

TOWN OF UNDERHILL
ORDINANCE # _____

AN ORDINANCE TO REGULATE WATER TRAFFIC, BOATING AND WATER SPORTS
UPON THE WATERS OF BERRY LAKE, OCONTO COUNTY, WISCONSIN, AND
PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Town Board of the Town of Underhill, County of Oconto, Wisconsin, believes it is in the best interest of health, safety, and general welfare, to adopt certain boating restrictions, water skiing restrictions, and provide for penalties for violations and these restrictions.

The Town Board of the Town of Underhill, County of Oconto, Wisconsin, does ordain as follows:

SECTION 1 - APPLICABILITY AND ENFORCEMENT

The provisions of this ordinance shall apply to the waters of Berry Lake, within the jurisdiction of the Town of Underhill, County of Oconto, Wisconsin, which waters are described as follows:

The entire portion of Berry Lake within the Town of Underhill, Oconto County. The provisions of this ordinance shall be in force by the Town of Underhill lake patrol, along with any other state and county officers authorized by law to enforce the same.

SECTION 2 - SPEED RESTRICTIONS AND REGULATIONS

1.) SPEED TO BE REASONABLE AND PRUDENT. No person shall operate a motor boat at a speed greater than is reasonable and prudent. No person shall operate a boat at a speed greater than is reasonable and prudent under the conditions in having regard for the actual potential hazards then existing. The speed of the motor boat shall be so controlled as to avoid colliding with any object lawfully in or on the water or with any person, boat or other conveyance in or on the water in compliance with legal requirements, and exercising due care.

2.) FIXED LIMITS. In addition to complying with Subsection 1, no person shall operate a motor boat in excess of a slow, no wake speed before 10:00 o'clock a.m. in the forenoon of each day and after 8:00 o'clock p.m. in the evening of each day.

SECTION 3 - WATER SKIING

1.) PROHIBITING CERTAIN TIME AND EXCEPTIONS.

a.) Except as provided in Paragraph b, no person shall operate a motor boat, towing a person on water skis, aquaplane, or similar device, or shall any person engage in water skiing, aquaplaning, or similar activity at anytime before 10:00 a.m. in the forenoon of each day and after 8:00 p.m. in the evening of each day or, by sunset, whichever comes first.

- b.) Paragraph a does not apply to duly authorized water ski tournaments, competitions, exhibitions, or trials, therefore, where adequate lighting is provided and where to stage such tournaments, competitions, or exhibitions, have been recieved from the Town Board of the Town of Underhill, County of Oconto, Wisconsin.
- c.) No person may operate a motor boat towing a person on water skis, aquaplane, 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 being towed. An observer shall be considered competent if he can in fact observe the person being towed and relay any signals to the operator. This observer requirement does not apply to motor boats classified as Class A motor boats by the department actually operated by the persons being towed and so constructed as to be incapable of carrying the operator in or on the motor boat.
- d.) No person shall operate a motor boat, towing a person on water skis, aquaplane, or similar device, on Berry Lake in any direction other than counter-clockwise around the said lake, said direction being determined with due regard to piers and docks established on the lake.

SECTION 4 - LITTERING WATERS PROHIBITED

No person shall deposit, place, or throw from any boat, raft, pier, platform or similar struture, any cans, papers, bottles, debris, refuse, garbage, solid or liquid waste in the water of Berry Lake.

SECTION 5 - PENALTIES AND DEPOSITS

Any person who shall violate the provisions adopted by this ordinance shall forfeit not more than \$50.00 (Fifty) Dollars for the first offense and shall not forfeit not more than \$100.00 (One-Hundred) Dollars upon conviction of the same offense a second subsequent time within (1) One year.

This ordinance may be enforced by the citation method of enforcement of ordinances pursuant to Section 66.119 of Wisconsin Statutes.

SECTION 6

Except as hereinabove specifically provided, the Town of Underhill, hereby adopts along with this ordinance, and incorporates the same herein by reference all of the provisions of Section 30.50 to 30.80 inclusive of the revised statutes of the State of Wisconsin.

This ordinance shall be in full force and effect on and after _____ day of

_____, 19____.

Approved By:

Town Board of Underhill this _____ day of

Filed this _____ day of

_____, 19____.

_____, 19____.

Town Chairman

Town Clerk

Town Supervisor

Town Supervisor