

**TOWN OF DEWHURST BOARD OF SUPERVISORS
HEARING - NO WAKE ZONE ORDINANCE
TUESDAY, DECEMBER 10, 2024 – 6:30 PM**

AGENDA

<u>Agenda Item</u>	<u>Info/Discussion</u>	<u>Action</u>
1. Call to Order	X	X
2. Reading of No Wake Ordinance	X	
3. Citizen Input	X	
4. Adjourn	X	X

ORDINANCE

AN ORDINANCE TO REGULATE WATER TRAFFIC, BOATING AND WATER SPORTS UPON THE WATERS OF LAKE ARBUTUS AND ARNOLD CREEK IN THE TOWN OF DEWHURST, CLARK COUNTY WISCONSIN

Section 1. Intent The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public needs and the capability of the water resource.

Section 2. Applicability and Enforcement The provisions of this ordinance shall apply to the waters of Lake Arbutus and Arnold Creek, within the jurisdiction of the Town of Dewhurst, Clark County, Wisconsin (hereinafter, "Town").

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

Section 3. State Boating and Water Safety Laws Adopted. The statutory provisions describing and defining regulations with respect to water traffic, 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 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.

Standard Regulations:

- 30.50 (Definitions)
- 30.501 (Capacity Plates on Boats)
- 30.51 (Operations of Unnumbered Boats Prohibited); Exemptions
- 30.52 (Certificate of Number; Applications; Issuance; Renewals; Fees)
- 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 Motorboats)
- 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 Accidental Reports)
- 30.68 (Prohibited Operation)
- 30.69 (Water Skiing)
- 30.70 (Skin Diving)
- 30.71 (Boats Equipped with Toilets)

Section 4. Definitions

- (a) Shore Zone: The water area within 100 feet of any shore
- (b) Swimming Zone: An authorized area marked by official buoys to design a swimming area.
- (c) Channel: A waterway less than 100 feet wide.
- (d) Anchorage; Moorage: An area where continuous anchoring or mooring of boats for more than 24 hours is permitted.
- (e) Houseboat: A boat on which persons are living, sleeping or camping.

Section 5. Slow No-Wake

- (a) Special Limits: A slow no-wake zone within 100 feet of any swimmer, marked public swimming area, diving flag, canoe, row boat, non-operating motorboat, bridge, or or public landing or anchorage, or upon the waters of Arnold Creek.
- (b) Standard Markers: All markers placed by the Town Board or any other person upon the waters of the lake 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 in the waters of the lake by the authority of the United States, State, County or Town or by any private citizen pursuant to the provisions of this ordinance.

Section 6 Capacity Restrictions No person shall operate or loan or permit a boat to leave the place where it is customarily kept for operation on the waters covered by this ordinance with more passengers or cargo than a safe load.

Section 7. Additional Traffic Rules In addition to the traffic rules in 30.65 of the Wisconsin Statutes adopted in Section 3 of this ordinance, the following rules shall apply to boats using the waters covered by this ordinance.

Section 8. Intoxication and Intoxicating Liquors

- (a) Intoxicated Persons not ride in boats: No person shall permit any person who is so intoxicated as to be unable to provide for his own safety or the safety of others to ride as a passenger in any boat operated by him.

Section 9 Anchorages and Stationery Objects

- (a) Buoys Marking Race Courses. Such buoys may be set providing a permit has been obtained. Buoys shall be of a bright color, made of material which shall gill not damage a boat and removed from the water by sunset of each day.

Section 10. Swimming Regulations

- (a) Swimming from boats prohibited. No person shall swim from any boat unless such boat is anchored.
- (b) Distance from shore. No person shall swim more than 100 feet from the shore unless in a designated swimming zone or when accompanied by a competent person in a boat.
- (c) Hours Limited. No person shall swim more than 50 feet from the shoreline between sunset and sunrise.

Section 11. Water Skiing

- (a) No one shall operate a boat for the purpose of towing a water skier, aquaplane or similar device or engage in waiver skiing between the hours of sunset to sunrise.
- (b) Exceptions: The limitations of this section shall not apply to participants in ski meets or exhibitions authorized and conducted as provided in Section 15.

Section 12. Littering Waters Prohibited No person shall deposit, place, or throw from any Boat, raft, pier or platform structure any cans, paper, bottles debris, refuse, garbage solid or liquid waste into the water.

Section 13. Races, Regattas, Sporting events and Exhibitions

- (a) Permit required. No person shall direct or participate in any boat race, regatta, water ski or other water-sporting event or exhibition unless such event has been authorized and a permit issued therefore by the County Sheriff's Department.
- (b) 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 marker flags or buoys approved by the County Sheriff's Department designating the specific Area. Permits shall be issued only if, in the opinion of the County Sheriff's Department, the proposed use of the water can be carried out safely and without danger of the substantial obstruction of other watercraft or persons using the lake. Permits shall be valid only for the hours and areas specified thereon
- (c) 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 area during the race or event or interfere therewith

Section 14. Marker and Navigation Aids. Posting Ordinance

- (a) Duty of the Town Board. The Town Board is authorized and directed to place authorized markers and navigational aids in such water areas as shall be appropriate to advise the public of the provisions of this ordinance and to make reasonable efforts to post and publicize this ordinance.
- (b) Standard Markers. All markers placed by the Town Board or any other person upon the waters of the lake shall comply with the regulation 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 in the waters of the lake by the authority of the United States, state, county, or Town, or by any private citizen pursuant to the provisions of the ordinance.

Section 15. Driving Automobiles or Other Motor Driven Vehicles on Ice

- (a) Safe Operation. No person shall use or operate any automobile or other motor driven vehicle in any manner so as to endanger persons engaged in skating or in any other winter sport or recreational activity being engaged in or upon the ice and no person shall, while using or operation any automobile, tow, pull or push any persons on skates, sleds, skis, toboggan or device or thing of any kind designed or utilized to carry or support one or more persons.
- (b) Speed. No person shall use or operate any automobile at a speed greater than reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a vehicle shall be so controlled as may be necessary to avoid colliding with any object, person, vehicle or other conveyance or entering the ice in compliance with legal requirements and using due care.
- (c) Definitions. The word “automobile” as used in this ordinance shall be construed to mean all motor vehicles of the type and kind permitted to be operated on the highways in the State of Wisconsin. “Motor Vehicle” as used in this ordinance shall be construed to mean any device or thing designed or utilized for propulsion or movement upon the ice using a motor, whether of internal combustion or not.
- (d) Risk and Liability. All traffic on the icebound water of Lake Arbutus or Arnold Creek Shall be at the risk of the traveler as set forth in Section 3U.81(3) of the Wisconsin State Statutes and nothing in this ordinance shall be construed as rendering the enacting Authority liable for any accident to those engaged in permitted traffic while this Ordinance is in effect.

Section 16. Penalties and Deposits

- (a) Any person violating any provisions of this ordinance shall upon conviction thereof, Forfeit not less than \$25.00 or more than \$200.00 together with the costs of prosecution And in default of payment thereof, may be imprisoned in the County jail not to exceed 30 days.
- (b) Money Deposits. Any officer arresting a person for violating a provision of this ordinance Who is unable to bring the person arrested before the County Court without necessary Delay shall permit such person to make a money deposit as provided in Section 30.76 of The Wisconsin State Statutes. Such deposit shall be made to the County’s Sheriff’s Department or Clerk of Court.

Section 17. Wisconsin State Statute Defined Wherever used in this ordinance, the term “State Statutes” Shall mean the Wisconsin State Statutes of 1975 and subsequent amendments.

Section 18. Repeal of Conflicting Ordinances. All ordinances regulating water traffic, boats, boating or Watersports upon the waters covered under this ordinance and all ordinances parts of ordinances in Conflict with this ordinance heretofore enacted by the Town Board are hereby repealed.

Section 19. Severability. The provisions of this ordinance shall be deemed severable and it is expressly Declared that the Town Board would have passed other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provision 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.

Section 20. Effective Date: Clerk's Duty

- (a) This ordinance shall take effect and be in force from after its passage and posting as Provided by law.
- (b) The Clerk is directed to file a copy of this ordinance with the Department of Natural Resources in Madison.

Adopted: The Town of Dewhurst, Clark County Wisconsin on _____

Approved by: _____, Chairman

_____, Supervisor 1

_____, Supervisor 2