

CHAPTER 4: LAKES

4.01 PROHIBITING PARKING OF BOATS.

(1) The parking or fastening of boats upon public property in the Village of Chenequa for longer than two hours consecutively is hereby prohibited, and declared unlawful.

(2) Any person violating the provisions of this section 4.01 shall be punished by a fine of Fifteen Dollars (\$15.00) and the costs of prosecution.

(3) Police officers of the village are authorized to remove any boat found parked for more than twenty-four hours in violation of this section 4.01 and to destroy or otherwise dispose of the same unless redeemed by the payment of the fine and costs for violation of this section 4.01 including hauling and storage, within thirty days from the date of seizure.

4.02 BOATING - PINE LAKE.

(1) PURPOSE. The Village Board of the Village of Chenequa determine and declare it to be in the interest of the public health, safety and welfare to adopt regulations relative to water traffic, boating and water sports on Pine Lake in the Village of Chenequa.

(2) APPLICABILITY. The provisions of this section 4.02 shall apply to the waters of Pine Lake in the Village of Chenequa.

(3) STATE BOATING AND WATER SAFETY LAWS ADOPTED. The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities in the following enumerated sections of the Wisconsin statutes are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any statute incorporated by reference herein is required or prohibited by this section 4.02.

30.50 Definitions

30.501 Capacity plates on boats

30.51 Certification of number and registration; requirements; exemptions

30.52 Certificate of number and registration; application; certification and registration period; fees; issuance

30.523 Certification or registration card to be on board; display of stickers or decals and identification number

30.541 Transfer of boat titles

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

30.625 Rental of personal watercraft

30.64 Patrol boats

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 screen test

30.683 Implied consent

30.684 Chemical tests

30.686 Report arrest to department

30.687 Officer's action after arrest for violating intoxicated boating law

30.69 Water skiing

30.70 Skin diving

30.71 Boats equipped with toilets

(4) SPEED RESTRICTIONS.

No person may operate or use a motor boat or personal watercraft repeatedly in a circuitous course with a diameter of less than 200 feet at a speed in excess of slow-no wake speed.

(a) **WITHIN TWO HUNDRED (200) FEET OF SHORELINE.** A person operating a motorboat shall operate at slow-no-wake speed when within two hundred (200) feet of a shoreline.

(b) **BOATS PASSING SWIMMERS, BOATS OR OTHER OBJECTS.** A person operating a motorboat shall operate at slow-no-wake speed when within one hundred (100) feet of a swimmer, diving flag, canoe, rowboat, sail boat, non-operating motorboat or raft.

(c) **AT NIGHT TIME.** No person shall operate a motorboat at a high rate of speed from one hour after sunset each day until one hour before sunrise of the next day.

(d) No person may operate or use a motor boat or personal watercraft repeatedly in a circuitous course with a diameter of less than 200 feet at a speed in excess of slow no wake.

(5) **SAFE OPERATION REQUIRED.** 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.

(6) **RACING PROHIBITED.** No person shall operate a motorboat in a race or speed contest with any other motorboat, except as provided in section 4.02(9).

(7) WATER SKIING.

(a) **DISTANCE FROM SWIMMERS, BOATS OR OTHER OBJECTS.** No person on water skis, aquaplane, surfboard or similar device shall pass, and no person operating a boat which is pulling or towing such skier or rider shall cause such skier or rider to pass within one hundred (100) feet of a swimmer, diving flag, canoe, row boat, sailboat, non-operating motorboat, raft or pier, except in the course of the skier or rider taking off from, or landing at, such pier.

(b) **HOURS.** No person shall operate a boat, while towing a person on water skis, aquaplane, surfboard or any similar device, at any time from sunset to sunrise.

(c) **OCCUPANTS OF BOAT.** No person shall operate a boat, while pulling or towing any person on water skis, aquaplane, surfboard or any similar device, or permit himself to be towed for such purpose, unless there are two persons over 12 years of age in such boat, and the operator of the boat shall maintain a forward lookout.

(d) **EXEMPTIONS FROM SPEED RESTRICTIONS.** The following are exempt from the speed restrictions in section 4.02(4)(a): (i) a boat commencing to tow a person on water skis, aquaplane, surfboard or similar device, or landing such person, and (ii) a boat towing a water skier to make a jump over a ski jump platform anchored in the water within 200 feet from a shoreline, provided the location of such platform is approved in a permit issued therefore by the Chief of Police.

(8) ANCHORAGES AND STATIONARY OBJECTS.

(a) **MOORING LIGHTS REQUIRED.** No person shall moor or anchor any boat more than 100 feet from the shoreline between one hour after sunset and one hour before sunrise unless there is prominently displayed thereon a white light of sufficient size and brightness to be visible from any direction for a distance of 1500 feet on a dark night with clear atmosphere.

(b) **RAFTS AND BUOYS.** No person shall erect or maintain any raft, platform or buoy more than 100 feet from the shore unless it is so anchored that it has at least 10 inches of free board above the water line, and either (i) is painted white and has attached thereto not less than 12 inches from each corner or projection a red reflector in good condition not less than 3 inches in diameter, or (ii) is painted with a band at least three inches in width of luminous paint so as to be visible from any direction.

(9) RACES, REGATTAS, SPORTING EVENTS AND EXHIBITIONS.

(a) **PERMIT REQUIRED.** No person shall direct or participate in any boat race, regatta, water ski meet or other water sporting event or exhibition unless such event has been authorized and a permit issued therefore by the Chief of Police.

(b) **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 Police designating the specified area. Permits shall be issued only if in the opinion of the Chief 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. Permits shall be valid only for the hours and areas specified thereon.

(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) **LITTERING WATERS PROHIBITED.** No person shall deposit, place or throw any cans, paper, bottles, debris, refuse, garbage, solid or liquid waste into the water of, or upon the ice of, the lake.

(11) **SPEAR GUNS.** No person shall have in his possession any loaded spear gun.

(12) **MARKERS AND NAVIGATION AIDS; POSTING ORDINANCE.**

(a) **DUTY OF CHIEF.** The Chief of Police 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 village.

(b) **STANDARD MARKERS.** All markers placed by the Chief or any other person 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 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 village or by any private person pursuant to the provisions of this ordinance.

(13) **PENALTIES.** Any person violating any provision of this Section 4.02 shall upon conviction thereof be subject to the penalties provided in Section 30.80 of the Wisconsin Statutes, which is hereby adopted and by reference made a part of this ordinance as if fully set forth herein, except that all references to fines are amended to forfeitures and all references to imprisonment deleted. Any violation of this Section 4.02 for which no specific penalty is provided in Section 30.80 of the Wisconsin Statutes shall be subject to the penalties provided in Section 30.80(1) of the Wisconsin Statutes.

4.03 BOATING -NORTH LAKE AND BEAVER LAKE.

(1) **PURPOSE:** The Town Board of the Town of Merton, and the Village Board of the Village of Chenequa, each being a municipality as defined in Chapter 30 of Wisconsin Statutes, and each having jurisdiction of a portion of North Lake and Beaver Lake, both being inland lakes, located in Waukesha County, do ordain jointly and identically in conformity with sections 30.77 and 30.81 of the Wisconsin Statutes, as follows:

(2) **INTENT.** The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.

(3) **APPLICABILITY AND ENFORCEMENT.** The provisions of this ordinance shall apply to the waters of North Lake and Beaver Lake, within the jurisdiction of the Town of Merton and Village of Chenequa. The provisions of this ordinance shall be enforced by the officers of the Water Safety Patrol of the Town of Merton and/or the Village of Chenequa.

(4) **STATE BOATING AND WATER SAFETY LAWS ADOPTED.** The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities and safety in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes, are hereby adopted and by reference made a part of this ordinance.

30.50 Definitions

30.51 Operation of unnumbered motorboats prohibited

30.52 Certificate of number

30.523 Identification number to be displayed on boat; certificate of be carried

30.541 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 for Violating 30.681 30.69 Water skiing
30.70 Skin diving
30.71(1) Boats equipped with toilets

All deletions, additions and amendments which may be made to the sections of the state laws enumerated under subsection 4.03(4) above are hereby adopted and incorporated herein by reference as of the time of their respective effective dates, as if they were to be set out herein verbatim.

(5) DEFINITIONS.

- (a) "Swimming zone" means an authorized area marked by regulatory markers to designate a swimming area.
- (b) "Designated anchorage" means an area of water established and marked as an anchorage by lawful authority.
- (c) "Public access" means any access to the water by means of public property.
- (d) "Navigation lane" means an area designated by authorized aids to navigation.
- (e) "Slow-no-wake" is defined as the slowest possible speed so as to maintain steerage.

(6) SPEED RESTRICTIONS.

- (a) NIGHT LIMIT. No person shall operate a boat at a speed in excess of slow-no-wake speed from one hour after sunset each day until one hour before sunrise of the next day.
- (b) SPEED LIMIT -MAXIMUM. No person shall operate a boat at a speed in excess of 35 miles per hour on North Lake at any time.
- (c) SPEED LIMIT - TURTLE BAY OF BEAVER LAKE. No person shall operate a boat at a speed in excess of slow-no-wake or at any time to exceed a maximum speed of three (3) miles per hour in Turtle Bay.

(7) PROHIBITED OPERATION. INTOXICATED PERSON NOT TO RIDE IN BOATS. No person shall permit any person who is so intoxicated or under the influence of a controlled substance who would be unable to provide for his own safety, to be a passenger in a boat operated by him, except in a case of emergency.

(8) 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 ordinance with more passengers or cargo than a safe load.

(9) STATIONARY OBJECTS.

- (a) REFLECTORS REQUIRED. All piers, rafts, ski jumps or other stationary objects, extending into and/or located upon the waters covered by this ordinance, shall have red reflector signals on each side thereof and in the case of piers, such reflectors shall not be less than three (3) feet from the outer limits thereof and shall be at least three (3) inches in diameter.

(b) RAFTS. No person shall erect or maintain any raft or platform more than 100 feet from the shore unless it is so anchored that it has at least 10 inches of free board above the waterline, and either (i) is painted white and has attached thereto on each side above the waterline one or more reflectors in good condition not less than 3 inches in diameter, or (ii) is painted with a band at least three (3) inches in width of luminous paint so as to be visible from any direction.

(c) PERMITS REQUIRED. No water ski jump shall be placed upon the waters covered by this ordinance at any time unless a permit is obtained from the Water Safety Patrol. No raft or other stationary object shall be placed more than 100 feet from the shore unless a permit is obtained from the water Safety Patrol.

(d) A permit issued under this section shall specify the location of the ski jump, raft or other structure, and in the case of ski jumps, the area of water to be used by users of such jump. Permits shall be issued only if in the opinion of the Water Safety Patrol, the proposed use of the water and location of the structure is such so as not to interfere with or obstruct navigation and other uses of the water.

(10) SAFE OPERATION REQUIRED. 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.

(11) SWIMMING REGULATIONS. Any persons swimming more than 150 feet from the shoreline of the lakes covered by this ordinance and more than 50 feet from a diving raft anchored more than 100 feet from the shoreline of said lakes shall be accompanied by a boat for the protection of the swimmer and as an aid to other boats in determining the location of the swimmer and such swimmer shall be not more than 50 feet from the boat accompanying him.

(12) LITTERING AND POLLUTING PROHIBITED. No persons 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, into the water.

(13) RACES, REGATTAS, SPORTING EVENTS AND EXHIBITIONS.

(a) PERMIT REQUIRED. No person shall direct or participate in any boat race, regatta, water ski meet or other water sporting events or exhibition unless such event has been authorized and a permit issued therefore by the Water Safety Patrol.

(b) PERMIT. A permit issued under this section shall specify the course of area or water to be used by participants in such event and the permittee shall be required to place markers, flags or buoys approved by the Water Safety Patrol, designating the specified area. Permits shall be issued only if in the opinion of the Water Safety Patrol, the proposed use of the water can be carried on safely and without danger to or substantial obstruction of other watercraft or persons using the lakes. Permits shall be valid only for the hours and area specified thereon.

(c) RIGHT-OF-WAY OF PARTICIPANTS. Boats and participants in any such permitted events 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.

(14) WATER SKIING.

(a) HOURS. No person shall water ski and no person shall operate a boat while towing a person on water skis, aquaplane, surfboard or any similar device at any time between sunset of any day and 9:00 A.M. of the following day.

(b) All persons water skiing, aquaplaning, surfboarding or using any similar device must wear a personal flotation device.

(c) No persons shall water ski and no person shall operate a boat while towing a person on water skis, aquaplane, surfboard or any similar device on North Lake unless in a counter-clockwise direction. This restriction shall not apply to the operator of a boat attempting to pick up a skier who has fallen.

(d) No person shall tow another who is either barefoot or on water skis, aquaplane, kneeboard or other similar device, nor shall any person tow another on tubes, torpedoes or other similar inflated appliances, unless such person is wearing a Coast Guard approved personal flotation device or a wetsuit having flotation capabilities.

(15) MARKERS AND NAVIGATION AIDS: POSTING ORDINANCE.

(a) 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 on waters covered by this ordinance.

(b) STANDARD MARKERS. All markers placed by the Water Safety Patrol or any other person upon the waters covered by this ordinance shall comply with the regulations of the Department of Natural Resources.

(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 on the waters of any lake covered by this ordinance, by the authority of the United States, State, County or Town or by any private person, pursuant to the provisions of this ordinance.

(16) PENALTIES AND DEPOSITS.

(a) Any person violating any provision of this section 4.03 for which a penalty is not provided by subsection (b) below shall, upon conviction thereof, forfeit not more than Fifty (\$50) Dollars together with the cost of prosecution and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until full payment thereof is made, but not to exceed thirty (30) days.

(b) Any persons violating subsection 30.67(1) or 30.68(1), adopted by reference in subsection 4.03(4) of this ordinance, shall, upon conviction thereof, forfeit not more than Two Hundred (\$200) Dollars, together with the cost of prosecution and in default of such forfeiture and costs, shall be imprisoned in the county jail until full payment thereof is made, but not to exceed sixty (60) days.

(c) Any person violating sections 30.681 or 30.684(5) of the Wisconsin Statutes, as adopted by this ordinance, shall, upon conviction thereof, forfeit not less than \$150 nor more than \$300 together with the costs of prosecution and in default of such forfeiture and costs, shall be imprisoned in the county jail until full payment thereof is made, but not to exceed 60 days. In addition to any penalty, the court shall enter the orders required by subsections 30.80(6)(d) and (e) of the Wisconsin Statutes.

(d) MONEY DEPOSITS. Any officer arresting a person for violation of a provision of this ordinance who is unable to bring the person arrested before the proper court without unnecessary delay shall permit such person to make a money deposit as provided in section 30.76 of the Wisconsin Statutes. Such deposit shall be made to whom and at the office designated by the Water Safety Patrol Officer.

(17) WISCONSIN STATUTES DEFINED. Whenever used in this Ordinance the term "Wisconsin Statutes" shall mean the Wisconsin Statutes of 1973 and all amendments thereof.

(18) REPEAL OF CONFLICTING ORDINANCES. All ordinances regulating water traffic, boats, boating or water sports upon the waters covered by this ordinance and all ordinances or parts of ordinances in conflict with this ordinance, heretofore enacted by the Town Board of the Town of Merton and the Village Board of the Village of Chenequa, are hereby repealed.

(19) SEVERABILITY The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board of the Town of Merton and the Village Board of the Village of Chenequa 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 provisions 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.

4.04 AUTOMOBILES AND TRUCKS ON NORTH LAKE.

(1) The Town Board of the Town of Merton and the Village Board of the Village of Chenequa, each being a municipality as defined in Chapter 30 of the Wisconsin Statutes, and each having jurisdiction of a portion of North Lake, an inland lake located in Waukesha County, do ordain jointly and identically in conformity with §30.77 and §30.81, Stats., as follows:

(2) No person shall operate or park or permit to be operated or parked any automobile or truck upon the ice of North Lake.

(3) The definitions contained in Chapter 340 and any amendments thereto are hereby incorporated by reference as if fully set forth herein.

(4) Any person violating any provision of this ordinance shall, upon conviction thereof, forfeit an amount set forth in the general penalties section of the General Code of Ordinances of the Town of Merton and the Municipal Code of the Village of Chenequa.

(5) All ordinances or parts of ordinances contravening or inconsistent with the provisions of this ordinance be and they are hereby repealed.

(6) Should any section, clause or provision of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

(5/10/93)

4.05 OPERATION AND PARKING OF MOTOR VEHICLES ON ICE - CORNELL LAKE.

(1) **PURPOSE.** The Village Board of the Village of Chenequa determine and declare it to be in the interest of the public health, safety and welfare to prohibit the use, operation and parking of motor and other motorized vehicles, including without limitation snowmobiles, on the ice surface of Cornell Lake in the Village of Chenequa.

(2) **PROHIBITING USE AND PARKING OF MOTORIZED VEHICLES.** No person shall use, operate or park a motor or other motorized vehicle, including without limitation snowmobiles, on the ice surface of Cornell Lake in the Village of Chenequa. (5/10/93)

4.06 REGULATION OF USE OF PINE LAKE PUBLIC BOAT ACCESS FACILITY.

(1) **FACILITY HOURS.** The public boat access facility located on Pine Lake in the Village of Chenequa (the "Facility") shall be open from 6:00 A.M. to 10:00 P.M., except on the general fishing opening weekend when the Facility shall be open on that first Saturday and Sunday from 4:00 A.M. to midnight. No boat or equipment incident to navigation (hereinafter referred to collectively as "boat") may be launched during a time the Facility is not open, but a boat on the lake at the applicable closing time may be retrieved from the lake after such closing time and a vehicle in the designated parking area at such closing time may remain there until the boat transported by such vehicle is retrieved. Except as set forth above, no person shall enter or remain on the Facility premises and no parking shall be allowed on the Facility premises at a time when the Facility is not open.

(2) **USE OF PUBLIC LAUNCH SITE RESTRICTED.** No person shall launch a boat from the Facility launch site unless (a) at the time of such launching, there is an available parking place in the designated parking area for the vehicle which transported the boat and (b) such vehicle is then parked in a parking place in the designated parking area; provided, however, to assure that parking in the designated parking area is limited to the general public, no owner or tenant of property on Pine Lake shall be required or permitted to park in the designated parking area after launching a boat owned by such person at the Facility's launch site.

(3) **USE OF PARKING AREA RESTRICTED.** A person shall only park a vehicle in the Facility's designated parking area provided that:

(a) the vehicle is being used to transport a boat for use on Pine Lake or to transport persons for the purposes incident to navigation on Pine Lake,

(b) the person remains in the Facility or upon Pine Lake the entire time the vehicle remains in the designated parking area, and

(c) the vehicle is parked in a marked parking place in the Facility's designated parking area.

(4) **USE OF FACILITY RESTRICTED.** The Facility shall be used only for the launching of boats on Pine Lake and for providing access for purposes incident to navigation on Pine Lake and for parking associated

therewith. The Facility shall not be used for fishing, hunting, camping, picnicking, swimming, sunbathing, fish cleaning, maintenance of boats and/or motors or for other recreational purposes not expressly permitted above, or sales of products and services except for collection of fees for launching of boats and parking.

(5) **PARKING FEES.** Fees for parking of vehicles and vehicles with trailers at the Facility's designated parking area may be charged by the Village in amounts determined from time to time by the Village Board of the Village, but in no event shall such fees exceed the fees permitted under Sections NR 1.91 through 1.93 of the Wisconsin Administrative Code.

(6) **PENALTY.** Any person found guilty of a violation of any of the terms or provisions of this ordinance shall be subject to a fine of not less than \$20.00 and not more than \$200.00 for each violation.

(7) These Code provisions shall be in full force and effect upon the opening of Facility, as determined by the President of the Village of Chenequa, and publication as provided by law.

4.07 OPERATION AND PARKING_ OF MOTOR VEHICLES ON ICE - PINE LAKE

(1) **PURPOSE.** The Village Board of the Village of Chenequa determine and declare it to be in the interest of the public health, safety and welfare to prohibit the use, operation and parking of motor and other motorized vehicles, including without limitation snowmobiles, on the ice surface of Pine Lake in the Village of Chenequa.

(2) **PROHIBITING USE AND PARKING OF MOTORIZED VEHICLES.** No person shall use, operate or park a motor or other motorized vehicle, including without limitation snowmobiles, on the ice surface of Pine Lake in the Village of Chenequa.

12-12-95