

CITY OF MUSKEGO

CHAPTER 20 - PUBLIC WATERS AND BEACHES

20.01 STATE STATUTES ADOPTED

The statutory provisions describing and defining regulations with respect to boats and boating, and particularly Section 30.50 to 30.71, Wisconsin Statutes and any amendments thereto, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation thereof, are hereby adopted. Any act required to be performed or prohibited by any such statute, which are incorporated herein by reference is required or prohibited by this section. (Ord. #725 - 5-12-92)

20.02 ADDITIONAL REGULATIONS - Motorboats. (Ord. #462 - 9-13-83)

(1) (2) and (4) are deleted. (Ord. #462 - 9-13-83)

(3) No person may operate a motorboat within 150 feet of any dock, pier, or buoyed restricted area at a speed in excess of slow-no-wake. (Ord. #983 - 04-13-99)

(5) Excessive Motor Noise. Motorboats shall not be continuously operated without the motor cover firmly secured.

(6) Mufflers. The engine of every motorboat propelled by an internal combustion engine shall be equipped with a muffler which is so constructed and kept in constant operation that it prevents excessive or unusual noise at all times while the engine is in operation. (Ord. #443 - 11-23-82)

20.025 LITTLE MUSKEGO LAKE - SPEED RESTRICTIONS. (Ord. #502 - 10-9-84)

No one shall operate a motorboat upon Little Muskego Lake between the hours of 8:30 P.M. and 8:00 A.M. at a speed in excess of slow-no-wake.

20.03 ADDITIONAL REGULATIONS - WATER SKIING (CR. #167)

(1) Whenever a boat is used for towing purposes, for water sports or otherwise, there shall be no less than 2 persons in the towing boat, one to operate the boat and one to be in charge of the tow line.

(2) When pulling a skier or another boat the tow rope shall not exceed 75 feet in length.

(3) Any person operating a boat or watercraft on Lake Denoon or Big Muskego Lake's Bass Bay which is towing a person or persons engaged in water skiing, aqua planing, or similar sport or activity must operate in a counterclockwise direction on the lake. A counterclockwise direction is determined by viewing the direction of travel of the boat or watercraft as viewed from a bird's-eye view of the entire lake. (Ord. #953 - 02/19/98)

20.04 EMERGENCY ASSISTANCE (Cr. #167)

When the operator of a boat observes the display on a boat or by a person with an orange flag approximately 18 by 30 inches, he shall render to the boat or person displaying the flag, such assistance as may be necessary to save the boat or persons, or to minimize the damages to them, in so far as is possible to do so without serious danger to his own boat or the persons on board. No person shall display such a flag unless he is in need of assistance to prevent bodily injury or destruction of property.

20.05 WATER SKI JUMPS (Ord. #413 - 06-09-81)

(1) Permit Required. No person shall place or maintain or permit to be placed or maintained any so called "water ski jump" on any lake in the City without a permit from the Council. Such permit shall be for a period of not more than 6 months and shall state the limitations of use.

(2) Application. An application for a permit hereunder shall set forth the following:

(a) Name and address of the owner of the structure.

(b) A scale map of the location of the structure, drawn to a scale of not less than one inch to 200 feet.

(c) Proposed method of securing the structure.

(d) A description of the life and warning devices to be used which shall conform to the rules of the Wisconsin Department of Natural Resources and the U.S. Coast Guard.

(e) Length of time for which the permit is requested.

(f) A copy of a policy of public liability insurance applicable to the structure and its use in an amount of not less than \$100,000.00.

(g) A proposed plan for safeguarding the area during jumps from 150 feet before the take off to 100 feet after the landing.

(h) The daylight hours during which the jump will be used.

(3) No person shall tow another person on water skis for the purpose of using a water ski jump which is in violation of this section.

(4) In granting such a license, the City expressly reserves the right to revoke any such license for any reason if it is felt by the City that said license is no longer in the best interest of the public.

(5) A permit fee of \$10.00 shall be paid at the time of application. (Ord. #599 03-17-88)

20.06 RACES ON ICE

(1) License Required. No person shall sponsor, promote, participate or engage in any automobile or motorcycle race or other contest on the ice of any lake or other public waters located in the City of Muskego, unless said race or contest has first been specially licensed by the Council and the permit fee therefore as hereinafter provided, has been paid to the City of Muskego.

(2) Application. Application for such a license shall be made to the Council at least 20 days prior to the date on which said race or other contest is to be held. The application for such license shall state:

(a) The name of the person or organization promoting said race or contest;

(b) The type of race or contest and the number of vehicles to be involved;

(c) The names and addresses of the persons who will participate therein;

(d) The time and place of said race or contest;

(e) The number of persons who it is anticipated will attend said race of contest;

(f) The time at which said race or contest will conclude.

(3) License Fee. Each application for such permit shall be accompanied by cash or a certified check in the amount of \$200.00, and if a license is granted, the minimum sum of \$25 shall be retained as and for the license fee and such an additional sums shall be retained as is necessary for the purposes stated in (4). (Ord. #523 - 04-09-85)

(4) Purposes of Section. The purpose of this section is to promote and protect the safety, health and welfare of the citizens of the City and persons attending such contest, and amount of license fee theretofore, provided is to be a reasonable sum for making an investigation as to the circumstances of the application to provide for necessary additional police protection and to clean up the area after the event. (Ord. #523 - 04-09-85)

20.07 OPERATION OF MOTOR VEHICLES ON ICE

(1) Operation prohibited on Bass Bay. No person shall use or operate any automobile or other motor driven vehicle in excess of 750 pounds gross vehicle weight upon the ice surface of that part of Big Muskego Lake known as Bass Bay, which is the Bay located at the Northwest end of said Big Muskego Lake.

(2) Operations Regulated. No person shall use or operate any automobile or other motor driven vehicle upon the ice surface of any lake or part thereof located in the City:

(a) In any manner so as to endanger persons engaged in skating or in any other winter sport or recreational activity being engaged in upon the ice.

(b) At a speed in excess of 10 miles per hour

(c) When more than 4 persons occupy said vehicle.

(d) To tow, pull or push any person or persons on sleds, skis, skates, toboggan or device or thing of any kind.

(e) Between the hours of 9:30 p.m. and 5:30 a.m. (Am #94)

(f) Unless the operator of the motor vehicle has a valid operator's license, if the motor vehicle is an automobile, truck, motorcycle or moped. (Ord. #597 - 03-03-88)

(3) Propeller driven vehicles prohibited. No person shall operate any propeller driven vehicle, device or thing, whether or not designed for the transporting of a person or persons upon the ice surface of any lake or part thereof located in the City.

(4) Definitions:

(a) The "automobile" as used in this section shall mean all motor vehicles of the type and kind

permitted to be operated on the highways in the State of Wisconsin.

(b) "Motor Driven Vehicle", as used in this section, shall mean any kind of device or thing designed or utilized for propulsion or movement upon the ice using a motor, whether of internal combustion design or not.

(5) No City liability. All traffic on the ice-bound waters lying within the City shall be at the risk of the traveler as set forth in sec. 30.81(3), Wis. Stats., and nothing in this section shall be construed as rendering the enacting authority liable for any accident to those engaged in permitted traffic while this Code is in effect.

(6) Exceptions. Use of snowmobiles and all-terrain vehicles as defined by statutes of the State of Wisconsin, shall not be governed by this section. (Ord. #638 - 04-06-89)

20.08 SKIN DIVING (Ord. #417 - 01-26-82)

(1) No person may engage in underwater diving or swimming with the use of swimming fins or skin diving in waters other than marked swimming areas or within 150 feet of shoreline, and no person may engage in underwater diving or swimming with the use of self-contained underwater breathing apparatus in waters other than marked swimming areas, unless the location of such diving or swimming is distinctly marked by driver's flag, not less than 12 inches high and 15 inches long, displaying one diagonal white stripe 3 inches wide on a red background, and of height above the water so as to be clearly apparent at a distance of 100 yards under normal conditions, and so designed and displayed as to be visible from any point on the horizon. Except in case of emergency, anyone engaging in such diving or swimming shall not rise to the surface outside of a radius of 50 feet from such flag. No person engaged in such diving or swimming in established traffic lanes; nor shall any such person alone or with another, intentionally or unintentionally, block or obstruct any boat in any manner from proceeding to its destination where a reasonable alternative is unavailable. A reasonable alternative route is available when the otherwise unobstructed boat can proceed to its destination without reducing its lawful speed, by passing to the right or to the left of a marked diving operation.

(2) Swimming. When swimming without the use of self-contained underwater breathing apparatus, a suitable boat (motor or otherwise) shall accompany any person or persons swimming more than 150 feet from the shoreline or 75 feet from any anchored swimming raft on any waters within the City of Muskego, and upon adoption of an identical ordinance by the Town of Norway.

20.09 PERMITS REQUIRED FOR SWIMMING BEACHES.

(1) No person shall maintain a swimming beach which is open to the public upon payment of an entrance fee in the City without having first obtained a permit in writing therefore from the Council. Such permit, if issued, shall be for a period of not to exceed one year, and shall not be transferable or assignable.

(2) Before a permit will be issued, an application in writing must be filed with the City Clerk. Such application shall set forth in detail:

(a) The name and address of the owner of the property on which the commercial beach is to be operated.

(b) Length of time for which the permit is requested.

(c) The proposed plan for safeguarding the area during the hours of operation.

(d) The hours during which the commercial venture will be operated.

(3) No person shall operate a commercial beach unless the swimming area is distinctly and clearly marked off by buoys, and it is further required that during the hours that the beach is used by swimmers there shall be a lifeguard on duty who shall possess a Red Cross Life Saving Certificate or its equivalent and who shall be capable of rendering immediate assistance to persons in distress in the water. (Am. #167)

20.10 UNIFORM AIDS TO NAVIGATION: WATERWAY MARKERS. (Cr. #111)

(1) Definitions. A waterway marker is any device designed to be placed in, on or near any navigable water within the City, to convey an official message to a boat operator on matters which may affect health, safety or well-being. Aids to navigation refer to buoys, beacons and other fixed objects in the water which are used to mark obstructions to navigation or to direct navigation through safe channels.

(2) Waterway Markers Used On Waters Within The City. No waterway markers shall be placed in, on or near any navigable waters within the City, except such buoys or other markers as have

been established by the Department of Natural Resources and the United States Coast Guard as uniform navigational aids. The rules and regulations of the Department of Natural Resources and the United States Coast Guard with respect to specifications, color schemes, lettering and marking requirements of waterway markers and aids to navigation shall be kept on file in the Office of the City Clerk. (Reference Wisconsin Administrative Code, Chapter WCD5, Boat Regulations and Registration)

(3) Display of Waterway Markers. No waterway marker shall be displayed, except in conformity with the requirements of the Department of Natural Resources. (Reference Wisconsin Administrative Code as per Section 2). The areas in Big Muskego Lake, Bass Bay, Little Muskego Lake, and Lake Denoon to be marked with regulatory markers requiring slow, no-wake speed shall be as from time to time established by Resolution of the Common Council. (Ord. #929 - 07-03-97)

(4) Authority To Place Markers: Permit Required.

(a) No person shall place any waterway marker or aid to navigation in any navigable waters within the City without a permit to do so issued by the Common Council. Application for a permit shall be made in duplicate on forms provided by the City and filed with the City Clerk. The application shall be set forth in detail:

1. The name and address of applicant.
2. Description of real estate of owner or occupant.
3. Type of marker requested.
4. A sketch showing proposed location of the markers.

(b) The application shall be accompanied by a permit fee as determined from time to time by the Common Council. The permit when authorized shall be issued by the City Clerk, and it shall not be transferable or assignable. The permit shall remain in effect unless surrendered by the applicant, or canceled or revoked by the Common Council for one year.

(5) Maintenance of Waterway Markers. Waterway markers shall be maintained in proper condition or be replaced or removed.

(6) Exemptions. The temporary placement of mooring buoys, race course markers and water ski course markers for special events may be reviewed and authorized by the Finance Committee on an annual basis. (Ord. #1067 - 05-03-2001)

20.11 ADDITIONAL REGULATIONS

The Common Council may from time to time adopt local regulations not contrary to or inconsistent with state statute relative to the equipment, use, or operation of boats, pursuant to Section 30.77(3) and (4) Statutes. Any regulations so adopted shall be promptly posted at all public access points within the jurisdiction of the City of Muskego and a copy thereof shall also be filed with the Department of Natural Resources. (Ord. #313; 6-8-76.)

20.12 NAMING OF PUBLIC WATERS (Ord. #979 - 02/18/99)

Note: Proposed names for public waters require approval of the Wisconsin Geographic Names Council in order to be recognized on maps outside the City.

(1) Requests to name or rename a creek, stream, river or lake shall be made in writing and brought before the Committee of the Whole for recommendation to the Common Council. The person(s) who submitted the request shall provide background information into the rationale behind the request, including biographical information if to be named after a person. Any letters from appropriate organizations and individuals which provide evidence of substantial local support for the proposal shall be submitted at that time. If the creek, stream, river or lake is included in a Lake Protection and Rehabilitation District, approval from the district must be obtained prior to the submittal of the request to the City. Upon approval of the Common Council, the proposed name change shall be submitted to the Wisconsin Geographic Names Council for approval. The Council meets every February to act on all requests.

(2) Once a public body of water is named after a person, the name of the public body of water cannot be changed for a period of one hundred years.

(3) All costs associated with the naming, including the cost of any recording necessary and the cost of signage shall be paid by the person(s) submitting the request. This cost may be waived by the Common Council.

20.13 PENALTIES (Ord. #979 - 02/18/99)

Wisconsin State boating penalties as found in Section 30.80 Wisconsin Statutes and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference with all references to fines amended to forfeitures and all references to imprisonment deleted. The penalty for violation of local regulations not contrary to or inconsistent with State Statute shall be as provided in Chapter 25 of the Municipal Code, unless a specific penalty for a specific ordinance or regulation contained in Chapter 20 or adopted pursuant thereto is adopted. (Ord. #942 - 08-21-97)