

BOATING ORDINANCE

Town of Lincoln
Forest County, Wisconsin

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Forest Republican

6/28/84

For Town Records

AN ORDINANCE TO REGULATE MOTOR BOATING UPON THE LAKES WITHIN THE TOWN OF LINCOLN, FOREST COUNTY, WISCONSIN, AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The Town Board of the Town of Lincoln, Forest County, Wisconsin, pursuant to Sec. 30.77(2) (3), Wis. Stats., does hereby ordain as follows:

SECTION 1. TRAFFIC RULES.

(1) MEETING; OVERTAKING; RIGHT OF WAY. Every person operating a boat shall comply with the following traffic rules except when deviation therefrom is necessary to comply with federal pilot rules while operating on the navigable waters of the United States:

(a) When 2 motorboats are approaching each other "head and head," or so nearly so as to involve risk of collision, each boat shall bear to the right and pass the other boat on its left side.

(b) When 2 motorboats are approaching each other obliquely or at right angles, the boat which has the other on her right shall yield the right of way to the other. "Right" means from dead ahead, clockwise to 2 points abaft the starboard beam.

(c) When a motorboat and a boat propelled entirely by sail or muscular power are proceeding in such a direction as to involve risk of collision, the motorboat shall yield the right of way to the other boat.

(d) A boat may overtake and pass another boat on either side if it can be done with safety but the boat doing the overtaking shall yield the right of way to the boat being overtaken, notwithstanding any other rule in this section to the contrary.

(e) A boat granted the right of way by this section shall maintain her course and speed, unless to do so would probably result in a collision.

SECTION 2. SPEED RESTRICTIONS.

(1) SPEED TO BE REASONABLE AND PRUDENT. No person shall operate a motorboat at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a motorboat 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

exercising due care.

(2) FIXED LIMITS. In addition to complying with sub. (1), no person may operate a motorboat at a speed in excess of the posted notice as established by regulatory markers.

(3) PROHIBITED OPERATION. Except under s. 30.69(3), Wis. Stats., no person may operate a motorboat within 100 feet of any dock, raft, pier or buoyed restricted area on any lake at a speed in excess of slow-no-wake speed.

SECTION 3. CREATING HAZARDOUS WAKE OR WASH.

(1) No person shall operate a motorboat so as to approach or pass another boat in such a manner as to create a hazardous wake or wash.

(2) An operator of a motorboat is liable for any damage caused to the person or property of another by the wake or wash from such motorboat unless the negligence of such other person was the primary cause of the damage.

SECTION 4. OPERATING IN CIRCULAR COURSE.

No person may operate a motorboat repeatedly in a circuitous course around any other boat, or around any person who is swimming, if such circuitous course is within 200 feet of such boat or swimmer, nor shall any boat or water skier operate or approach closer than 100 feet to any skin diver's flag or any swimmer unless the boat is part of the skin diving operation or is accompanying the swimmer, or unless physical conditions make compliance impossible.

SECTION 5. RIDING ON DECKS AND GUNWALES.

No person operating a motorboat shall allow any person to ride or sit on the gunwales, tops of seat backs or sides or on the decking over the bow of the boat while under way, unless such person is inboard of guards or railings provided on the boat to prevent passengers from being lost overboard. Nothing in this section shall be construed to prohibit entry upon the decking over the bow of the boat for the purpose of anchoring, mooring or casting off or other necessary purpose.

SECTION 6. RESTRICTED AREAS. No person shall operate a boat within a water area which has been clearly marked by buoys or some other distinguishing device as a bathing or swimming area; nor operate a boat in restricted use areas contrary to regulatory notice pursuant to s. 30.74(2), Wis. Stats. This subsection does not apply in the case of an emergency, or to patrol or rescue craft.

SECTION 7. ANCHORING IN TRAFFIC LANES. No

person may anchor, place, affix or abate unattended boat, raft, float or similar structure, traveled portion of any river or channel or in any traffic lane established and legally marked, so as to prevent, impede or interfere with the safe passage of any other boat through the same.

SECTION 8. OVERLOADING. No boat shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and other existing operating conditions.

SECTION 9. OVERPOWERING. No boat shall be equipped with any motor or other propulsion machinery beyond its safe power capacity, taking into consideration the type and construction of such watercraft and other existing operating conditions.

SECTION 10. UNNECESSARILY SOUNDING WHISTLES. No person shall unnecessarily sound a horn, whistle or other sound-producing device on any boat while at anchor or under way. The use of a siren on any except duly authorized patrol boats on patrol or rescue duty is prohibited.

SECTION 11. MOLESTING OR DESTROYING AIDS TO NAVIGATION AND REGULATORY MARKERS. No unauthorized person shall move, remove, molest, tamper with, destroy or attempt to destroy, or moor or fasten a boat (except to mooring buoys) to any navigation aids or regulatory markers, signs or other devices established and maintained to aid boaters.

SECTION 12. WATER SKIING.

(1) PROHIBITED AT CERTAIN TIMES; EXCEPTIONS.

(a) Except as provided in par. (b), no person may 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 that progress of the person being towed. An observer shall be considered competent if he can in fact observe the person being towed and relay signals to the operator. This observer requirement does not apply to motorboats classified as Class A motorboats by the Department of Natural Resources actually operated by the persons being towed and so constructed as to be

No person may engage in water skiing, aquaplaning or similar activity at any time from sunset to sunrise.

(b) Paragraph (a) does not apply to duly authorized water ski tournaments, competitions, exhibitions or trials therefor, where adequate lighting is provided.

(2) CAREFUL AND PRUDENT OPERATION. A person operating a motorboat having in tow a person on water skis, aquaplane or similar device shall operate such boat in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

(3) RESTRICTION. No boat towing persons engaged in water skiing, aquaplaning or similar activity on any lake shall engage in such activity within 100 feet of any occupied anchored boat or marked swimming area or public boat landing, except where pickup and drop areas are established and marked with regulatory markers.

SECTION 13. OPERATION OF POWER BOAT PROHIBITED. No person shall operate any motor driven boat upon the following lakes:

- (1) Skunk Lake
- (2) Spring Lake
- (3) Horseshoe Lake No. 1
- (4) Horseshoe Lake No. 2
- (5) Wyman Lake
- (6) Devils Lake
- (7) Bug Lake

SECTION 14. OPERATION AT SPEED GREATER THAN SLOW-NO-WAKE. No person shall operate any motor driven boat on any of the following lakes at a speed greater than slow-no-wake:

- (1) Ground Hemlock Lake
- (2) Loon Lake
- (3) Bradley Lake

SECTION 15. Persons violating any section of this ordinance shall be fined not more than \$200.00 or failing to pay said fine be imprisoned up to six months.

SECTION 16. EFFECTIVE DATE. This ordinance shall be effective after public hearing passage and publication as required by law.

Passed at a regular meeting of the Town Board of the Town of Lincoln on the 14th day of June, 1984.

TOWN OF LINCOLN

/s/ Michael Hobbs
Michael Hobbs, Town Chairman
/s/ Henry Jaron
Henry Jaron, Town Supervisor
/s/ Donald McKeague
Donald McKeague, Town Supervisor

Obsolete, replaced 6/14/84

BOATING ORDINANCE
Town of Lincoln
Forest County, Wisconsin

AN ORDINANCE TO REGULATE MOTOR BOATING UPON THE WATERS OF SMALL AND MEDIUM LAKES WITHIN THE TOWN OF LINCOLN AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The Town Board of the Town of Lincoln, Forest County, Wisconsin, does hereby 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, all in the interest of public health, safety and welfare.

SECTION 2. Applicability and Enforcement. The provisions of this ordinance shall apply to the waters of all lakes within the Town of Lincoln having thirty-five acres of surface area or less, denoted herein as "small lakes", and also to the waters of all lakes within the Town of Lincoln having surface area in excess of thirty-five acres but less than ninety acres, denoted as "medium sized lakes". These lakes are as follows:

Small Lakes

Skunk Lake

Spring Lake

Horseshoe Lake No. 1

Horseshoe Lake No. 2

Wyman Lake

Devils Lake

Bug Lake

Medium Sized Lakes

Ground Hemlock Lake

Lost Lake

Bradley Lake

The provisions of this ordinance shall be enforced by the Town Board of the Town of Lincoln.

SECTION 3. Prohibited Operation. No persons shall operate any motor driven boat on any lake within the Town of Lincoln of thirty-five acres or less, which lakes are listed in Section 2 above and denoted "Small Lakes". No persons shall operate any motor driven boat on any lake within the Town of Lincoln having a surface area of more than thirty-five acres but less than ninety acres at a speed greater than slow no wake speed, which lakes are listed in Section 2 above and denoted "Medium Sized Lakes".

SECTION 4. Penalty. Any person found guilty of violating this ordinance shall pay a forfeiture of not less than \$10.00 nor more than \$50.00, together with costs of prosecution, and in default of such payment shall serve not to exceed 30 days in the Forest County Jail.

SECTION 5. Saving Clause. Any prior ordinance or part thereof that is inconsistent with this ordinance is hereby repealed.

SECTION 6. Effective Date. This ordinance shall be effective after public hearing, passage and publication as required by law.

Passed at a regular meeting of the Town Board of the Town of Lincoln on February 20, 1976, all voting aye.

TOWN OF LINCOLN

By: Robert Netzel
Robert Netzel, Town Chairman

By: Harry Grams
Harry Grams, Town Supervisor

By: Roy Keepers
Roy Keepers, Town Supervisor

August 15, 2019

2779 East Shore Lane
Crandon, WI 54520

Justin A. Bender
Wis. DNR
8770 HY. J
Woodruff, WI 54568

Dear Justin,

A while back I called you and we discussed the DNR and UWSP websites listings of an obsolete, generic 1974 boating ordinance for Town of Lincoln lakes in Forest County. You suggested I forward a copy of the current ordinance so you could post our current local lake use restriction information on those websites.

BACKGROUND

In February of 1976 the town passed a revised ordinance that regulated outboard motor use by lake acreage. This was an ordinance that those of us on medium and smaller lakes in our town requested, and while there hasn't been a need for formal enforcement, it nevertheless needs to remain an accessible, formal document. The town's attorney and I drafted that document using simple, but appropriate, legal language and it seems to have stood the test of time.

Eight years later the state had developed additional comprehensive boating ordinance language, and our Town's ordinance was revised to reflect those additions. The lake acreage/motor speed restrictions remained in that 1984 revision.

Included herewith is a copy of the 6/14/84 ordinance that is currently in effect. The original signed document was not located in a town file search, so this copy is from the Forest Republican archives kept in the Crandon Library. Hopefully the /s/ before town board member signatures is adequate verification of its authenticity. If it is not, then the February 26, 1976 ordinance would still be in effect and the lake size/boat speed criteria remains preserved.

It's important that people considering lake use and/or property purchase be advised of lake use restrictions on these websites and that the information be accurate. Thanks for helping us get this corrected.

A handwritten signature in black ink, appearing to read "Ron Krueger". The signature is fluid and cursive, with a large initial "R" and "K".

Ron Krueger (715)478-3456

Copy: Lynn Black, Town of Lincoln Chair