

## ORDINANCE # 101

AN ORDINANCE TO REGULATE WATER TRAFFIC, BOATING AND WATER SPORTS UPON THE WATERS OF HORSESHOE AND ECHO LAKES AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The Town Board of the Township of Almena, Wisconsin do ordain as follows:

Section 1. **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.

Section 2. **APPLICABILITY AND ENFORCEMENT.** The provisions of this ordinance shall apply to the waters of Horseshoe and Echo Lakes within the jurisdiction of the Township. The provisions of this ordinance shall be enforced by the officers of the water safety patrol of Barron County.

Section 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 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 Certificates of number
- 30.53 Identification number to be displayed on boat; certificate to be carried
- 30.54 Transfer of ownership or 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
- 30.69 Water skiing
- 30.70 Skin diving
- 30.71 Boats equipped with toilets

Section 4. **DEFINITIONS**

(A) "Swimming Zone" means an authorized area marked by regulatory markers to designate a swimming area.

(B) "Slow-no-wake" means the slowest possible speed so as to maintain stearage.

Section 5. **SPEED RESTRICTIONS**

(A) It is unlawful to operate a motorboat at a speed that is greater than reasonable and prudent under the existing conditions. The speed shall be so controlled as to avoid colliding with any object, person or conveyance lawfully in or on the water.

(B) It is unlawful to operate a motorboat at a speed contrary to that indicated by regulatory markers.

Section 6, PROHIBITED OPERATION

IT IS UNLAWFUL:

- (A) to operate a boat or use water skis, aquaplane or similar device while under the influence of an intoxicant or a controlled substance.
- (B) to operate or use any boat, or manipulate any water skis, aquaplane or similar device in a careless, negligent, or reckless manner so as to endanger his life, property or person or the life, property or person of another.
- (C) while operating a motorboat to create a hazardous wake or wash when approaching or passing another boat. An operator is liable for damages caused to another by the wake or wash.
- (D) to operate a motorboat repeatedly in a circuitous course within 200 feet around any other boat or around any person who is swimming, if such circuitous course is within 200 feet of such boat or swimmer.
- (E) to operate a motorboat within 100 feet of any dock, raft, pier, or buoyed restricted area on the lakes at a speed in excess of "slow-no-wake".
- (F) while operating a motorboat to allow any person to ride or sit on the gunwales, tops of seats, backs or sides or on the decking over the bow while under way, unless such person is inboard of guards or railings provided on the boat to prevent passengers from being lost overboard, except for anchoring, mooring or casting off.
- (G) to operate a boat within an area clearly marked in accordance with law by buoys or some other distinguishing device as a bathing or swimming zone or other restricted use areas, except in case of emergency or to patrol or rescue craft.
- (H) to operate any boat beyond the safe carrying capacity of passengers or to equip a boat with propulsion in excess of its safe power capacity, taking into consideration existing operating conditions.

Section 7. AGE RESTRICTIONS

- (A) No person under the age of 10 years may operate a motorboat.
- (B) Persons 10 years but less than 12 years of age may operate a motorboat if accompanied by a parent or guardian or a person at least 18 years of age designated by the parent or guardian.
- (C) Persons at least 12 but less than 16 years of age may operate a motorboat only if they are accompanied by a parent or guardian or by a person 18 years or older designated by the parent or guardian or if they have successfully completed a Department of Natural Resources prescribed Boating Safety Course and possess a safety certificate issued by the department.
- (D) Parents or guardians are punishable by law for knowingly allowing unauthorized persons to operate a motorboat.

Section 8 WATER SKIING

(A) It is unlawful to operate a motorboat having in tow a person on water skis, aquaplane or similar device other than in a careful and prudent manner and at a reasonable and safe distance from persons or property.

(B) It is unlawful to engage in water skiing, aquaplaning or similar activity from sunset to sunrise.

(C) It is unlawful to operate a motorboat 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 person being towed and relay signals to the operator.

(D) It is unlawful to operate a boat towing persons engaged in water skiing, aquaplaning or similar activity on the lakes within 100 feet of any occupied anchored boat or marked swimming zone or public boat landing, except where pick-up and drop areas are established and marked with regulatory markers.

Section 9 PENALTIES

36.86 (A) MAJOR VIOLATIONS: Forfeiture of not more than \$200 or imprisoned not more than 6 months or both. Any person violating Section 7 (C) shall be required to obtain a certificate of satisfactory completion of a safety course under ss30.74(1).

(B) MINOR VIOLATIONS: Forfeiture of not more than \$50 or imprisoned not more than 30 days, or both, for the 1st offense and fined not more than \$100 or imprisoned not more than 90 days, or both, upon conviction of the same offense a 2nd or subsequent time within one year.