

20.04 - NORTH LAKE AND OCONOMOWOC RIVER. (Am. 4/24/90; Am. 6/22/16; Rep. & recr. 3/26/18(2))

- (1) PURPOSE. The Town Board of the Town of Merton and the Village Board of the Village of Chenequa, each being a municipality as defined in Chapter 30 of the Wisconsin Statutes and each having jurisdiction of a portion of North Lake, located in Waukesha County, Wisconsin, do ordain jointly and identically in conformity with §30.77 and §30.81, Wis. Stats., as follows:
- (2) 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.
- (3) APPLICABILITY AND ENFORCEMENT. The provisions of this section shall apply to the waters of North Lake and the Oconomowoc River within the jurisdiction of the Town of Merton and Village of Chenequa. The provisions of this section shall be enforced by the officers of the Water Safety Patrol of the Town of Merton and the Village of Chenequa.
- (4) 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 Certificate of number

§30.523 Identification number to be displayed on boat; certificate to be carried

§30.541 Transfer of ownership of 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
- §30.681 Intoxicated boating
- §30.682 Preliminary breath screening test
- §30.683 Implied consent
- §30.684 Chemical tests
- §30.686 Report arrest to department
- §30.687 Officer's action after arrest for violating §30.681
- §30.69 Water skiing
- §30.79 Skin diving
- §30.71(1) Boats equipped with toilets

All deletions, additions and amendments which may be made to the sections of the state laws enumerated under §20.04(4) above are hereby adopted and incorporated herein by reference as of the time of their respective effective dates, as if they were to be set out herein verbatim.

(5) DEFINITIONS.

- (a) "Swimming zone" means an authorized area marked by regulatory markers to designate a swimming area.
- (b) "Designated anchorage" means an area of water established and marked as an anchorage by lawful authority.
- (c) "Public access" means any access to the water by means of public property.
- (d) "Navigation lane" means an area designated by authorized aids to navigation.

- (e) "Slow-no-wake" is defined as the slowest possible speed so as to maintain steerage.
- (6) SPEED RESTRICTIONS.
- (a) Night Limit. No person shall operate a boat at a speed in excess of slow-no-wake speed from one hour after sunset each day until one hour before sunrise of the next day.
 - (b) Maximum Speed. No person shall operate a boat at a speed in excess of 35 mph on North Lake at any time.
 - (c) Speed Limit - Oconomowoc River. No person shall operate a boat at a speed in excess of slow-no-wake speed on the Oconomowoc River.
 - (d) Speed Limit - Slow-No-Wake - High Water. No person shall operate a motorboat at a speed in excess of slow-no-wake on North Lake after notice of a high water condition has been declared until the declaration of the high water condition is repealed.
 - 1. Definitions. Terms used in this section shall have the following meanings:
 - a. "High water" means when the waters of North Lake exceed an elevation of 897.2 MSL as based upon the USGS benchmark. "MSL" means near sea level or the average height for the surface of the water.
 - b. "Slow-no-wake" has the meaning specified in §30.50(12), Wis. Stats.
 - c. "Motorboat" has the meaning specified in §30.50(6), Wis. Stats.
 - 2. Notice. Notice of a high water condition on North Lake shall be posted:
 - (a) at the North Lake Yacht Club launch site; (b) at any and all public launch sites within the Town of Merton for North Lake; (c) by publication of a notice in the Lake Country Now; and (d) on the Village and Town websites. The Village or Town may, in cooperation with the local lake residents, management district or associations, use other means of notification by way of posting flags or lake buoys at appropriate locations on the lakes for additional awareness. Local yacht clubs, management districts or associations are also urged to disseminate notification by way of email to all members and lake residents.

3. Exceptions. This section shall not apply, even if a high water condition notice has been posted pursuant to subsection 3., in the following situations:
 - a. Emergency situations; and
 - b. Conditions or events, as reasonably determined by the Town Board Chairman, which require a suspension of the slow-no-wake speed requirement.
 4. Village of Chenequa. The Village of Chenequa has enacted an ordinance with substantially the same requirements as this ordinance as it relates to North Lake.
 5. Cooperation. The Village of Chenequa and the Town of Merton agree that neither shall change the provisions of this §20.04 or the Village of Chenequa's corresponding ordinance without first providing written notice to the other outlining the proposed revisions and allowing the other an opportunity to comment on the proposed revisions to the applicable ordinance.
- (7) PROHIBITED OPERATION.
- (a) No person shall permit any person who is so intoxicated or under the influence of a controlled substance he would be unable to provide for his own safety, to be a passenger in a boat operated by him, except in a case of emergency.
 - (b) Operation in Circuitous Course. No person may operate or use a motor boat or personal watercraft repeatedly in a circuitous course with a diameter of less than 200 feet at a speed in excess of slow-no-wake speed.
 - (c) Automobiles and Trucks on North Lake.
 1. No person shall operate or park or permit to be operated or parked any automobile or truck upon the ice of North Lake.
 2. The definitions contained in Chapter 340 and any amendments thereto are hereby incorporated by reference as if fully set forth herein.
 3. Any person violating any provision of this ordinance shall, upon conviction thereof, forfeit an amount set forth in the general penalties section of the General Code of Ordinances of the Town of Merton and the Municipal Code of the Village of Chenequa.

- (8) CAPACITY RESTRICTIONS. No person shall operate or loan, rent or permit a boat to leave the place where it is customarily kept for operation on the waters covered by this chapter with more passengers or cargo than a safe load.
- (9) STATIONARY OBJECTS.
- (a) Reflectors Required. All piers, rafts, ski jumps or other stationary objects, extending into or located upon the waters covered by this chapter, shall have red reflector signals on each side thereof and in the case of piers, such reflectors shall not be less than 3 feet from the outer limits thereof and shall be at least 3 inches in diameter.
- (b) Rafts. No person shall erect or maintain any raft or platform more than 100 feet from the shore unless it is so anchored that it has at least 10 inches of free board above the waterline and either is painted white and has attached thereto on each side above the waterline one or more reflectors in good condition not less than 3 inches in diameter or is painted with a band at least 3 inches in width of luminous paint so as to be visible from any direction.
- (c) Permits Required.
1. No water ski jump shall be placed upon the waters covered by this chapter at any time unless a permit is obtained from the Water Safety Patrol. No raft or other stationary object shall be placed more than 100 feet from the shore unless a permit is obtained from the Water Safety Patrol.
 2. A permit issued under this section shall specify the location of the ski jump, raft or other structure and in the case of ski jumps, the area of water to be used by users of such jump. Permits shall be issued only if in the opinion of the Water Safety Patrol, the proposed use of the water and location of the structure is such so as not to interfere with or obstruct navigation and other uses of the water.
- (10) SAFE OPERATION REQUIRED. No person shall operate, direct or handle a boat in such manner as to unreasonably annoy, unnecessarily frighten or endanger the occupants of his or other boats.
- (11) SWIMMING REGULATIONS. Any person swimming more than 150 feet from the shoreline of the lakes covered by this chapter and more than 50 feet from a diving raft anchored more than 100 feet from the shoreline of such lakes shall be

accompanied by a boat for the protection of the swimmer and as an aid to other boats in determining the location of the swimmer and such swimmer shall be not more than 50 feet from the boat accompanying him.

- (12) LITTERING AND POLLUTING PROHIBITED. No person shall deposit, place or throw from any boat, raft, pier, platform or similar structure or from the shore, any cans, paper, bottles, debris, refuse, garbage, solid or liquid waste into the water.
- (13) RACES, REGATTAS, SPORTING EVENTS AND EXHIBITIONS.
- (a) Permit Required. No person shall direct or participate in any motorized boat race, regatta, water ski meet or other water sporting events or exhibition unless such event has been authorized and a permit issued therefor by the Water Safety Patrol.
- (b) Permit. A permit issued under this section shall specify the course of area or water to be used by participants in such event and the permittee shall be required to place markers, flags or buoys approved by the Water Safety Patrol, designating the specified area. Permits shall be issued only if in the opinion of the Patrol the proposed use of the water can be carried on safely and without danger to or substantial obstruction of other watercraft or persons using the lakes. Permits shall be valid only for the hours and area specified.
- (c) Right-of-Way of Participants. Boats and participants in any such permitted events 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.
- (14) WATER SKIING.
- (a) Hours. No person shall water ski and no person shall operate a boat while towing a person on water skis, aquaplane, surfboard or similar device at any time between sunset and 9:00 a.m. of the following day.
- (b) Safety. No person shall tow another who is either barefoot or on water skis, aquaplane, knee-board or other similar device, nor shall any person tow another on tubes, torpedoes or other similar inflated appliances unless such person is wearing a Coast Guard approved personal flotation device or a wet suit having flotation capabilities.
- (c)

Direction. No person shall water ski, and no persons shall operate a boat while towing a person on water skis, aquaplane, surfboard, or any similar device on North Lake unless in a counter-clockwise direction. This restriction shall not apply to the operator of a boat attempting to pick up a skier who has fallen.

- (d) 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 that person can in fact observe the person being towed and relay any signals to the operator.

(15) MARKERS AND NAVIGATION AIDS.

- (a) Notice and Posting. The Water Safety Patrol is authorized and directed to place and maintain suitable markers, navigation aids and signs in such water areas as shall be appropriate to advise the public of the provisions of this chapter and to post and maintain a copy of this chapter at all public access points on waters covered by this ordinance.
- (b) Standard Markers. All markers placed by the Water Safety Patrol or any other person upon the waters covered by this ordinance shall comply with the regulations of the Department of Natural Resources.
- (c) Interference with Markers Prohibited. No person shall without authority remove, damage or destroy or moor or attach any watercraft to any buoy, beacon or marker placed on the waters of any lake covered by this chapter, by the authority of the United States, State, County or Town or by any private person, pursuant to the provisions of this chapter.
- (d) No person shall tow another who is either barefoot or on water skis, aquaplane, kneeboard, or other similar device, nor shall any person tow another on tubes, torpedoes, or other similar inflated appliances, unless such person is wearing a Coast Guard-approved personal flotation device or a wetsuit having flotation capabilities.

(16) PENALTIES AND DEPOSITS.

- (a) Any person violating any provision of this §20.04 for which a penalty is not provided by subsection (b) below shall, upon conviction thereof, be penalized by forfeiture as defined in the Wisconsin State Statutes with the cost of prosecution.

- (b) Any persons violating §30.67.(1) or §30.68(1), Wis. Stats., adopted by reference in §20.04 of this ordinance, shall, upon conviction thereof, forfeit not more than \$200.00, together with the cost of prosecution. Failure to pay would be determined by the Lake Country Municipal Court.
 - (c) Any person violating §30.681 or §30.684(5), Wis. Stats., as adopted by this ordinance, shall, upon conviction thereof, forfeit not less than \$150.00 nor more than \$300.00, together with the costs of prosecution. The court shall enter the orders required by §30.80(6)(d) and (3), Wis. Stats.
 - (d) Money Deposits. Any officer arresting a person for violation of a provision of this ordinance who is unable to bring the person arrested before the proper court without unnecessary delay shall permit such person to make a money deposit as provided in §30.76, Wis. Stats. Such deposit shall be made to whom and at the office designated by the Water Safety Patrol Officer.
- (17) WISCONSIN STATUTES DEFINED. Whenever used in this ordinance, the term "Wisconsin Statutes" or "Wis. Stats." shall mean the current Wisconsin Statutes and all amendments thereof.
- (18) REPEAL OF CONFLICTING ORDINANCES. All ordinances regulating water traffic, boats, boating or water sports upon the waters covered by this ordinance and all ordinances or parts of ordinances in conflict with this ordinance, heretofore enacted by the Town Board of the Town of Merton and the Village Board of the Village of Chenequa, are hereby repealed.
- (19) SEVERABILITY. The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Town board of the Town of Merton and the Village Board of the Village of Chenequa would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid; and if any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.