discourage the use of moorings, piers, wharfs, or marinas which unfairly restrict or are used to assert exclusive privileges, control, or use of navigable waters.

4. Marinas shall require a permit from the Town of East Troy. Upon filing of permit application the Town Clerk shall refer it immediately to the Police Chief for investigation and report at the next regular Town

Board meeting or special meeting called for that purpose. The board after considering the application and evidence presented by all interested parties may grant or deny the application.

5. Registration. Registration shall be required for each property containing a pier, mooring, mooring buoy, wharf or marina to be located in navigable waters.

6. Regulations. All registrations for moorings, piers, and wharfs, shall be subject to the following regulations.

A. No mooring shall materially obstruct navigation.

B. The establishment of a mooring shall not be detrimental to any significant fish or wildlife habitat area.

C. The use of moorings shall not unfairly restrict or be used to assert exclusive privileges, control or use of navigable waters.

D. The number of moorings shall not exceed one (1) per 20 feet, or fractional part thereof, of shoreline owned by an applicant. Notwithstanding the foregoing, every riparian parcel, or contiguous parcel owned by one (1) entity or individual shall be permitted, no more than 10 moorings.

E. Boats moored to buoys thereto shall be at least 20 feet from any other mooring, boat, or structure located in navigable waters, exclusive of those structures to which such boat is moored.

F. No mooring shall be located within 50 feet of any properly-marked swimming or bathing area.

G. Any mooring buoys shall be within 100' from shore. The location and placement of any mooring buoy must be first permitted by the Town Board before its installation.

H. No pier or wharf may extend waterward from ordinary high water mark more than the lesser of 50' or length necessary to access 3' water depth.

I. Mooring buoy areas shall be marked in a manner which notifies the public of the boundaries of the mooring area and assists in navigation near the mooring area. These markers shall be consistent with the uniform aids to navigation established under Section 30.74(2), Wis. Stats.

J. No portion of a mooring shall be placed within 12 feet of a lot line or extension of the lot line into the navigable waters. Where such lot line extension is not at a right angle, the respective rights of neighboring riparian owners shall be determined by drawing a cord between each pair of property lines at the point where each line meets the shoreline, extending perpendicular lines into the navigable water from each end of such cords, and bisecting the resulting angles. The bisecting lines shall be considered the coterminous riparian rights line extension off of which the 12-foot setback shall be determined. In any circumstances where the same would create an undue hardship or would not enable respective property owners to have adequate space to establish their piers, the Town Board shall conduct a hearing and equitably allocate the areas in which a pier may be located so that each of the respective property owners has the ability to place a pier. The Town may grant such a registration notwithstanding the setback requirements, but may limit the location, shape, and length of a pier in such circumstances.

7. Registration Procedure. Any person requesting the establishment of a mooring for which registration is required under this ordinance shall apply to the Town Board for such a registration. The registration shall include the following:

A. The date, name, and mailing address and phone number of the applicant.

B. The address of the property, if different than under A. above.

C. The names and addresses of all title holders to the lake property in question.

D. Name and address of adjoining riparian owners.

E. A description of the mooring being applied, for including dimensions. Such description shall include information sufficient to identify the construction materials used in the structure, specify the location of the proposed structure, and identify the location of all moorings. If more than one (1) watercraft is to be secured to any individual mooring, the location of all watercraft to be secured by said moorings shall be identified. A survey, map, or drawing to scale shall be attached identifying the property in question, the adjacent lake properties, the location of any existing structure or buoys, and any other information bearing upon the location of the proposed mooring, pier, wharf or marina. All distances shall be clearly marked on such a diagram.

F. A statement as to whether or not any mooring is to be rented out, leased, or used by non-riparian owners. If more than five (5) moorings are being applied for by any individual property owner, the intended use of said mooring shall be fully described.

G. Any other information that is requested by the Town Board that is relevant in determining whether or not said mooring complies with the intent of this ordinance or any other applicable Town ordinance.

H. Registration fee. Each application shall be accompanied by a permit fee in an amount established by a resolution duly adopted from time-to time by the Town Board.

I. Piers or moorings previously registered are exempt from this section unless the Town Board requests registration.

8. Review Procedures.

A. All registration shall be reviewed by the Town of East Troy, who shall in turn inform the applicant, within 30 days, as to whether the registration of said mooring complies with local and state regulations and statutes.

B. Within 30 days of receipt of the original, if the Town deems that additional information is required to act on such registration, the Town will notify the registrant and hold a public hearing concerning the application.

C. After the registration is granted, it will be assigned a number matching the house number. Such registration shall apply to each structure permitted. The registration number shall be placed on each permitted structure such that the number faces away from the shoreline. Such number shall be no smaller in size and of the same lettering as is required for boat registration numbers.

D. After registration is granted, no subsequent registration will be required unless the mooring location or number is changed or expanded.

E. If the Town is requested to grant a registration with a variance of the terms of this ordinance, or the Town has reason to believe that the granting of a registration is contrary to the intent of this ordinance, the Town may grant a one (1) year conditional registration. Such conditional registration shall be reviewed after its expiration. The Town shall thereafter issue or deny the requested registration.

F. A registration may be revoked if the mooring is either used or found to be in violation of the regulations stated herein or the intent and purpose of this ordinance.

G. The provisions and procedures of Chapter 68, Wis. Stats., shall apply to the granting, denial or revocation of a registration.

9. This ordinance shall not supersede or affect any other more restrictive provision of the Municipal Code of the Town of East Troy.

10. Any mooring, mooring anchor, mooring buoy, pier, boat shelter, wharf, marina, or any other structure which is placed or used in any navigable water in violation of this ordinance shall constitute a nuisance under the Town of East Troy Municipal Code, and may be removed as provided pursuant to the procedures set forth in Section 66.0495, Wis. Stats.

11. Existing Moorings. Any mooring which has been legally established prior to the effective date of this ordinance shall be considered a non-conforming use. Such use shall be permitted to exist notwithstanding the provisions of this ordinance. In the event that such use or structure is not maintained for at least 30 days of every season following the effective date of this ordinance, such non-confirming use shall be extinguished. Any person desiring non-conforming use status shall make application for such status and shall file a registration application as set forth under this ordinance, but shall specifically designate the non-conforming use requested and shall specifically ask for approval of the non-conforming use status. If no such use is requested for approval in the 12 months following the effective date of this ordinance, such non-conforming use shall be extinguished.

Notwithstanding any conflicting provision under Section (5) found herein, conditional uses shall be deemed extinguished upon the sale or transfer of any property out of the immediate family. All transferors shall apply for a registration as herein before requires, except that the Town need not permit any non-conforming use. If the pier or marina does not conform to the provisions of this ordinance, the new applicant must request a variance from the Town Board, otherwise the new pier, marina, wharf or mooring applicant must conform to the requirements of this ordinance.

12. Violation. Any mooring, pier, marina, wharf, or other structure found to be in violation of this ordinance shall be subject to a forfeiture of not more than \$50.00 for each separate violation. each day during which the violation exists is a separate offense.

13. Severability of Code Provisions. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, or any overriding Wisconsin State Statute or regulation or Walworth County ordinance, only that invalid or unconstitutional portion shall be deemed severed from the ordinance and the remainder of the ordinance shall have continuing validity.

Section 12.03 - POWER LAUNCHING PROHIBITED

1. Intent. It is the intent of this ordinance to protect and promote the health, safety, and welfare of the residents of the Town of East Troy and all others who may use the public boat launches in the Town. The Town finds that power launching is hazardous to those engaging in such activity and that power launching is harmful to the Town's capital investment in the boat launch itself, as well as the lake bed, lake vegetation, and water quality.

2. Definitions.

A. "Power Launching". Any operation of an inboard motor or outboard motor attached to a watercraft at any time during the launching or retrieval process of such watercraft at, on or adjacent to any public boat launch in the Town of East Troy.

B. "Launching" or "Retrieval". Any activity relating to the process by which any watercraft is placed into or removed from a navigable body of water. Such activities shall include, but not be limited to, the launching or removal of watercraft from boat trailers or any other means of conveyance of such watercraft into or from a navigable body of water.

3. Power Launching Prohibited.

A. It shall be unlawful for any person to engage in power launching any watercraft into, or retrieving any watercraft from, a navigable body of water in the town of east Troy from, into, or adjacent to any public boat launch.

B. Any person engaging in power launching, or permitting or assisting in such conduct shall be subject to a forfeiture of no less than \$50.00 nor more than \$500.00 per incident.

4. Presumptions. It shall be presumed that power launching is taking place in the event that the inboard or outboard motor attached to a watercraft is in operation at any time during which said watercraft is physically in contact with any part of a boat trailer or is attached to any hook, rope, wire, or other device used in the launching or retrieval process.

5. No-wake-speed Within 200 Feet of Public Boat Launch. It shall be unlawful to operate in excess of no-wake-speed or to pull a waterskier or person on any type of flotation or other device within 200 feet of any public boat launch or any pier at on adjacent to any public launch. In addition to, or in lieu of any separate no-wake ordinance violation, a violation under this section shall subject the violator(s) to a fine of not less than \$100.00 nor more than \$500.00 per incident. Any person participating, assisting, encouraging, or permitting another in the violation of this ordinance shall be subject to a separate citation.

Section 12.04 - REGULATIONS AND ENFORCEMENT

1. Operation of Unnumbered Boats Prohibited. Section 30.51, Wis. Stats., is incorporated herein by reference.

2. Certificate of Number. Section 30.52, Wis. Stats., is incorporated herein by reference.

3. Identification number to be Displayed on Boat; Certification to be Carried. Section 30.523, Wis. Stats., is incorporated herein by reference.

4. Certificate of Title. Sections 30.531, 30.533 and 30.535, 30.537, 30.539, 30.54, 30.541, 30.543, and 30.544, Wis. Stats., are incorporated herein by reference.

5. Transfer of Ownership of Numbered Boat. Section 30.549, Wis. Stats., is incorporated herein by reference.

6. Notice of Abandonment or destruction of Boat or Change of Address. Section 30.55, Wis. Stats., is incorporated herein by reference.

7. Accidents and Accident Reports. Section 30.67, Wis. Stats., is incorporated herein by reference.

8. Service of Process of Non-resident. Section 30.75, Wis. Stats., is incorporated herein by reference.

9. The provisions of this ordinance shall be permanently posted at all public access points to navigable waters within the Town of East Troy and shall be filed within the Department of Natural Resources.

10. Water Safety Patrols.

A. A water safety patrol unit shall be established by the Town of East Troy to enforce this ordinance and Chapter 30 of the Wisconsin States, and the rules of the Department of Natural Resources enacted pursuant thereto.

B. Offices patrolling the waters as part of water safety patrol unit may stop and board any boat for the purpose of enforcing this ordinance or the provisions of Section 30.50 through Section 30.80 (inclusive), Wis. Stats., or any rules promulgated or ordinances enacted under Section 30.50 through Section 30.80

(inclusive), Wis. Stats., if the officers have reasonable cause to believe there is a violation of the sections, rules or ordinances or the stopping and boarding of any boat is necessary to conduct a search and rescue operation.

11. Penal. The penalty for violation of any provision of this ordinance shall be a forfeiture, together with the costs of prosecution. Forfeiture for violation of any provision of Section 30.50 through Section 30.80 (inclusive), Wis. Stats., adopted by reference in the various sections of this ordinance, shall conform to forfeitures in violation of the comparable state offense, including any variations or increases for the second offense.

12. The provision of this Chapter, dealing with Town public boating regulations, may be waived in whole or in part by the Town Board as part of the grant of a public amusement Permit (of Special Event Permit). Any such waiver shall be in effect only during the hours the amusement is authorized to be conducted, and shall apply only to the permittee, permittee's agents and employees.

Section 12.05 - WILMER'S POINT LANDING BOAT LAUNCH.

1. Intent. It is the intent of this ordinance to create fees consistent with the Wisconsin Administrative Code and the Department of Natural Resources rules and regulations pertaining to fees which may permissibly be charged at public accesses.

2. Findings. It is hereby found and determined that the operation of the Wilmer's Point Landing and the maintenance therefore, along with other costs and expenses that can be directly attributable to the development, operation, and maintenance of this launch shall significantly exceed fees that the Town of East Troy can reasonably anticipate be generated from State access fees. Until such time as such fees can be charged to reimburse the Town of East Troy for such costs, it is the finding of the Town Board that is in the Town of East Troy's interest to charge the maximum permissible fee permitted under existing Wisconsin Administrative Code and Department of Natural Resources regulations.

3. That for the 1995 calendar year, and until such time as the Town of East Troy may amend this ordinance or obtain approval from the Department of Natural Resources to charge additional fees, the boat launch fee for Wilmer's Point Landing shall equal the maximum permissible fee permitted under NR 1.01(11), Wis. Adm. Code. Such fees shall be computed as follows:

A. A base fee that is charged a State resident vehicle for entrance to State parks.

B. Surcharges. A 20% surcharge over and above the resident base shall be assessed at all times under NR 1.91(11)(b)(2), Wis. Adm. Code, based upon the facility providing on-site toilet facilities. In the event that such facilities are no longer provided, this surcharge shall be removed. Additional surcharges shall apply as follows:

i. When an attendant is on duty, a 20% surcharge shall be assessed.

ii. For any boat that exceeds 20 feet in length but is less than 26 feet in length, a 30% surcharge over the base fee shall apply. All boats of 26 feet in length or greater shall be assessed a 60% surcharge over and above the base fee.

4. The foregoing fee shall apply to residents. Residents mean persons who permanently reside or own real property within the Town of East Troy. A non-resident is anyone who does not maintain residency or own property in the Town of East Troy.

5. Non-Resident Fee. Non-residents shall pay a launching fee equal to 150% of the fee charged a resident under the aforementioned fee schedules.

6. Annual fees. Resident or non-residents may apply for an annual fee which shall be equal to 10 times the daily launch fee. An annual pass shall be available at the launch site, when the attendant is present, or at the Town Hall during regular business hours.

7. The Town Chief of Police shall post the fee schedules at the public landing and shall supervise the collection of fees. The Chief of Police may appoint parking lot attendants and other non-police personnel to supervise the operation of the launch and the Wilmer's Point parking facility. Any failure to obey the directions of the launch attendants shall be deemed to be failure to obey a police officer and enforceable under the section of the Municipal Code for the Town of East Troy as if such attendants were police officers or other Town officials.

8. Commercial users of the launch shall be limited to those businesses that repair or provide maintenance to boats and any permit under this section shall be limited to boats that are actually serviced. Contractors that use the boat launch only for "work barges" which carry materials such as piers, gravel, sand, stone, etc. for

pier, landscaping or sea-wall business shall be permitted to pay an annual \$150.00 commercial access fee and shall be permitted weekday and limited weekend usage of the launch area, regardless of whether or not the parking lot is full. Their use shall be limited to access to the launch area and they shall be prevented from using any part of the parking lot for such special launching services. Work barge activity may be limited to weekdays or Saturday mornings, if the attendant believes that such activities do not unreasonably interfere with the ability for other users of the boat launch to launch or retrieve their boats.

9. All launching fees provided for above shall be paid in the presence of the attendant at the landing or parking lot, if such attendant is present. If no attendant is present, the permit fee shall be placed inside a sealed envelope, as may be provided at the launch or parking lot at Wilmer's Grove Road. The name of the person launching the boat, along with the boat identification number, shall be placed on the outside of said envelope. All instructions on said envelope shall be complied with prior to launching any boat. The receipt provided by the Town of East Troy shall be kept by said person launching the boat as proof of compliance with this section. Failure to comply with the requirements of this section shall subject the violators to a penalty of not less than \$50.00 nor greater than \$500.00 per violation.

10. The parking lot shall be closed and parking prohibited between 11:00 p.m. and 5:00 a.m. However, vehicles parked before the closed period may remain and be retrieved upon exiting the lake without any additional parking fee applying to the next day. Parking shall be limited to those areas with the painted lines and numbered parking slips. There shall be no parking along any of the curbs surrounding the parking lot.

11. Loitering Prohibited. There shall be no loitering at the boat launch or on the boat launch pier. The pier may only be used for the immediate launching or retrieval of boats or watercraft from Lake Beulah, or for temporary use of the public facilities at the boat launch or boat launch pier. Swimming or fishing off the public boat launch or boat launch pier shall be prohibited, as the Town finds such activities are inconsistent with boat launch usage and will create a health and safety hazard.

12. Fishing Tournaments. Any fishing tournament or other organized activity involving a business promotion, tournament involving awards or trophies, or any other organized activity calling for the usage of five (5) or more parking spaces at the Wilmer's Grove parking lot shall be prohibited except by a special event permit. Any application for which a DNR permit is required shall be accompanied by the permit issued by the Department of Natural Resources and be attached to the form which shall be available at the Town Hall or through the Town's police Department upon prior request. Special event permits may be issued by the Town Chief of Police upon no less than 72 hours prior notice. Each person participating in such an event and the organization itself shall be each deemed in violation of this section if a special event permit is not obtained. The fee for this special event permit shall be \$5.00 for the permit plus \$1.00 for each participant. A surcharge of \$2.00 per vehicle using the boat launch and or parking lot shall be assessed. In the event the number of participants in a special event exceed the permit applied for, then the applicant shall report the same to the parking launch attendant or, if there is no parking lot attendant, to the Town police department by 8:00 p.m. of the day of the special event and pay a fee equal to such additional participation no later than the end of the third business day following said event.

13. The Town Board shall review fees on an annual basis to insure that such fees bear reasonable relation to the costs of the Town of East Troy pertaining to the maintenance of the public launch and to the Town's lake-related supervision and enforcement costs. The Town shall annually seek such adjustments from the Department of Natural Resources as may be warranted based upon the Town's expenses related to the launch.

14. The Town Chief of Police shall administer the boat launch fee program and establish regulations necessary to implement the foregoing fees, meet all posting requirements, and establish other safety regulations as he may deem in the interest of public health, safety and welfare.

Section 12.06 - TOWN PARK PROPERTY: REGULATIONS 1. All motorized vehicles of whatever type or nature shall be prohibited from entering, going upon or put in operation within the confines of the Town park located in Section 10 of the Town of East Troy. Access and usage shall be limited to pedestrian traffic only. Motor vehicles shall be permitted only in those areas expressly labeled for parking that are adjacent to such park properties.

2. The Town parks, excepting the Wilmer's Grove Landing Boat Launch and Parking Lot, shall not be used or occupied before sunrise or after sunset. Any person found to be in any Town park after sunset and before sunrise shall be cited under this Section.

3. Violation of the foregoing sections shall be prosecuted as an ordinance violation under the penalty section of the Municipal Code for the Town of East Troy.

2. This ordinance shall be come effective upon its passage and publication as provided by law.

Dated this 16th day of March, 1998.

Date Published: 4/1/98