

CHAPTER 20

LAKES AND BEACHES

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20.01 INTENT. The intent of this chapter 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 resources in the Town.

20.02 APPLICABILITY AND ENFORCEMENT. The provisions of this chapter shall apply to the waters of all lakes within the jurisdiction of the Town. The provisions of this chapter shall be enforced by the constable of the Town, and the County Boat Patrol.

20.03 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 such statutes, are hereby adopted and by reference made a part of this chapter.

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 of numbered boat
30.55	Notice of abandonment or destruction of boat or change of address
30.60	Classification of motor boats
30.61	Lighting equipment
30.62	Other equipment
30.64	Patrol boats exempt from certain traffic regulations
30.67	Accidents and accident reports
30.675	Distress signal flag

20.04 DEFINITIONS. The following terms shall have the meanings indicated:

(1) SWIMMING AREA. A zone authorized by the Town Board and marked by regulatory markers to designate a "Swimming Area".

(2) PUBLIC BOAT LANDING. Any access to the water by means of public property.

(3) SLOW-NO-WAKE. The slowest possible speed so as to maintain steerage.

(4) PICKUP AND DROP AREA. A zone authorized by the Town Board and marked by regulatory markers to designate a water ski pickup and drop area.

20.05 SPEED RESTRICTIONS. (1) TOWN OF SCHLESWIG. (a) That a slow-no-wake speed limit shall be established on Cedar Lake and Wilke Lake between the hours of 6 p.m. and 11 a.m.

(b) Motorboats shall be prohibited on all inland lakes within the Town with the exception of:

Cedar Lake
Wilke Lake
Millhome Flowage
Rockville Flowage

(2) TOWN OF LIBERTY. Motorboats shall be prohibited on all inland lakes within the Town with the exception of Pigeon Lake.

(3) TOWN OF NEWTON. Motorboats shall be prohibited on all inland lakes within the Town with the exception of English Lake.

(4) TOWN OF ROCKLAND. (a) That a slow-no-wake speed limit shall be established on Bullhead Lake at all times.

(b) Motorboats shall be prohibited on all inland lakes within the Town with the exception of Long Lake and Bullhead Lake.

(5) Electric motors are allowed on all other lakes with a maximum of 32 lb. thrust.

(6) Motorboats shall not be operated on the Sheboygan River in Manitowoc County in excess of a slow-no-wake speed.

(7) No person shall operate a motorboat at a speed greater than is reasonable and prudent under the conditions and having the 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 on the water in compliance with legal requirements and exercising due care, [§30.66(1), Wis. Stats.].

20.06 RESTRICTED AREAS. (1) DOCKS, RAFTS, ETC. Except under §20.10(4), no person may operate a motorboat within 100' of any dock, raft, pier or buoyed restricted area on any lake at a speed in excess of slow-no-wake speed, [§30.66(3), Wis. Stats.].

(2) 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' of such boat or swimmer nor shall any boat or water skier operate or approach closer than 100' to any skin diving flag or any swimmer unless the boat is part of the skin diving operation or is accompanying the swimmer, unless physical conditions make compliance impossible, [§30.68(5), Wis. Stats.]

(3) RESTRICTED AREAS. No person shall operate a boat within a water area which has been clearly marked in accordance with law 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 §30.74(2), Wis. Stats. This subsection does not apply in the case of an emergency or to patrol or rescue craft, [§30.68(7), Wis. Stats.].

20.07 PROHIBITED OPERATION. (1) INTOXICATED OPERATION. No person may operate a boat upon waters of this Town or use water skis, an aqua plane or similar device while under the influence of an intoxicant or a controlled substance as defined in §161.01(4), Wis. Stats., [§30.68(I), Wis. Stats.].

(2) 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 siren on any except duly authorized patrol boats on patrol or rescue duty is prohibited, [§30.68(11), Wis. Stats.].

(3) 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, [§30.68(12), Wis. Stats.]

20.08 TRAFFIC RULES. (1) Every person operating a boat shall comply with the following traffic rules:

(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 it's left side, [§30.65(a), Wis. Stats.]

(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, [§30.65(b), Wis. Stats.]

(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, [§30.65(d), Wis. Stats.]

(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, [§30.65(e), Wis. Stats.]

(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, [§30.65(f), Wis. Stats.]

(2) COUNTERCLOCKWISE DIRECTION. On Cedar Lake, Long Lake, English Lake, Pigeon Lake and Wilke Lake between the hours of 11 a.m. and 6 p.m., all motorboats operating at a speed greater than "slow-no-wake" speed shall proceed in a counterclockwise direction.

20.09 MOORED AND ANCHORED OBJECTS. (1) ANCHORING IN TRAFFIC LANES. No person may anchor any boat or anchor place, affix or abandon any unattended boat, raft, float or similar structure in the 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, [§30.68(8), Wis. Stats.]

(2) RAFTS. On Cedar Lake and Wilke Lake all swimming rafts, floats or similar structures must be anchored within 100' of shore and marked on all sides with a reflector, reflective tape or reflective paint.

20.10 WATERSKIING. (1) HOURS. Persons engaged in waterskiing, aquaplaning or similar activities shall be allowed use of the Town waters where permitted during the hours of 11 a.m. and 6 p.m. daily, and shall be restricted from said activities at any other time. No waterskiing, aquaplaning or similar activities are allowed on the Sheboygan River.

(2) OBSERVER. 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 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, [§30.69(1), Wis. Stats.]

(3) 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, [§30.69(2), Wis. Stats.]

(4) RESTRICTION. No boat towing persons engaged in water skiing, aquaplaning or similar activity on any lake shall engage in such activity within 100' of any occupied anchored boat, marked swimming area or public boat landing, except where pickup and drop areas are established and marked with regulatory markers, [§30.69(3), Wis. Stats.]

20.11 SWIMMING, SKIN DIVING AND SCUBA DIVING. (1) The use of self-contained underwater breathing apparatus shall be prohibited between the hours of 11 a.m. and 6 p.m. on Saturdays, Sundays and legal holidays on Cedar Lake and Wilke Lake.

(2) No person may engage in underwater diving or swimming with the use of swimming gills or skin diving in waters other than marked swimming areas or within 100' of shoreline, and no person may engage in underwater diving or swimming with the use of self-contained underwater breathing apparatus in waters other than marked swimming areas, unless

the location of such diving or swimming is distinctly marked by diver's flags, not less than 12" high and 15" long, displaying one diagonal white stripe 3" wide on a red background, and of height above the water so as to be clearly apparent at a distance of 100 yds. under normal conditions, and so designed and displayed as to be visible from any point on the horizon. Except in case of emergency, anyone engaging in such diving or swimming shall not interfere with the operation of anyone fishing nor engage in such diving or swimming in established traffic lanes; nor shall any such person alone or with another, intentionally or unintentionally, block or obstruct any boat in any manner from proceeding to its destination where a reasonable alternative is unavailable. A reasonable alternative route is available when the otherwise unobstructed boat can proceed to its destination without reducing its lawful speed, by passing to the right or to the left of a marked diving operation, [§30.70, Wis. Stats.]

(3) On Cedar Lake and Wilke Lake no person may engage in any type of swimming beyond 100' from shore between the hours of 11 a.m. and 6 p.m. on Saturdays, Sundays and legal holidays unless they are accompanied by a person in a boat and the swimmer stays within 20' of the boat.

20.12 BOATS EQUIPPED WITH TOILETS. No person shall operate a boat equipped with toilets on the waters of the Town unless the toilet wastes are retained for shore disposal, [§30.71(1), Wis. Stats.]

20.13 MUFFLERS. (1) The engine of every motorboat propelled by an internal combustion engine shall be equipped with a muffler which is so constructed and kept in constant operation that it prevents excessive or unusual noise at all times when the engine is in operation, [§30.62(2), Wis. Stats.]

(2) No motorboat shall be modified by any person in any manner that shall amplify or otherwise increase total noise emission above that emitted by the motorboat as originally constructed.

(3) No person shall operate any motorboat powered by an engine manufactured before August 1, 1975, in or upon the waters of this State in such a manner as to exceed a noise level of 86 DBA measured at a distance of 50' from the motorboat.

(4) On or after August 1, 1975, no person shall operate, sell or offer for sale any motorboat for use in or upon the waters of the State in such a manner as to exceed the following noise levels:

(a) For motorboats manufactured on or after August 1, 1975 and before August 1, 1978, a noise level of 86 DBA measured at a distance of 50' from the motorboat.

(b) For motorboats manufactured on or after August 1, 1978 and before August 1, 1982, a noise level of 84 DBA measured at a distance of 50' from the motorboat.

20.14 LITTERING. No person shall leave, deposit, place or throw on the waters, ice, shores of water or upon public or private property any cans, bottles, debris, refuse or solid material.

20.15 PERMITS. (1) REQUIRED. No waterski show, performance, tournament, competition, exhibition or trials therefore shall be conducted upon the waters of the Town without the express written permission of the Town Board.

(2) NEGLIGENT OPERATION. No person shall operate or use any boat or manipulate any water skis, aqua plane or similar device upon the waters of the Town in a careless, negligent or reckless manner so as to endanger his life, property or person or the life, property or person of another, [§30.68(2), Wis. Stats.]

(3) MINORS AND INCAPACITATED PERSONS. (a) No person in charge or control of a boat shall authorize or knowingly permit the boat to be operated by any person who by reason of physical or mental disability is incapable of operating such boat under the prevailing circumstances.

(b) No person under the age of 10 years may operate a motorboat. Persons at least 10 and less than 12 years of age may operate a motorboat only if they are either accompanied in the boat by a parent or guardian or a person at least 18 years of age designated by a parent or guardian. Persons at least 12 years and less than 16 years of age may operate a motor of any horsepower, but only if they are either accompanied by a parent or guardian, or a person at least 18 years of age designated by a parent or guardian, or in the possession of a certificate issued under §30.74(1), Wis. Stats. Violations of this paragraph done with the

knowledge of a parent or guardian shall be deemed a violation by the parent or guardian and punishable under the penalty provisions of this chapter, [§30.68(3b), Wis. Stats.]

(4) CREATING HAZARDOUS WAKE OR WASH. (a) 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, [§30.68(4a), Wis. Stats.]

(b) 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, [§30.68(4b), Wis. Stats.]

(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, [§30.68(6), Wis. Stats.]

(6) OVERLOADING. No boat shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and other existing operating conditions, [§30.68(9), Wis. Stats.]

(7) OVERPOWERING. (a) 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, [§30.68(10), Wis. Stats.]

(b) No person shall operate a motorboat where the maximum horsepower of the motor on the vessel exceeds that which is shown on the capacity plate affixed to the motorboat.

(8) SKI JUMPS. No water ski jump or slalom course shall be placed or anchored in the waters of the Town without the express written permission of the Town Board.

(9) RESTRICTED USE AREAS. All restricted use areas on the waters of the Town must be approved by the Town Board. These areas include but are not limited to the following: swim areas, take off and landing areas, slow-no-wake speed areas or traffic channels or lanes.

20.20 PENALTIES. (1) Any person violating any provision of this chapter for which a penalty is not provided by sub. (2) or (3) shall forfeit not more than \$50 for the first offense and shall forfeit not more than \$100 upon conviction of the same offense a second or subsequent time within one year.

(2) Any person violating §30.67(1), Wis. Stats., or §20.07(1) or (2) of this chapter shall forfeit not more than \$200.

(3) Any person violating §§20.06, 20.07, 20.08 or 20.10 of this chapter or convicted of the same offense a second or subsequent time within one year shall be required to obtain a certificate of satisfactory completion of a safety course under §30.74(1), Wis. Stats. Any person violating §30.67(2), Wis. Stats., shall forfeit not more than \$200.