

## ORDINANCE TO REGULATE BOATING TOWN OF FARMINGTON 98-1

### 98- 1.01 INTENT

THE INTENT OF THIS ORDINANCE IS TO PROVIDE SAFE AND HEALTHFUL CONDITIONS FOR THE ENJOYMENT OF THE AQUATIC RECREATION CONSISTENT WITH PUBLIC RIGHTS AND INTEREST, AND CAPABILITY OF THE WATER RESOURCES.

### 98-1.02 AUTHORITY

THE TOWN BOARD OF THE TOWN OF FARMINGTON HAS THE SPECIFIC STATUTORY AUTHORITY, POWERS AND DUTIES, PURSUANT TO CHAPTER 30, WIS. STATS, TO REGULATE, CONTROL OR PERMIT IN THE TOWN OF FARMINGTON, PERSONS ENGAGED IN CERTAIN USES, ACTIVITIES AND OPERATIONS, TO ASSESS THESE PERSONS WITH APPROPRIATE FEES FOR PERMITS AS NOTED HEREIN AND TO ENFORCE, BY REVOCATION OR PENALTY, THE PROVISIONS OF THESE ORDINANCES AND THE PROVISIONS OF THE PERMITS.

### 98-1.03 APPLICABILITY AND ENFORCEMENT

(1) THE PROVISIONS OF THIS ORDINANCE SHALL APPLY TO ALL WATERS WITHIN THE TOWN OF FARMINGTON.

(2) THIS ORDINANCE SHALL BE ENFORCED BY OFFICERS OF THE WAUPACA COUNTY SHERIFF'S DEPARTMENT.

### 98-1.04 STATE BOATING AND SAFETY LAWS ADOPTED.

NO PERSON SHALL OPERATE A BOAT ON THE WATERS IN THE TOWN OF FARMINGTON UNLESS THE PERSON OPERATING THE BOAT COMPLIES WITH THE STATE OF WISCONSIN BOATING AND SAFETY LAWS AS FOUND IN 30.50 TO 30.71, WIS. STATS. STATE BOATING LAWS AS FOUND IN 30.50 TO 30.71, WIS. STATS. ARE ADOPTED BY REFERENCE.

### 98-1.05 DEFINITIONS

(1) "HOUSEBOAT" MEANS ANY BOAT DESIGNED TO BE USED AS A TEMPORARY RESIDENCE OR FOR HUMAN HABITATION.

(2) "MOOR" SHALL MEAN TO ATTACH A BOAT BY MEANS OF A MOORING ANCHOR AND MOORING BUOY.

### 98-1.06 SPECIAL RESTRICTIONS

(1) NO PERSON MAY ANCHOR OR MOOR, AND NO OWNER MAY ALLOW THE ANCHORING OR MOORING OF AN UNOCCUPIED HOUSEBOAT ON ANY WATERS WITHIN THE TOWN OF FARMINGTON.

(a) EACH DAY DURING WHICH THE UNOCCUPIED HOUSEBOAT EXISTS IN VIOLATION OF THIS ORDINANCE IS A SEPARATE OFFENSE.

(2) NO PERSON SHALL OPERATE A BOAT ON THE WATERS OF THE CHAIN OF LAKES IN THE TOWN OF FARMINGTON UNLESS THE PERSON OPERATING THE BOAT COMPLIES WITH THE FOLLOWING SPECIAL TOWN OF FARMINGTON BOATING AND WATER USE RULES APPLICABLE TO PERSONS IN THE TOWN OF FARMINGTON ON THE WATERS OF THE CHAIN OF LAKES:

A. THE FOLLOWING BODIES OF WATER SHALL BE RESTRICTED TO SLOW-NO-WAKE: 1. THE CHANNEL BETWEEN COLUMBIA & LIMEKILM LAKE, IN SW1/4-SE1/4 SECTION 33. 2. THE SOUTHWEST END OF LIMEKILM LAKE, AS MARKED WITH SNW BUOY, IN SW 1/4-SE1/4 SECTION 33.

3. ALL OF MCCROSSEN LAKE LOCATED IN NE 1/4-SW1/4, NW 1/4-SW1/4, SW 1/4-SW 1/4 OF SECTION 34 AND THE SE 1/4-SE1/4, NE 1/4-SE1/4 OF SECTION 34.

4. ALL OF NESSLING LAKE LOCATED IN NE1/4-SW 1/4 OF SECTION 34.

5. ALL OF SUNSET LAKE LOCATED IN SE1/4-SE1/4, SW1/4-SE1/4,SE1/4-SW 1/4, NE1/4-SE1/4, NW 1/4-SE1A, NE 1/4-SW1/4 OF SECTION 27.

6. ALL OF OTTER LAKE LOCATED THE NW1/4-SW1/4,SW1/4-SW1/4, OF SECTION 26 & NE1/4-NE1/4 OF SECTION 34.

7. ALL OF TAYLOR LAKE LOCATED IN THE NE1/4-NE1/4,SE1/4-NE1/4 OF SECTION 34 & THE N W 1/4-NW 1/4, NE 1/4-NW 1/4, S W 1/4-NW 1 /4 OF SECTION 3 5.
8. ALL OF GEORGE LAKE LOCATED IN THE NE1/4-NE1/4,SE1/4-NE1/4 OF SECTION 34. 9. ALL OF BASS LAKE LOCATED IN THE SW 1/4-SW 1/4 OF SECTION 33.
10. ALL OF YOUNG LAKE LOCATED IN THE SW 1/4 - SW 1/4 OF SECTION 33 & THE SE I/4-SE-1/4 OF SECTION 32.
11. ALL OF KNIGHT LAKE LOCATED IN THE SW1/4-SE1/4 OF SECTION 32.
12. ALL OF OTTMAN LAKE LOCATED THE NE 1/4-SW1/4 , SE 1/4-SW1/4, NW 1/4-SW 1 /4 OF SECTION 33
13. SNUG HARBOR COVE, IN COLUMBIA LAKE, IN SW1/4-SE-1/4 SECTION 33.

(b) IT SHALL BE UNLAWFUL:

1. TO OPERATE ANY BOAT IN ANY CHANNEL AT SPEED GREATER THAN SLOW-NO-WAKE.
2. TO OPERATE ANY BOAT DURING THE HOURS FROM ONE-HALF (1/2) HOUR AFTER SUNSET TO SUNRISE AT A SPEED GREATER THAN SLOW-NO-WAKE.
3. TO WATER SKI, AQUAPLANE OR PARTICIPATE IN SIMILAR ACTIVITY OR TO OPERATE A BOAT TOWING A PERSON(S) ON WATER SKIS, AQUAPLANE OR SIMILAR DEVICE UPON ANY OF THE WATERS LISTED IN SECTION 98-1.06(2)(A).
4. TO WATER SKI, AQUAPLANE OR PARTICIPATE IN SIMILAR ACTIVITY OR TO OPERATE A BOAT TOWING A PERSON(S) ON WATER SKIS, AQUAPLANE OR SIMILAR DEVICE AT ANY TIME EXCEPT IN A COUNTERCLOCKWISE DIRECTION.
5. TO WATER SKI AQUAPLANE OR PARTICIPATE IN SIMILAR ACTIVITY OR TO OPERATE A BOAT TOWING A PERSON(S) ON WATER SKIS, AQUAPLANE OR SIMILAR DEVICE EXCEPT DURING THE HOURS LISTED AND ON THE DAYS LISTED AS FOLLOWS:  
 MONDAY AND FRIDAY (EXCEPT WHERE THE SAME FALLS ON A LEGAL HOLIDAY) BETWEEN THE HOURS OF 10:00 AM AND 4:00 PM\*;  
 TUESDAY, WEDNESDAY AND THURSDAY (EXCEPT WHERE THE SAME FALLS ON LEGAL HOLIDAY) BETWEEN THE HOURS OF 10:00 AM AND 7:00 PM\*;  
 SATURDAY, SUNDAY AND LEGAL HOLIDAYS BETWEEN THE HOURS OF 10:00 AM AND 2:30 PM\*.

\* THE TIME OF DAY REFERRED TO ABOVE SHALL BE THE OFFICIAL TIME OF THE WAUPACA COUNTY SHERIFF'S DEPARTMENT.

(3) THE TOWN OF FARMINGTON SHALL POST AND MAINTAIN THE RESTRICTIONS OF THIS SECTION AT ALL APPROPRIATE PUBLIC ACCESS POINTS WITHIN THE JURISDICTION OF THE TOWN.

#### 98-1.07 PLACEMENT OF REGULATION BUOYS

1. SLOW NO WAKE BUOY AT THE SOUTHWEST END OF THE CHANNEL BETWEEN COLUMBIA & LIMEKILM LAKE 175 FT. NORTHWEST OF THE SOUTH SHORE IN SW 1/4-SE1/4 SECTION 33.
2. SLOW NO WAKE BUOY AT EAST END OF CHANNEL IN LIMEKILM LAKE 90 FEET FROM THE SOUTH SHORE IN NORTH EAST CORNER OF SW 1/4-SE I/4 SECTION 33.
3. SLOW NO WAKE BUOY IN ROUND LAKE AT CHANNEL TO MCCROSSEN LAKE 15 FEET FROM SOUTH SHORE IN NE1/4-SE1/4 SECTION 33.
4. SLOW NO WAKE BUOY IN MCCROSSEN LAKE 300 FEET FROM NORTH SHORE IN SW1/4-SW1/4 SECTION 34.
5. SLOW NO WAKE BUOY IN CHANNEL BETWEEN MCCROSSEN AND NESSLING LAKE 20 FT. OFF NORTH WEST SHORE IN SOUTH WEST CORNER OF NE1/4-SW 1/4 SECTION 34.
6. SLOW NO WAKE BUOY IN CHANNEL BETWEEN NESSLING AND RAINBOW LAKE 110 FEET OFF NORTH WEST SHORE IN NE 1/4-SW1/4 SECTION 34.
7. SLOW NO WAKE BUOY IN ROUND LAKE AT CHANNEL TO GEORGE LAKE 20 FEET OFF SOUTH SHORE IN SE 1 /4-N W 1 /4 SECTION 34.
8. SLOW NO WAKE BUOY IN CENTER OF TAYLOR LAKE 200 FEET OFF THE TAYLOR LAKE MARINE DOCK IN N W 1 /4 - N W I /4 SECTION 35.
9. SLOW NO WAKE BUOY IN CHANNEL BETWEEN TAYLOR AND RAINBOW LAKES 25 FEET OFF THE NORTH SHORE OF GOVERNMENT ISLAND IN NE1/4-NE1/4 SECTION 34.

10. SLOW NO WAKE BUOY AT ENTRANCE TO SUNSET LAKE ON SECTION LINE BETWEEN SW1/4-SE1/4 SECTION 27 AND NW1/4-NE1/4 SECTION 34 200 FEET OFF EAST SHORE LINE.
11. SLOW NO WAKE BUOY AT ENTRANCE TO SUNSET LAKE ON SECTION LINE BETWEEN SW 1/4 - SE1/4 SECTION 27 AND NW 1/4-NE1/4 SECTION 34 200 FEET OFF EAST SHORE OF ONAWAY ISLAND.
12. SLOW NO WAKE BUOY IN EAST END OF SUNSET LAKE 800 FEET OFF ONAWAY ISLAND IN SW 1/4-SE1/4 OF SECTION 27.
13. SLOW NO WAKE BUOY IN WEST END OF SUNSET LAKE 500 FEET OFF WEST SHORE IN SE 1/4-SW1/4 SECTION 27.
14. SLOW NO WAKE BUOY AT WEST ENTRANCE TO SUNSET LAKE 150 FEET SOUTH OF ONAWAY ISLAND IN NORTH WEST CORNER OF NW1/4-NE1/4 SECTION 34.
15. SLOW NO WAKE BUOY, IN SNUG HARBOR COVE, IN COLUMBIA LAKE, LOCATED 250 FEET SOUTH FROM THE SOUTHWEST CORNER OF THE INDIAN CROSSING CHANNEL.

#### 98-1.08 REGULATION OF SEAPLANES

NO PERSON SHALL LAND ANY AIRCRAFT, INCLUDING SEAPLANE, IN OR ON THE WATERS IN THE TOWN OF FARMINGTON EXCEPT IN AN EMERGENCY. THIS ORDINANCE HAS BEEN ENACTED PURSUANT TO SEC. 30.78, WIS. STATS. A COPY OF THIS REGULATION SHALL BE FILED WITH THE DEPARTMENT OF TRANSPORTATION.

#### 98-1.09 PERMITS

NOT WITHSTANDING ANY OF THE PROVISIONS OF THE PRECEDING SECTIONS OF THIS ORDINANCE, THE TOWN OF FARMINGTON BOARD MAY ISSUE PERMITS FOR THE PURPOSE OF CONDUCTION WATER SHOWS, WATER SKI SHOWS OR SIMILAR ACTIVITY BY PUBLIC OR PRIVATE GROUPS OR ORGANIZATIONS. SAID PERMITS SHALL BE OBTAINED FROM THE TOWN OF FARMINGTON BOARD. APPLICATIONS SHALL BE MADE TO THE TOWN CLERK AT LEAST THIRTY(30) DAYS PRIOR TO THE EVENT. PROOF OF INSURANCE MUST BE SHOWN AT THE TIME OF APPLICATION.

#### 98-1.10 PENALTIES

(1) WISCONSIN STATE BOATING PENALTIES AS FOUND IN S.30.80, WIS. STATS., 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.

(2) ANY PERSON CHARGED WITH VIOLATING ANY SECTION OF THIS ORDINANCE WHERE THERE IS NOT A DEPOSIT AMOUNT ESTABLISHED IN THE UNIFORM DEPOSIT AND BAIL SCHEDULE SHALL DEPOSIT A FORFEITURE OF \$30.00 PLUS COSTS, FOR EACH OFFENSE.

#### 98-1.11 SEVERABILITY

THE PROVISIONS OF THIS ORDINANCE SHALL BE DEEMED SEVERABLE AND IT IS EXPRESSLY DECLARED THAT THE TOWN OF FARMINGTON BOARD WOULD HAVE PASSED THE OTHER PROVISIONS OF THIS ORDINANCE IRRESPECTIVE OF WHETHER OR NOT ONE OR MORE PROVISIONS MAY BE DECLARED INVALID. IF ANY PROVISION OF THIS ORDINANCE OR THE APPLICATION 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 BE AFFECTED.

#### 98-1.12 EFFECTIVE DATE

THIS ORDINANCE SHALL BECOME EFFECTIVE UPON PASSAGE BY THE TOWN OF FARMINGTON BOARD AND THE DAY AFTER PUBLICATION.

PASSED THIS 15th day of June, 1998.

PUBLISHED THIS 24th Day of June 1998.