

ORDINANCE NO. 2

AN ORDINANCE TO CONFIRM THE CURRENT STATUS OF THE ORDINANCE REGULATING TRAFFIC, BOATING, AND WATER SPORTS UPON THE WATERS OF LAKE RIPLEY, AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF BY COMBINING ALL AMENDMENTS TO DATE IN ONE DOCUMENT

WHEREAS, Ordinance #2 of the Town of Oakland, which regulates traffic, boating and water sports upon the waters of Lake Ripley, currently consists of an Ordinance passed on May 19, 1987, and seven amendments thereto; and

WHEREAS, having the regulations stated in so many different documents makes such regulations confusing and difficult to follow; and

WHEREAS, it is in the interest of the Township and the general public that such regulations be as clear and easy to follow as possible;

WHEREAS, portions of the ordinance had become outdated and needed to be brought up to date with the current Wisconsin statutes;

NOW, THEREFORE, the Town Board of the Town of Oakland hereby passes the following Ordinance, which deletes Section 9.A of the current ordinance relating to public boat launch hours (and rennumbers Section 9 thereafter), amends Section 16 thereof to conform to current statutory regulations, and then combines the current Ordinance #2 and all amendments thereto, including current amendments, as of this date into one document.

The Town Board of the Town of Oakland, Jefferson County, 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 Lake Ripley within the jurisdiction of the Town of Oakland. The provisions of this ordinance shall be enforced by the officers of the Water Safety Patrol or local enforcement officers in the Town of Oakland, Jefferson County, Wisconsin.

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 (2003-2004 and as later amended).

- s. 30.50 Definitions
- s. 30.51 Operation of unnumbered boats prohibited; exemptions
- s. 30.52 Certificates of number; applications; issuance; renewals
- s. 30.523 Identification number to be displayed on boat; certificate to be carried
- s. 30.531 Certificate of title; requirements; exemptions
- s. 30.541 Transfer of ownership of numbered boat
- s. 30.543 Notice of abandonment; destruction of boats; change of address
- s. 30.60 Classification of motorboats
- s. 30.61 Lighting equipment
- s. 30.62 Other equipment
- s. 30.63 Sale and use of certain outboard motors restricted
- s. 30.635 Motorboat prohibition
- s. 30.64 Patrol boats exempt from certain traffic regulations
- s. 30.65 Traffic rules
- s. 30.66 Speed restrictions
- s. 30.67 Accidents and accident reports
- s. 30.675 Distress signal flag
- s. 30.68 Prohibited operation
- s. 30.681 Intoxicated boating
- s. 30.682 Preliminary breath screening test
- s. 30.683 Implied consent
- s. 30.684 Chemical tests
- s. 30.686 Report arrest to department
- s. 30.687 Officer's action after arrest for violating intoxicated boating law.
- s. 30.69 Water skiing
- s. 30.70 Skin diving
- s. 30.71 Boats equipped with toilet

SECTION 4. DEFINITIONS IN THIS ORDINANCE

A. "Buoyed Restricted Area A." Area A is defined as the surface waters in the Southeast corner of Lake Ripley, with the Northern boundary of the restricted area along a straight

line from point A on the West at approximately the South Line of Parcel #06-13-08-34 where it meets the Lake as described in Vol. 526, Page 14, to point B at approximately the South Line of Parcel #06-13-08-41-013 where it meets the Lake as described in Vol. 334, Page 219, on the East shore of Lake Ripley. The restricted area lies South of this boundary line. (Amended July 17, 1990)

Amn: "Buoyed Restricted Area C". Area C is defined as the surface waters in the south bay of Lake Ripley lying south of an east-west line connecting the point where the south boundary line of parcel 022-0613-0833-001 intersects with Lake Ripley and the point where the south boundary line of Parcel 022-0613-0743-025 intersects with Lake Ripley. (Amended January 17, 2006)

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

C. "Designated Anchorage" means an area of water established and marked as an anchorage by lawful authority.

D. "Public Access" means any access to the water by means of public property.

E. "Navigation Lane" means an area designated by authorized aids to navigation.

F. "Slow-No-Wake" means the slowest possible speed to as so maintain steerage.

SECTION 5. ADDITIONAL SPEED RESTRICTIONS.

A. No person shall operate a motor boat in a buoyed restricted area at a speed in excess of slow-no-wake speed. (Created July 17, 1990)

B. No person shall operate a motor boat faster than slow-no-wake between the hours of 7:30 p.m. and 11:00 a.m. on Lake Ripley; provided that this provision shall not apply to motor boats participating in duly authorized races over a course laid out and plainly marked and adequately patrolled. (Amended July 17, 1990)

C. No person shall operate a motor boat within two hundred feet (200') of any part of the shoreline of Lake Ripley at a speed in excess of slow-no-wake speed at any time. (Created January 17, 1990)

SECTION 6. ADDITIONAL PROHIBITED OPERATIONS.

Intoxicated Passenger. No person shall permit an individual who is intoxicated or under the influence of an intoxicant or a controlled substance so as to be unable to provide for his own safety to be a passenger in a boat operated by that person except in cases of emergency.

SECTION 7. HOURS OF WATER SKIING. Except as provided in s. 30.69(b), Wis. Stats., no person may engage in water skiing, aquaplane or similar activity at any time from 7:30 p.m. to 11:00 a.m. Central Daylight Saving Time on any date. No person shall engage in water-skiing, aquaplaning or similar activity without wearing a personal flotation device.

SECTION 8. SWIMMING REGULATIONS.

- A. No person shall swim from an unmanned boat.
- B. No person shall swim more than 200 feet from the shore unless in a designated swimming zone or when accompanied by a competent person in a boat.
- C. No persons shall swim more than 200 feet from the shoreline between sunset and sunrise.
- D. Snorkel limitation-it shall be unlawful to swim with a snorkel except in designated swimming areas or when complying with s. 30.70 of the Wisconsin Statutes.

SECTION 9. LAUNCHING AND REMOVAL FEE. [Pursuant to Sec. 30.77(3)(b), Wis. Stats.]

A. Launch fees:

- 1. No person shall use said public boat launching ramp from May 1 through September 30 without paying the required launching and removal fee as follows:

Daily permit fee: \$ 7.00

Yearly permit fees:

Oakland Property Owner or Resident	\$20.00
Age 65 or Older	\$20.00
Non-Resident	\$30.00
Replacement Permit	\$10.00

(Amended March 30, 2006)

- 2. All persons shall display a permit sticker evidencing payment of such fees. (Created July 7, 1994)
- 3. Permit stickers shall be available at locations designated by the Town Board from time to time. (Created July 7, 1994)

4. Penalties. Any person failing to display a valid permit sticker shall pay a forfeiture in the amount of \$25.00. (Created July 7, 1994)

B. Power-Loading. No person shall use a motor while loading and unloading boats and personal watercraft from trailers at public boat launch ramp. (Created May 18, 1999)

C. Restrictions and Prohibitions: No person shall use the public boat launching ramp or surrounding area for purposes of fishing or swimming, nor shall any person loiter in said area. (Created April 18, 1995)

SECTION 10. HOUSEBOATS. Anchoring, drifting or mooring of houseboats is prohibited from 12:00 midnight to sunrise. However, unoccupied houseboats may be moored at a buoy authorized by this ordinance or moored to shore during this period with written permission of the property owner or buoy owner. A houseboat is defined as a boat on which a toilet or food preparation exists or on which persons are living, sleeping or camping.

SECTION 11. RAFTS AND PLATFORMS: No person shall place or maintain any raft more than 150 feet from the shore. No person shall place or maintain any raft within the 150 foot line unless it is so anchored that it has at least 6 inches of free board above the waterline, painted white and has attached thereto not less than 12 inches from each corner or projection a red reflector not less than 3 inches in diameter.

SECTION 12. RACES, REGATTAS, SPORTING EVENTS OR EXHIBITIONS.

A. Permit Required. No person shall direct or participate in any boat race, regatta, water ski meet or other water sporting event or exhibition unless such event has been authorized by the Town of Oakland.

B. A permit issued under this section shall specify the course or area of water to be used by participants in such event and the permittees shall be required to place markers, flags, or buoys designating the specified areas. Permits shall be issued only if in the opinion of the Town Board of the Town of Oakland the proposed use of the water can be carried out safely and without danger to or substantial obstruction of other watercraft or persons using the lake.

C. Right of Way 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.

SECTION 13. REGULATION OF PLACEMENT AND NUMBER OF BUOYS.

A. No person shall place a buoy in Lake Ripley without express approval from the Town Board of the Town of Oakland.

B. All buoys placed in the lake shall conform to the State Uniform Marking System as set forth by the DNR.

C. It shall be illegal for anyone to molest or in any way interfere with posted buoys marking any areas.

SECTION 14. OPERATION OF AIRCRAFT PROHIBITED. (Pursuant to authority granted under s. 30.78 Wis. Stats.) No person shall operate an aircraft on or from the surface of Lake Ripley except in case of emergency, or except by special permission of the Town Board of Oakland. Such permission shall not be given for commercial purposes, such as where a charge is made to take passengers up for rides.

SECTION 15. LITTERING WATERS AND ICE PROHIBITED. No person shall deposit, place or throw from shore, any boat, raft, pier, platform or similar structure any cans, bottles, debris, refuse, garbage, solid or liquid waste, sewage or effluent into the water of Lake Ripley or upon the ice when formed.

SECTION 16. PENALTIES. Forfeitures for violations of any boating regulation set forth in the Wisconsin Statutes and adopted by reference in this ordinance shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this section shall not be construed to permit prosecution under this ordinance for any offense described in sections 30.50 through 30.71, Wis. Stats., for which an imprisonment penalty or fine is required to be imposed upon the defendant. In default of payment of the forfeiture and costs of prosecution, the defendant who is eighteen (18) years of age or older may, upon order of the court, be confined to the county jail until such forfeiture and costs are paid, but not to exceed 90 days.

SECTION 17. EACH DAY A SEPARATE VIOLATION. Each day in which a violation of any of the following sections exists shall constitute a separate offense: Section 10, 11, 12, 13 or 16.

SECTION 18. MONEY DEPOSITS: Any officer arresting a person for violation of a provision of the ordinance who is unable to bring the person arrested before the Municipal Judge or a Circuit Court without unnecessary delay shall permit such person to make a money deposit as provided in sec. 800.02, Wis. Stats. Such deposits shall be made to the Town of Oakland Police Headquarters or other designated office.

SECTION 19. REPEAL OF CONFLICTING ORDINANCES. All conflicting ordinances regulating boating, traffic, buoys, or water skiing on Lake Ripley, Town of Oakland, Jefferson County, Wisconsin, heretofore enacted by the Town Board of the Town of Oakland are hereby repealed.

SECTION 20. EFFECTIVE DATE. This Ordinance shall be effective upon passage and publication.

TOWN BOARD, by:

Vernon T. Davis, Town Chairman

Attest:

Veronica Heenan, Town Clerk

Passed: _____

Vote:

Ayes: _____ Noes: _____

Posted: _____

Published: _____, 2006.