

ORDINANCE NO. 2011-1

**AN ORDINANCE RELATING TO THE SILVER LAKE PROTECTION
AND REHABILITATION DISTRICT'S BOATING REGULATIONS**

**THE SILVER LAKE PROTECTION AND REHABILITATION DISTRICT BOARD OF
COMMISSIONERS ORDAINS AS FOLLOWS:**

Section 1. Chapter 1 of the Municipal Code is hereby repealed and recreated to read as follows:

CHAPTER 1

**SILVER LAKE PROTECTION & REHABILITATION DISTRICT
BOATING REGULATIONS**

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1.01 GENERAL PROVISIONS.

(1) **APPLICABILITY.** The provisions of this chapter shall apply to the waters of Silver Lake, located in the Town of West Bend, Washington County, Wisconsin.

(2) **PURPOSE.** The purpose of this chapter is to promote the public health, safety and general welfare of the Silver Lake Protection and Rehabilitation District (“SLPRD”).

(3) **DISTRICT NAME CHANGE.** The name of the District formerly known as the Silver Lake Inland Lake Protection and Rehabilitation District was changed to the Silver Lake Protection and Rehabilitation District on June 16, 1999.

(4) **AUTHORITY.** This chapter is adopted by the Silver Lake Protection and Rehabilitation District, exercising the powers granted it by resolution of the Town Board of the Town of West Bend pursuant to §30.77(3)(am)1 of the Wisconsin Statutes.

1.02 INTERPRETATION. The provisions of this chapter pertaining to the use, operation or equipment of boats, and other vehicles as well as the activities which are regulated by §§30.50 through 30.71 and §30.80, Wis. Stats., and the rules and regulations of the Department of Natural Resources established pursuant thereto, shall be construed and interpreted, if possible, to be consistent with and not contrary to said statute sections, rules and regulations nothing to the contrary herein notwithstanding.

1.03 ENFORCEMENT. The provisions of this chapter shall be enforced by the officers of the Silver Lake Water Safety Patrol (“SLWSP”). The Chief and other members of the SLWSP shall be hired or contracted for by the Board of Commissioners of the SLPRD.

1.04 DEFINITIONS.

(1) **BOAT OR VESSEL.** Every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water or a fishing raft. A boat or vessel includes a personal watercraft.

(2) **MOTORBOAT.** Any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion.

(3) **PERSON.** Includes individual, firm, partnership, corporation or any other association of individuals organized together for any purpose whatsoever.

(4) **PERSONAL WATERCRAFT.** A motorboat that uses an inboard motor powering a water jet pump or a caged propeller as its primary source of motive power and that is designed to be operated by a person standing on, kneeling on or sitting astride the watercraft.

(5) **SHOREZONE.** The surface of the lake that is within 200 feet from and parallel to the shore. Provided, however, that on any part of the lake where the distance between the opposite shores is such that the foregoing formula is impossible or impracticable in application, then the shorezone shall be as indicated by buoys placed for that specific purpose. The northern portion of Silver Lake known as the kettle is designated as a shorezone for the purpose of this ordinance.

(6) **SLOW-NO-WAKE SPEED.** Slow-no-wake speed is that speed at which a boat moves as slowly as possible while still maintaining steerage control.

(7) **WATER SKIING AND WATER SKIER.** A person being towed by a motorboat, on water skis, aquaplane, wake boards, tubing or similar device.

(8) **WATER TRAFFIC.** All moving objects controlled by a person or persons or agent of a person on the surface of the lake.

1.05 WATER TRAFFIC LANES.

(1) **DEFINED.** The surface of the main lake basin that is beyond 200 feet distant from and parallel to the shore is the traffic lane, provided however, that on any part of the lake where the distance between the opposite shores is such that the foregoing formula is impossible or impracticable in application, then the traffic lane shall be as indicated by buoys placed for that specific purpose.

(2) **DIRECTION OF TRAVEL.** All motorboats and personal watercraft traveling over a slow-no-wake speed in the traffic lane, including water skiing or similar activity, must travel in a counterclockwise rotation.

1.06 SPEED RESTRICTIONS.

(1) **SPEED LIMITS IN TRAFFIC LANES.**

- (a) Monday through Friday:
10:00 a.m. to 7:00 p.m. -- 35 mph maximum
7:00 p.m. to 10:00 a.m. – Slow-No-Wake
- (b) Saturday, Sunday and Holidays:
10:00 a.m. to 6:00 p.m. -- 35 mph maximum
6:00 p.m. to 10:00 a.m. – Slow-No-Wake

(2) **SPEED IN SHOREZONE.** No person shall operate a boat, vessel, or motorboat at a speed in excess of slow-no-wake in waters that are designated as the shorezone.

(3) **PERSONAL WATERCRAFT.** No person may operate a personal watercraft at a speed in excess of slow-no-wake within 100 feet of any other boat or within the shorezone.

(4) **DECLARATION OF HIGH WATER EMERGENCY AND IMPOSITION OF A TEMPORARY SLOW-NO-WAKE SPEED LIMIT ON THE ENTIRE LAKE AT ALL TIMES.**

(a) When the main lake water body level exceeds the top of the dam in the creek at the north end of the Kettle by at least 4.5 inches, the Commissioners of the SLPRD will meet and may declare that a high water emergency exists on all of Silver Lake. The Lake level will be determined using the "Staff Gauge" located near the northeast corner of John Behrens's boat house at 3482 County Highway NN. If a high water emergency is declared by the Commissioners, no person shall at any time operate a boat at a speed

faster than “Slow-No-Wake” in the waters of Silver Lake during such high water emergency.

(b) When the Lake water level returns to a level that is 4.5 inches or less above the top on the dam using the Staff Gauge in (a), the high water emergency will be considered as rescinded and the restrictions in subsection (a) above will no longer be in effect.

(c) The SLPRD will post a notice of the existence and removal of a high water emergency at the Public Launch Ramp, at the Yacht Club, in the Channel, and on the Sand Bar on Silver Lake. The SLPRD will also notify the local media of the existence and removal of a high water emergency.

1.07 PROHIBITED BOAT OPERATION.

(1) DISTANCES. No person shall operate a motorboat within 100 feet of an occupied, anchored or moored boat, unless existing circumstances require it. Then, in such event, such passing must be made at Slow-No-Wake speed and in a manner so as to not endanger the occupants of the anchored or moored boat.

(2) SAFE DISTANCE FROM SWIMMER. No person shall operate any boat within 100 feet of a swimmer or skin diver's marker unless it is a boat accompanying the swimmer or part of the skin diving operation, unless existing circumstances require it. Then, in such event, such passing must be made at Slow-No-Wake speed and in a manner so as to not endanger the swimmer or skin diver.

1.08 WATER-SKIING.

(1) TOWING PERSON REGULATED. No person shall operate a motorboat for the purpose of towing a person on water skis, aquaplane, tubing or similar device unless there is in the boat a competent person, in addition to the operator, in a position to observe the person being towed.

(2) HOURS OF OPERATION. No person shall operate a motorboat for the purpose of towing a person, aquaplane or similar device or engage in water skiing, aquaplaning or tubing between the following hours on the following days:

(a) Monday through Friday: 7:00 p.m. to 10:00 a.m.

(b) Saturday, Sunday and Legal Holidays: 6:00 p.m. to 10:00 a.m.

(3) NUMBERS OF SKIERS TOWED. No motorboat operator shall tow more than one line or more than two persons, nor shall any person allow themselves to be towed by any motorboat already towing two persons.

(4) SKIER PICKUP OR DROP-OFF. No motorboat operator shall permit a water skier or aquaplaning device to operate from a dock, pier, raft or another boat, or within a designated swim area.

(5) **KITES, SAILS.** No motorboat operator shall allow a kite, sail or similar device to be pulled behind a boat for the purpose of flying above the water surface.

1.09 SWIMMING REGULATIONS.

(1) **TRAFFIC LANE.** No person shall swim in the traffic lane unless accompanied by a manned boat with a U. S. Coast Guard approved flotation device for each swimmer.

(2) **HOURS.** No person shall swim in the traffic lane from sunset to sunrise unless an accompanying boat as referenced above in sub. (1) is properly lighted.

1.10 MARKERS AND NAVIGATION AIDS, POSTING ORDINANCE.

(1) **DUTY OF SLPRD OR DESIGNEE.** The Chief of SLWSP is authorized and directed to supervise placement of and maintain suitable markers, navigation aids and signs in such areas as shall be appropriate to advise the public of the provisions of this chapter at all public access points within the jurisdiction of the SLPRD.

(2) **STANDARD MARKERS.** All markers placed upon the water of the lake shall comply with the Department of Natural Resources rules and regulations.

(3) **INTERFERENCE WITH MARKERS PROHIBITED.** No person shall, without authority, move, remove, damage, destroy, moor or attach any water craft to any buoy, beacon or any marker that is lawfully placed in the waters of the lake.

1.11 STATE BOATING AND WATER SAFETY LAWS ADOPTED. The statutory provisions regulating water traffic, boats, boating and related water activities in §§30.50 through 30.71, and §30.80, Wis. Stats., and in the rules and regulations of the Department of Natural Resources, as amended from time to time, for which the penalty is a forfeiture only, that have not been specifically incorporated by reference in the foregoing sections hereof, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any such statute, rule or regulation incorporated by reference herein is required or prohibited by this chapter. For purposes of these regulations, such adjusted statute may be prefixed by "11-1."

1.12 SEVERABILITY. The provisions of these regulations shall be deemed severable and it is expressly declared that the SLPRD would have passed the other provisions of these regulations whether or not one or more provisions may be declared invalid. If any provision of these regulations or the application to any person or circumstances is held invalid, the remainder of these regulations and the application of such provisions to other persons or circumstances shall not be affected.

1.13 UNIFORM CITATION METHOD ADOPTED. The SLPRD adopts and authorizes the use of a citation under §66.0113, Wis. Stats., to be issued for violations of this ordinance, including ordinances for which a statutory counterpart exists. The form of the citation shall provide for those items listed in §66.0113(1)(b), Wis. Stats.

1.14 PENALTIES AND DEPOSITS.

(1) STATE UNIFORM DEPOSIT AND BAIL SCHEDULE ADOPTED BY REFERENCE. The schedule of cash deposits for violations of state boating and water safety regulations adopted by this ordinance shall be as provided by the State of Wisconsin Revised Uniform Deposit and Bail Schedule for Conservation, Environmental Protection, Boating, Snowmobile, ATV and Captive Wildlife violations, as amended from time to time, that are hereby adopted by reference.

(2) OTHER VIOLATIONS.

(a) The cash deposits for violations of paragraphs 1.05 through 1.11 of this ordinance and §30.77, Wis. Stats., not provided for in sub. (1) above shall be \$50.00.

(b) In addition to the deposits required in subs. (1) and (2)(a) above, the deposits shall include any applicable fees and court costs prescribed in Chapter 814, the penalty surcharge under §757.05, Wis. Stats., the jail surcharge under §302.46(1), Wis. Stats., the crime lab and drug law enforcement surcharge under §165.755, Wis. Stats., the justice information surcharge under §814.86(1), Wis. Stats., and any other fees and/or surcharges which may be mandated by statute from time to time.

(c) Cash deposits are to be made with the Clerk of the Circuit Court for Washington County, Wisconsin and the clerk shall give a receipt for any cash deposits that are made in person, and if the deposit amount is mailed in, the canceled check will serve as the receipt.

(3) ISSUANCE OF CITATIONS. Citations issued under this chapter may be issued by State Certified Officers hired or contracted for by the SLPRD.

Section 2. This ordinance shall become effective after passage and publication as required by law.

Adopted the 19th day of April, 2011.

David F. Berganini
District Chairperson

ATTEST:

John R. Behrens
District Secretary