

Repeated -  
See Ord.  
114

ORDINANCE NO. 32

To Regulate Water Traffic, Boating and Water Sports Upon the Waters of the Village of Oconomowoc Lake and Prescribing Penalties for Violation Thereof.

The Village Board of Oconomowoc Lake, deeming it to be in the interest of public health and safety, do ordain as follows:

16.01 APPLICABILITY AND ENFORCEMENT.

(1) Applicability. The provision of this ordinance shall apply to the waters of the Oconomowoc River and Oconomowoc Lake within the territorial jurisdiction of the Village of Oconomowoc Lake, whether such waters are within such jurisdiction at the time of passage of this ordinance or are subsequently added thereto, and whether or not such waters are within its jurisdiction for other purposes.

(2) Enforcement. The provisions of this ordinance shall be enforced by the Water Safety Patrol of the Village of Oconomowoc Lake.

16.02 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 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 as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any statute incorporated by reference herein is required or prohibited by this ordinance.

- 30.50 (Definitions)
- 30.51 (Operation of Unnumbered Boats Prohibited)
- 30.52 (Certificate of Number)
- 30.53 (Identification Number to be Displayed on Boat; Certificate to be Carried)
- 30.54(2) (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)
- 30.65 (Traffic Rules)
- 30.66 (Speed Restrictions)
- 30.67 (Accidents and Accident Reports)

- 30.68 (Prohibited Operation)
- 30.69 (Water Skiing)
- 30.70 (Skin Diving)
- 30.71 (Boats Equipped with Toilets)

16.03 STATE CONSERVATION COMMISSION RULES ADOPTED.

The rules of the Wisconsin Conservation Commission describing and defining regulations with respect to water traffic, boats and related water activities in the following enumerated sections of the Wisconsin Administrative Code, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any rule incorporated by reference herein is required or prohibited by this ordinance.

- WCD 501 (Application for Boat Certificate Number)
- WCD 502 (Application for Transfer)
- WCD 503 (Application for Duplicate)
- WCD 504 (Certificate of Number)
- WCD 505 (Numbering Pattern to be Used)
- WCD 506 (Display of Number on Boat)
- WCD 507 (Transfer of Ownership of Numbered Boat)
- WCD 508 (Accident Report)
- WCD 509 (Uniform Aids to Navigation)
- WCD 510 (Carburetor Flame Arrestors)
- WCD 511 (Fire Extinguishers)

16.04 SPEED RESTRICTIONS

(1) Nighttime. No person shall operate a boat at a speed in excess of ten (10) miles per hour from one hour after sunset each day until one hour before sunrise of the next day.

(2) Special Limits. (a) A person operating a motorboat shall maintain a low rate of speed when within one hundred and fifty (150) feet of any shoreline, person, raft, diving flag, seaplane, anchorage, sailboat, canoe, rowboat, stationary motorboat or bridge.

(3) Exception. This section shall not apply to boats participating in duly authorized races over a course laid out and clearly marked and adequately patrolled.

16.05 SAFE OPERATION REQUIRED

No person shall operate, direct or handle a boat in such manner as unreasonably to annoy, unnecessarily frighten or endanger the occupants of his or other boats.

16.06 RACING PROHIBITED

No person shall operate a motorboat in a race or speed contest with any other motorboat, except as provided in Section 16.12 of this Ordinance.

## 16.07 ANCHORAGES AND STATIONARY OBJECTS

(1) Mooring Lights Required. No person shall moor or anchor any boat more than 150 feet from the shoreline between one hour after sunset and one hour before sunrise unless there is predominately displayed thereon a white light of sufficient size and brightness to be visible from any direction for a distance of 1,500 feet on a dark night with clear atmosphere.

(2) Rafts and Buoys. No person shall erect or maintain any raft, platform or buoy more than 150 feet from the shore unless it is so anchored that it has at least 10 inches of free board above the water line, and either (a) is painted white and has attached thereto not less than 12 inches from each corner or projection a red reflector in good condition not less than 3 inches in diameter, or (b) is painted with a band at least 3 inches in width or luminous paint so as to be visible from any direction.

## 16.08 SWIMMING REGULATIONS

It is recommended that any person swimming more than 150 feet from any shoreline be accompanied by a boat for the protection of the swimmer and as an aid to others in determining his location. Any person swimming beyond the 150 foot limit without accompanying boat does so at his own risk.

## 16.09 WATER SKIING

(1) Distance from Swimmers, Boats or other Objects. No person on water skis, aquaplane, surfboard or similar device shall pass, and no person operating a boat which is pulling or towing such skier or rider shall cause such skier or rider to pass within 100 feet of a swimmer, diving flag, canoe, rowboat, sailboat, non-operating motorboat, raft or pier, except in the course of the skier or rider taking off from, or landing at, such pier.

(2) Hours. No person shall operate a boat, while towing a person on water skis, aquaplane, surfboard or any similar device, at any time from sunset to sunrise.

(3) Persons in Boat. No person shall operate a boat, while pulling or towing any person on water skis, aquaplane, surfboard or similar device, or permit himself to be towed for such purposes, unless there are two persons over 12 years of age in such boat, and the operator of the boat shall maintain a forward lookout.

(4) Exemption from Speed Limitation. The limitations contained in Section 16.04(2) of this Ordinance shall not apply to boats towing a person or persons on water skis or similar device while leaving or approaching the shoreline in a straight line or as nearly as practicable at right angles to such shoreline.

## 16.10 LITTERING WATERS PROHIBITED

No person shall deposit, place or throw from any shore, boat, raft, pier platform or similar structure any cans, paper, bottles, debris, refuse, garbage, solid or liquid waste, including human waste, into the water, or into or upon the shore, rafts or piers, or onto the ice.

#### 16.11 SPEAR GUNS

No person shall have in his possession any loaded spear gun in or on the water or ice or shore line.

#### 16.12 RACES, REGATTAS, SPORTING EVENTS AND EXHIBITIONS

(1) Permit Required. Except for formally organized sailboat races, whether on water or ice, no person shall direct or participate in any boat race, regatta, water skii meet or other water sporting event or exhibition unless such event has been authorized and a permit issued therefor by the Director of the Water Safety Patrol of the Village of Oconomowoc Lake.

(2) Permit. A permit issued under this section shall specify the course or area of water to be used by participants in such event and the permittee shall be required to place markers, flags or buoys approved by the Director of the Water Safety Patrol of the Village of Oconomowoc Lake designating the specified area. Permits shall be issued only if in the opinion of the Director, the proposed use of the water can be carried out safely and without danger to or substantial obstruction of the watercraft or persons using the water. Permits shall be valid only for the hours and areas specified therein. The fee for issuing any permit hereunder shall be two dollars (\$2.00).

(3) Right of Way of Participants. Boats and participants in any such permitted event shall have the right-of-way on the marked area and no other person shall obstruct such area during the race or event or interfere therewith.

(4) Incorporation of Licenses Ordinance. The provisions of sections 11.01 and 11.10 of Village Ordinance No. 17 shall apply to permits issued hereunder.

#### 16.13 PATROL BOATS.

(1) Exception for. The following sections of this ordinance shall not apply to boats of the Water Safety Patrol of the Village of Oconomowoc Lake while on patrol or rescue duty nor to members of said Patrol while engaged in such duties: 16.04 and 16.11.

(2) Traffic Rules. Boats of the Water Safety Patrol of the Village of Oconomowoc Lake shall have the right-of-way over all other boats when their siren is being sounded.

#### 16.14 MARKERS AND NAVIGATION AIDS: POSTING ORDINANCES.

(1) Duty of Director. The Director of the Water Safety Patrol of the Village of Oconomowoc Lake is authorized and directed to place and maintain suitable markers, navigation aids and signs in such water areas or on such ice areas as he shall deem appropriate to advise the public of the provisions of this ordinance and to post prominently and maintain a copy of this ordinance and all amendments hereto at all public access points within the jurisdiction of the village.

(2) Standard Markers. The markers placed by the Director or any other person upon the waters or ice shall comply with the regulations of the Wisconsin Conservation Commission.

(3) Interference with Markers Prohibited. No person shall without authority, remove, damage or destroy or moor or attach any boat to any buoy, beacon or marker placed in the waters or on the ice by the authority of the United States, state or village or by any private person pursuant to the provisions of this ordinance.

#### 16.15 BOAT LAUNCHING.

No person shall launch any boat into the waters subject to this ordinance except: (a) from a public boat-launching facility owned and operated by the village and so designated and marked by the Director of the Water Safety Patrol of the Village of Oconomowoc Lake; (b) from a commercial boat-launching facility; or (c) from private property by the owner thereof or with his express permission.

#### 16.16 PENALTIES AND DEPOSITS.

(1) Major Violations. Any person who shall violate the provisions adopted by reference in Section 16.02 of this ordinance as described and defined in section 30.67(1) or section 30.68(1) Wisconsin Statutes, shall upon conviction thereof, forfeit not more than \$200 nor less than \$25 together with the costs or prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until full payment thereof shall be made, but not exceeding 60 days.

(2) Minor Violations. Any person who shall violate any provision of this ordinance except as specified in sub-section (1) of this section, shall, upon conviction thereof, forfeit not less than \$1.00 nor more than \$100.00 together with the costs of prosecution and in default of payment thereof shall be imprisoned in the county jail until full payment is made, but not exceeding 60 days.

(3) Money Deposit. Any officer arresting a person for violation of a provision of this ordinance who is unable to bring the arrested person before the Oconomowoc Court without unnecessary delay shall permit such person to make a money deposit as provided in section 30.76, Wisconsin Statutes. Such deposit shall be made to the village police headquarters.

#### 16.17 VALIDITY, INTERPRETATION, EFFECTIVE DATE AND CLERK'S DUTY.

(1) Severability. The several sections, sub-sections, paragraphs and sub-paragraphs of this ordinance are hereby declared to be severable. If any section, subsection, paragraph or subparagraph of this ordinance shall be finally declared by a decision of a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not effect the validity of any other provision of this ordinance.

(2) Interpretation. This ordinance shall be so interpreted and

construed as to effectuate its general purpose: to make uniform boating laws of Wisconsin, and to create civil actions to recover fines for the violation of this ordinance and to authorize punishment as a means of enforcing payment of the fines and costs. This ordinance shall not be construed as authorizing the creation of any crime or the imposition of criminal punishment.

(3) Statutory References. References herein to sections of the Wisconsin Statutes and Wisconsin Administrative Code shall be deemed to include all amendments to or substitutions for such statutory provisions made after the date of adoption of this ordinance.

(4) Effective Date. This ordinance shall take effect and be in force from and after its passage and posting as provided by law.

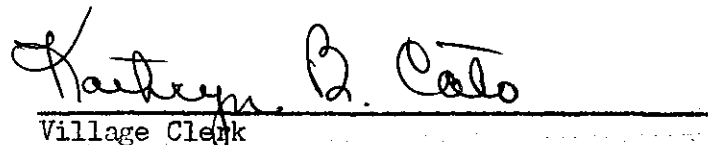
(5) Clerk's Duty. The Village Clerk is directed to file a copy of this ordinance and of any subsequent amendments hereto with the Wisconsin Conservation Commission at Madison, Wisconsin.

Passed and adopted by the Village Board of the Village of Oconomowoc Lake, this 20th day of August, 1962,

  
Village President

(VILLAGE SEAL)

Countersigned:

  
Village Clerk

STATE OF WISCONSIN )  
 ) SS  
COUNTY OF WAUKESHA )

AFFIDAVIT OF POSTING  
ORDINANCE

ORDINANCE # 32  
BOATING ORDINANCE

The undersigned, being first duly sworn, on oath deposes and states that on August 28, 1962, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the above ordinance in the following public places in said Village, to-wit:

(1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club.

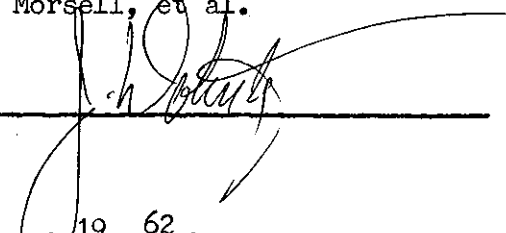
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~~(2) On the west side of the bend on County Trunk Highway "P" at its junction with Lindsay Road.~~

(3) At the northeast corner of the junction of County Trunk Highway "P" and the private drive leading into the Borisch, Robinson, Morsell, et al. properties.

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(2) At Village Hall entrance  
on Hwy. "P"



Subscribed and sworn to before me  
this 28th day of August, 1962.



Notary Public, Waukesha, County, Wisconsin.  
My Commission Expires 5-30-65