

ORDINANCE NO. 160

AN ORDINANCE TO REPEAL AND RECREATE ORDINANCE 114 WHICH CREATED CHAPTER 20 ENTITLED LAKES AND BEACHES OF THE VILLAGE OF OCONOMOWOC LAKE MUNICIPAL CODE

WHEREAS, the Chief of Police of the Village of Oconomowoc Lake has reported that, in Section 20.04 entitled Speed Restrictions, subsection 20.04(2) entitled Special Limits, a question has arisen as to what constitutes a "low rate of speed" as used in the section; and

WHEREAS, the Chief of Police of the Village of Oconomowoc Lake has further reported to the Village Board for the Village of Oconomowoc Lake that, in his opinion, the language "low rate of speed" is relative depending on the type of boat in question and is difficult to enforce; and

WHEREAS, the Chief of Police of the Village of Oconomowoc Lake recommends that, since "slow-no-wake" is a clear, statutorily defined term, Section 20.04(2) be amended to include the same; and

WHEREAS, the Chief of Police of the Village of Oconomowoc Lake has been advised that Section 20.11 entitled Spear Guns, is no longer enforceable under Wisconsin law and should be repealed from the ordinance; and

WHEREAS, the Chief of Police of the Village of Oconomowoc Lake, per State statute, submitted a proposed ordinance to the State of Wisconsin Department of Natural Resources; and

WHEREAS, the State of Wisconsin Department of Natural Resources reviewed and commented on the proposed ordinance; and

WHEREAS, the Village Board of the Village of Oconomowoc Lake, based on the State of Wisconsin Department of Natural Resources' comments, has decided to repeal and recreate Ordinance 114 which created Chapter 20,

NOW, THEREFORE, the Village Board of the Village of Oconomowoc Lake, Waukesha County, State of Wisconsin, DOES ORDAIN AS FOLLOWS:

SECTION 1: Ordinance 114 creating Chapter 20 entitled Lakes and Beaches, is hereby repealed and recreated to read as follows:

CHAPTER 20 LAKES AND BEACHES

20.01 Applicability and Enforcement

20.02 State Boating and Water Safety Laws Adopted

20.03 State Department of Natural Resources' Rules Adopted

20.04 Speed Restrictions

20.05 (Reserved for Future Use)

20.06 Racing Prohibited

20.07 Anchorages and Statutory Objects

20.08 Swimming Regulations 20.09 Waterskiing 20.10 Littering Waters Prohibited

20.11 (Reserved for Future Use)

20.12 Races, Regattas, Sporting Events and Exhibitions

20.13 Patrol Boats

20.14 Markers and Navigation Aids; Posting Ordinances

20.15 Boat Launching

20.16 Residing on Boats

20.17 Water Safety Patrol Unit

20.18 Driving and Parking Vehicles on Frozen Lakes and Rivers

20.20 Penalty

20.01 APPLICABILITY AND ENFORCEMENT.

(1) APPLICABILITY. The provisions of this chapter shall apply to the waters of the Oconomowoc River and Oconomowoc Lake within the territorial jurisdiction of the Village, whether such waters are within such jurisdiction at the time of passage of this chapter or are subsequently added thereto and whether or not such waters are within its jurisdiction for other purposes.

(2) ENFORCEMENT. The provisions of this chapter shall be enforced by the Water Safety Patrol of the Village.

20.02 STATE BOATING AND WATER LAWS ADOPTED. Except as otherwise specifically provided in this Code, the current and future statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities in Chapter 30 of the Wisconsin Statutes, exclusive of any provision therein relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any current or future statute incorporated herein by reference is required or prohibited by this section. Any future additions, amendments, revisions or modifications of the current or future statutes incorporated herein are intended to be made part of this Code in order to secure uniform state wide regulation of water traffic, boats, boating and related water activities.

20.03 STATE DEPARTMENT OF NATURAL RESOURCES' RULES ADOPTED. Except as otherwise specifically provided in this Code, the current and future rules of the State Department of Natural Resources describing and defining regulations with respect to water traffic, boats, boating, and related water activities in Section NR 5 of the Wisconsin Administrative Code are, exclusive of any provisions therein relating to penalties to be imposed or the punishment for violation of such Administrative Codes, are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any current or future Administrative Code incorporated herein by reference is required or prohibited by this section. Any future additions, amendments, revisions or modifications of the current or future Administrative Code incorporated herein are intended to be made part of this Code in order to secure uniform state wide regulation of water traffic, boats, boating and related water activities.

#### 20.04 SPEED RESTRICTIONS.

(1) NIGHTTIME. No person shall operate a boat at a speed in excess of 10 mph from one hour after sunset each day until one hour before sunrise of the next day.

(2) SPECIAL LIMITS. A person operating a motorboat shall maintain a speed of slow-no-wake when within 150 feet of any shoreline, person, raft, diving flag, seaplane, anchorage, canoe, rowboat, stationary motorboat or bridge.

(3) EXCEPTION. This section shall not apply to boats participating in authorized races over a course laid out and clearly marked and adequately patrolled.

#### 20.05 (RESERVED FOR FUTURE USE)

20.06 RACING PROHIBITED. No person shall operate a motorboat in a race or speed contest with any other motorboat, except as provided in ss. 20.12 of this chapter.

#### 20.07 ANCHORAGES AND STATIONARY OBJECTS.

(1) MOORING LIGHTS REQUIRED. No person shall moor or anchor any boat more than 150 feet from shoreline between one hour after sunset and one hour before sunrise, unless there is predominately displayed thereon a white light of sufficient size and brightness to be visible from any direction for a distance of 1,500 feet on a dark night with clear atmosphere.

(2) RAFTS AND BUOYS. No person shall erect or maintain any raft, platform or buoy more than 150 feet from the shore, unless it is so anchored that it has at least 10 inches of free-board above the waterline and either is painted white and has attached thereto not less than 12 inches from each corner of projection a red reflector in good condition not less than 3 inches in diameter or is painted with a band at least 3 inches in width of luminous paint so as to be visible from any direction.

20.08 SWIMMING REGULATIONS. It is recommended that any person swimming more than 150 feet from any shoreline be accompanied by a boat for the protection of the swimmer and as an aid to others in determining his location. Any person swimming beyond the 150 feet limit without accompanying boat does so at his own risk.

20.09 WATERSKIING. (1) 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 100 feet of a

swimmer, diving flag, canoe, rowboat, sailboat, nonoperating motorboat, raft or pier, except in the course of the skier or rider taking off from or landing at such pier.

(2) 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.

(3) PERSONS IN BOAT. No person shall operate a boat while pulling or towing any person on water skis, aquaplane, surfboard, or similar device or permit himself to be towed for such purposes, unless there are 2 persons in the boat: the observer who can in fact observe the person being towed and relay any signals to the operator and the operator of the boat who shall maintain a forward lookout.

(4) EXEMPTION FROM SPEED LIMITATIONS. The limitations contained in ss. 20.04(2) of this chapter shall not apply to a person or persons on water skis or similar device while leaving or approaching the shoreline and in addition to the requirements in ss. 20.04(2) a person operating a motorboat shall maintain a speed of slow-no-wake when within 100 feet of any dock, pier, or buoyed restricted area. In addition, no person operating a motorboat that is towing persons engaged in waterskiing, aquaplaning or similar activity may operate the motorboat within 100 feet of an occupied anchored boat, any personal watercraft or any marked swimming area or public boat landing. Also, no person who is engaged in waterskiing, aquaplaning or similar activity may get within 100 feet of a personal watercraft or allow the tow rope while in use to get within 100 feet of a personal watercraft.

20.10 LITTERING WATERS PROHIBITED. No person shall deposit, place or throw from any shore, boat raft, pier, platform or similar structure any cans, paper, bottles, debris, garbage, solid or liquid waste, including human waste, into the water; into or upon the shore, rafts or piers; or onto the ice.

20.11 (RESERVED FOR FUTURE USE)

20.12 RACES REGATTAS, SPORTING EVENTS AND EXHIBITIONS.

(1) PERMIT REQUIRED. Except for formally organized sailboat races, whether on water or ice, 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 therefor by the director of the Water Safety Patrol of the Village.

(2) PERMIT. A permit issued under this section shall specify the course or area of water to be used by participants in such events and the permittee shall be required to place markers, flags or buoy approved by the director of the Water Safety Patrol of the Village designating the specified area. Permits shall be issued only if, in the opinion of the director, the proposed use of water can be carried out safely and without danger to or substantial obstruction of the watercraft or persons using the water. Permits shall be valid only for the hours and areas specified therein. The fee for issuing any permit hereunder shall be \$2.

(3) RIGHT-OF-WAY OF PARTICIPANTS. Boats and participants in any such permitted event shall have the right-of-way on the marked area and no other person shall obstruct such area during the race or event or interfere therewith.

(4) INCORPORATION OF CH. 12. The provisions of ss. 12.02 and 12.11 of this Code of ordinances shall apply to permits issued hereunder.

20.13 PATROL BOATS.

(1) EXCEPTION FOR. Sections 20.04 and 20.11 of this chapter shall not apply to boats of the Water Safety Patrol of the Village while on patrol or rescue duty nor to members of such patrol while engaged in such duties.

(2) TRAFFIC RULES. Boats of the Water Safety Patrol shall have the right-of-way over all other boats when their siren is being sounded.

20.14 MARKERS AND NAVIGATION AIDS; POSTING ORDINANCES.

(1) DUTY OF DIRECTOR. The director of the Water Safety Patrol is authorized and directed to place and maintain suitable markers, navigation aids and signs in such water areas or on such ice areas as he shall deem appropriate to advise the public of the provisions of this chapter and to post prominently and maintain a copy of this chapter and all amendments hereto at all public access points within the jurisdiction of the Village.

(2) STANDARD MARKERS. The markers placed by the director or any other person upon the waters or ice shall comply with the regulations of the Department of Natural Resources.

(3) INTERFERENCE WITH MARKERS PROHIBITED. No person shall without authority remove, damage or destroy or moor or attach any boat to any buoy, beacon or marker placed in the waters or on the ice by the authority of the United States, State, Village or by any private person pursuant to the provision of this chapter.

#### 20.15 BOAT LAUNCHING.

(1) No person shall launch any boat into the waters subject to this chapter except as follows:

(a) From a public boat launching facility owned and operated by the Village and so designated and marked by the Director of the Water Safety Patrol.

(b) From a commercial boat launch facility.

(c) From a private property by the owner thereof or with his express permission.

(2) All persons launching any boat at any public boat launching facility owned and operated by the Village and all persons parking any vehicle at any public boat launching owned and operated by the Village shall pay a launching/parking fee as set by the Village.

(a) The fee schedule shall be set by separate resolution of the Village Board.

(b) Residents of the Village of Oconomowoc Lake shall be exempt from fees for launching/parking at the public boat launching upon satisfactory proof of residency. The Village may issue stickers or other evidence of residency for this purpose.

(c) If an attendant is on duty at the public boat launching facility, launching/parking fees shall be paid to the attendant prior to launching.

(d) If no attendant is on duty at the public launch site, the boat launching/parking fee shall be paid pursuant to the directions at the site.

(3) Use of the public boat launching facility shall be limited to vehicles and/or vehicle-trailer combinations parked in designated parking spaces in the parking area. Launching of boats shall be prohibited if, at the time of launching, all parking stalls at the public boat launching facility are occupied. At the discretion of the Village, a public boat launching facility may be used for launching boats kept seasonally on Oconomowoc Lake without corresponding use of the parking area. Parking of vehicles and/or vehicle-trailer combinations shall be prohibited if all parking stalls at the public boat launching facility are occupied.

(4) Use of the parking area at a public boat launching facility shall be limited to vehicles and/or vehicle-trailer combinations using the launch site for the purpose of launching boats and which have paid the required boat launching fee.

(5) Failure to comply with the requirements of this section shall subject the violator to penalties as set forth in Chapter 25 of this Code.

20.16 RESIDING ON BOATS. No person shall use or occupy, temporarily or permanently, any boat on the waters subject to this chapter as a dwelling or residence.

#### 20.17 WATER SAFETY PATROL UNIT.

(1) CREATION. There is hereby created as a division of the Police Department a water safety patrol unit, which shall be known as the Water Safety Patrol of the Village.

(2) DUTIES. The Water Safety Patrol shall enforce all ordinances of the Village now existing or hereafter enacted which regulates water traffic, boating, water sports, seaplanes or the use or operation of boats and other craft, including motor vehicles, on icebound waters.

(3) OFFICERS OF PATROL; DIRECTOR. The officers of the Water Safety Patrol shall be the officers of the Police Department or such of them as shall from time to time be assigned to such patrol by the Chief of Police of the Village. The director of such patrol shall be the Chief of Police.

(4) EQUIPMENT. The Water Safety Patrol shall be furnished with and maintain a fully equipped patrol boat for the execution of its duties.

20.18 DRIVING AND PARKING VEHICLES ON FROZEN LAKES AND RIVERS. No person shall drive or permit to be driven any automobile or truck upon the ice on any portion of the lakes or other water adjacent to or within the Village and under the jurisdiction of the Village at any time, except upon a permit issued by the Chief of Police upon application showing that there is some urgent reason or need therefor.

#### 20.20 PENALTY.

(1) Except as otherwise provided, any person found in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in ss. 25.04 of this Code of ordinances.

(2) Any officer arresting a person for violation of any provision of this chapter who is unable to bring the arrested person before the Oconomowoc Court without unnecessary delay shall permit such person to make a money deposit as provided in ss. 30.76, Wis. Stats. Such deposit shall be made to the Village police headquarters.

(3) Wisconsin State boating penalties as found in ss. 30.80, Wis. Stats., and deposits as established in the Uniform Deposit and Pay Schedule established by the Wisconsin Judicial Conference, where applicable to the aforementioned sections, are hereby adopted by reference with all references to fines amended to forfeitures and all references to imprisonment deleted.

#### SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

#### SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This ordinance passed this 19th day of May, 1997.

Published or posted on the 28th day of May 1997.