

ORDINANCE NO 93-05-02

AN ORDINANCE TO REPEAL AND RECREATE SUBCHAPTER II OF CHAPTER 13 OF THE TOWN OF RICHFIELD CODE OF ORDINANCES REGARDING BOATING CODE

THE TOWN BOARD OF THE TOWN OF RICHFIELD, WASHINGTON COUNTY, WISCONSIN, ORDAINS AS FOLLOWS:

Section 1. Subchapter II of Chapter 13 of the Code of Ordinances is repealed and recreated as follows

SUBCHAPTER II: BOATING CODE

13.07 INTENT. The intent of this subchapter is to provide and ensure safe enjoyment of water recreation resources consistent with public rights and interests and with the size and nature of the water resources.

13.08 APPLICABILITY. The provisions of this subchapter shall apply to the waters of Amy Belle Lake, Bark Lake, Friess Lake and Little Friess Lake (also known as Bony Lake). When and if the Town of Lisbon, Waukesha County, adopts identical provisions, this subchapter shall apply to Lake Five.

13.09 ENFORCEMENT. The provisions of this subchapter shall be enforced by the Town of Richfield Lake Patrol, a law enforcement unit of the Town of Richfield, consisting of the Town Constable and such other Lake Patrol Officers as the Town Board may appoint, in accordance with §167.85(4), Wis. Stats. , from time to time, which is hereby created pursuant to §30.79, Wis. Stats. The responsibilities and duties of any Lake Patrol Officer so appointed shall be limited to enforcement of this subchapter.

13.10 STATE BOATING AND SAFETY LAWS ADOPTED. The statutory provisions describing and defining water traffic, boats, boating and related activities contained in §§30.50-30.71, Wis.Stats. , and the rules and regulations of the Wisconsin Department of Natural Resources are hereby adopted and by reference made a part of this subchapter. Any act required or prohibited by the provisions of said Statute or rule or regulation incorporated by reference is required or prohibited by this subchapter.

13.11 DEFINITIONS

(1) TRAFFIC LANE means the surface of the lake that is more than 150 feet distant from and parallel to the shore, or 100 feet distant from the projecting extremities of any pier, wharf or other structure built in or over the water.

(2) SLOW NO WAKE means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

13.12 SPEED REGULATION. In addition to the speed regulations in §30.66, Wis. Stats., the following restrictions shall apply:

(1) No person shall operate a boat powered solely by mechanical means at any time on Amy Belle Lake.

(2) No person shall operate a boat at a speed greater than 25 m.p.h. from 10:00 a.m. to 7:00 p.m. on Friess Lake or Lake Five. At all other times the maximum speed shall be slow-no-wake.

(3) No person shall operate a boat at a speed greater than 25 m.p.h. during the hours of 10:00 a.m. to 5:00 p.m. on Bark Lake. At all other times the maximum speed shall be slow-no-wake.

(4) No person shall operate at a speed greater than slow-no-wake at all times on Little Friess Lake (also known as Bony Lake).

(5) No person shall operate a boat outside the traffic lane established in sec. 13.11(1) above on Friess Lake, Lake Five or Bark Lake at a speed greater than slow-nowake.

(6) No person may operate any vehicle on any icebound lake at a speed greater than 25 m.p.h.

13.121 EMERGENCY SLOW-NO-WAKE ORDERS. (1) DECLARATION OF EMERGENCY. During periods of abnormally high lake levels as determined by the bench marks designated in sub.(2) below, the Town Chairperson is hereby

authorized and directed to declare a high lake water emergency for any and all lakes located in the Town.

(2) HIGH WATER BENCH MARKS DESIGNATED.

(a) Bark Lake. The bench mark is the marine gage on Bark River. The markings are 7.80 - Declare High Water

7:30 - Emergency Ends

(b) Friess Lake - Determined at a later date

(3) EMERGENCY SLOW-NO-WAKE ORDERS. During high lake water emergencies the Town Chairperson is hereby authorized and directed to issue slow-no-wake orders for any and all lakes located in the Town. Copies of such orders shall be

posted at all public landings and published in the official Town Newspaper. When lake levels have returned to normal levels the Town Chairperson shall declare a cessation of the high lake level emergency and rescind the slow-no-wake order and publish such rescission in the same manner as provided above.

(4) SLOW-NO-WAKE SPEED LIMIT. During the period that the slow-no-wake order is in effect as provided in sub.(2) above, no person shall operate a boat at a speed greater than slow-no-wake.

(5) PENALTY. Any person who violates this section shall be subject to a forfeiture of \$50 for the first offense and \$100 for second and subsequent offenses.

13.13 PROHIBITED OPERATION. In addition to the requirements and restrictions set forth in §30.68, Wis. Stats.:

(1) No motorboat shall pass within 100 feet of a swimmer or skin diver's marker unless physical circumstances make compliance impossible.

(2) No person shall operate any boat repeatedly in a circuitous course around any other boat or around any person who is swimming if such circuitous course is within 200 feet of such boat or swimmer, nor shall any water skier operate or approach closer than 100 feet to any swimmer or skin diver's marker.

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

(4) No motor boat shall approach or pass another boat in such a manner as to create a hazardous wake or wash.

13.14 WATER-SKIING. In addition to the requirements and restrictions set forth in §30.68, Wis. Stats.:

(1) No person shall operate a motorboat towing a person on water skis, aquaplane, jet ski or similar device unless there is in the boat a competent person in addition to the operator in a position to observe the progress of the person or persons being towed. An observer shall be considered competent if he can, in fact, observe the progress of the person being towed.

(2) No person shall operate, nor shall any boat owner allow a boat to be operated to tow more than 2 persons on water skis, aqua-planes or other similar devices at any one time, except that on Bark Lake, not more than one person may be so towed.

(3) Persons water-skiing or riding aquaplanes or other similar devices shall also conform to all provisions of this subchapter and shall not engage in any activity contrary to the provisions of this subchapter.

13.15 SWIMMING AND SKIN DIVING. In addition to the requirements and restrictions set forth in §30.70, Wis. Stats. , no person shall swim in the traffic lane unless he is accompanied by a manned boat.

13.16 AIRCRAFT. It shall be unlawful for any aircraft, whether designed for taking off or landing on water or not, to use any part of the lakes or waters regulated hereunder for landing or taking off, except in the case of emergency.

13.17 RAFTS, BUOYS AND MARKERS.

(1) All rafts, platforms, buoys and markers shall be anchored and shall have at least 8 inches of freeboard above the waterline 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.

(2) On Bark Lake no raft or pier shall be located within 100 feet of the traffic lane marked with buoys in accordance with sec. 13.11(1) of this subchapter.

13.18 POSTING OF TOWN BOATING REGULATIONS REQUIRED.

Signs briefly stating Town Boating Regulations as established herein shall be posted at all public launch sites. In addition, the owner or operator of any commercial access site to icebound waters for any vehicles shall appropriately post and maintain such signs provided by the Town Board.

13.19 PENALTIES. Wisconsin state boating penalties as found in §30.80, Wis. Stats., are adopted by reference.

Section 2. If any provision of this ordinance is determined to be invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality will not affect the other provisions or applications of this ordinance which can be given effect aside from the invalid or unconstitutional provision or application.

5-28-92

Section 3.12 Amended 11-10-94

Section 3.121 Amended 4-10-97