

Chapter 30

PARKS AND RECREATION*

Article I. In General

Secs. 30-1—30-29. Reserved.

Article II. Whitewater Lake and Rice Lake

Division 1. Generally

- Sec. 30-30. Applicability and enforcement.
- Sec. 30-31. State boating and water safety laws adopted.
- Sec. 30-32. Forfeitures and deposits.
- Secs. 30-33—30-55. Reserved.

Division 2. Additional Regulations

- Sec. 30-56. Intent.
- Sec. 30-57. Applicability and enforcement.
- Sec. 30-58. Traffic lane.
- Sec. 30-59. Water skiing.
- Sec. 30-60. Speed restrictions.
- Sec. 30-61. Swimming regulations.
- Sec. 30-62. Aircraft prohibited.
- Sec. 30-63. Mooring of boats.
- Sec. 30-64. Organized events and displays.
- Sec. 30-65. Additional traffic rules.
- Sec. 30-66. Forfeitures.
- Secs. 30-67—30-75. Reserved.

Division 3. Lake Accesses

- Sec. 30-76. Intent.
- Sec. 30-77. Citations.
- Sec. 30-78. Improvements on accesses.
- Sec. 30-79. General use of accesses.
- Sec. 30-80. Special uses of accesses.
- Sec. 30-81. Special use permits.
- Sec. 30-82. Parking on accesses.
- Sec. 30-83. Storage of items on lake accesses.
- Sec. 30-84. Alteration and encroachment of accesses.

Division 4. Town Road Access to Lake Areas

- Sec. 30-85. Intent of division.
- Sec. 30-86. Citations.

***Cross references**—Town water patrol, § 1-161 et seq.; law enforcement, ch. 26; snowmobiles, § 46-161 et seq.

WHITEWATER CODE

- Sec. 30-87. Piers and boat lifts in or to town roadways prohibited.
- Sec. 30-88. Presumptions.
- Sec. 30-89. Storage of items on lake accesses.
- Sec. 30-90. Parking on town roadways contiguous to lakes prohibited.

Division 5. Enforcement Procedure

- Sec. 30-91. Citation; nature, issuance, release of accused.
- Sec. 30-92. Failure of defendant to appear.
- Sec. 30-93. Bond.

ARTICLE I. IN GENERAL**Secs. 30-1—30-29. Reserved.****ARTICLE II. WHITEWATER LAKE AND RICE LAKE*****DIVISION 1. GENERALLY****Sec. 30-30. Applicability and enforcement.**

The provisions of this article shall apply to the waters of Whitewater Lake and adjoining channels and lying within the corporate limits of the Towns of Richmond and Whitewater, Walworth County, Wisconsin. The provisions of this article shall be enforced under the jurisdiction of the Town of Richmond and Whitewater, Walworth County, Wisconsin. (Ord. of 4-11-01, art. I-A; Ord. No. 031010, § 5, 3-10-10)

Sec. 30-31. 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 the statutes, are hereby adopted and by reference made a part of this article as if fully set forth. Any act required to be performed or prohibited by the provisions of the statutes incorporated by reference in this article is required or prohibited by this article as follows:

30.51(1)	Operate boat without valid certificate of number
30.51(1)	Give permission to operate boat without valid certificate of number
30.523(1)	Fail to have certificate of number on boat
30.523(2) or (3)	Failure to display registration number or decal on boat
30.549(1)	Fail to transfer certificate of number or title
30.549(2)	Fail of purchaser to apply for registration or title
30.55(1)	Fail to notify of abandonment or destruction of boat
30.55(2)	Fail to notify of change of address
30.61	Operate boat between sunset and sunrise without required lights
30.61(6)(a)	Moored boats and structures beyond 200 feet from shore without lights
30.61(10)	Operate a personal watercraft from sunset to sunrise
30.62(1)	Operate without proper equipment

***Editor's note**—Ordinances adopted April 11, 2001, and April 14, 2004, amended art. II to read as herein set out. Former art. II, §§ 30-31—30-35, 30-56—30-60, 30-76—30-86, and 30-101—30-109, pertained to boating, and were derived from Ord. No. 20, adopted Aug. 14, 1973; Ord. No. 7WR, §§ I-A, II, III, VII, XI, and XII, adopted May 10, 1976; Ord. No. 7WRA, §§ II—VI, VIII—XI, XIA, XIB, and XII, adopted July 11, 1983; Ord. No. 24, §§ 2—10, adopted June 21, 1984; and Res. No. 873, adopted Dec. 9, 1987.

- 30.62(2) Operate without proper muffler or in excess of maximum noise levels
- 30.62(3) Failure to provide proper number of personal floatation devices (PFD)
- 30.62(3)(b) Fail to wear a PFD on a personal watercraft
- 30.62(3m) Required safety devices
- 30.62(4) Failure to have required fire extinguishing equipment aboard
- 30.635 Operate at speed greater than slow-no-wake on lakes 50 acres or less
- 30.64(2) Reducing speed and yielding right-of-way to patrol boats
- 30.64(3) Fail to stop for officer
- 30.65(1)(a) Improper passing when meeting "head to head"
- 30.65(1)(b) Failure to yield right-of-way
- 30.65(1)(d) Failure to yield right-of-way to sailboat or rowboat
- 30.65(1)(e) Failure to yield right-of-way when overtaking or passing
- 30.65(1)(f) Duty of boat granted right-of-way
- 30.66(1) Unreasonable or imprudent speed
- 30.66(2) Operate at speed in excess of posted notice
- 30.66(3) Operate motorboat within 100 feet of dock, raft or pier at a speed in excess of slow-no-wake speed
- 30.66(3)(b) Operate a PWC greater than slow-no-wake speed within 100 feet of another boat
- 30.67 Duty to report accidents
- 30.67(1) Fail to render aid at boating accident
- 30.675 Falsifying distress signal
- 30.68(2) Negligent operation
- 30.68(3) Operation by incapacitated person or minor
- 30.68(4) Creating hazardous wake or wash
- 30.68(4m) Facing backward while operating a PWC
- 30.68(5) Operating in circular course
- 30.68(5m) Creating wake while towing with a PWC
- 30.68(6) Riding on decks or gunwales
- 30.68(7) Restricted areas
- 30.68(8) Anchoring in traffic lanes
- 30.68(8m) Illegal mooring buoys (Daily)
- 30.68(9) Overloading
- 30.68(11) Unnecessary sounding whistles
- 30.68(12) Molesting or destroying aids to navigation and regulatory markers
- 30.681(1)(a) Operate a motorboat while intoxicated
- 30.681(1)(b) Operate motorboat with alcohol concentration above 0.10 percent
- 30.681(2) Cause injury by intoxicated operation of motorboat
- 30.684(5) Refusal to take chemical test, intoxicated motorboat operation
- 30.69(1)(a) Operating boat towing water skier without observer
- 30.69(1)(a) Operating boat towing water skier between sunset and sunrise

- 30.69(1m)(c) Operate a personal watercraft not designed for 3 people while towing a water skier
- 30.69(3) Water skiing, within 100 feet of restricted area
- 30.69(3)(b) Water skiing, within 100 feet of a personal watercraft
- 30.69(4) Intoxicated skier or aquaplaner
- 30.70 Unlawfully engage in skin diving
- 30.71(2) Operate boat with improperly sealed toilet
- 30.71(3) Inadequate onshore disposal facilities

(Ord. of 4-11-01, art. I-A)

Sec. 30-32. Forfeitures and deposits.

Forfeitures or violation of any of the above provisions shall be assessed in accordance with W.S.A. § 30.80.

(Ord. of 4-11-01, art. I-A)

Secs. 30-33—30-55. Reserved.

DIVISION 2. ADDITIONAL REGULATIONS

Sec. 30-56. Intent.

It is the intent of this division to provide free access to Whitewater and Rice Lakes for all users and further provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public needs and the capacity of the water resource. To this end, the Towns of Whitewater and Richmond set forth the additional provisions set out in this division.

(Ord. of 4-11-01, art. I-A)

Sec. 30-57. Applicability and enforcement.

(a) This division shall apply to the waters of Rice Lake and Whitewater Lake lying within the corporate limits of the Towns of Whitewater and Richmond. The provisions of this division shall be enforced under the jurisdiction of the towns.

(b) Officers patrolling the waters may stop and board any boat for the purpose of enforcing W.S.A. §§ 30.50 to 30.80, and for conducting search and rescue operations, if the officers have reasonable cause to believe there is a violation of the sections, rules or ordinances or the stopping and boarding of any boat is essential to conduct a search and rescue operation.

(Ord. of 4-11-01, art. I-A; Ord. No. 031010, § 5, 3-10-10)

Sec. 30-58. Traffic lane.

(a) A traffic lane is hereby established embracing the surface of Rice and Whitewater Lakes, Walworth County, Wisconsin, in their entirety, excepting therefrom that portion of the waters thereof lying between the shoreline and a line parallel to 150 feet distant from the

shoreline, and excepting therefrom the northwest, northeast and southwest bays. These exceptions are designated "slow-no wake" areas. All channels shall be deemed "slow-no wake" areas.

(b) No pier shall extend further into the lakes from the shoreline than 50 feet, no raft shall be anchored or moored where it extends into a traffic lane, no private buoy shall be located in a traffic lane, and no boat shall be moored where it can drift into a traffic lane. All provisions of this section shall be consistent with W.S.A. § 30.13.

(Ord. of 4-11-01, art. I-A)

Sec. 30-59. Water skiing.

(a) *Prohibited at certain times; exceptions.*

(1) Except as provided in subsection (a)(2) of this section, no person may operate a motorboat 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 they in fact can observe such person being towed and relay any signals to the operator. This observer requirement does not apply to motorboats classified as class A motorboats by the department actually operated by the person being towed and so constructed as to be incapable of carrying the operator in or on the motorboat. No person shall operate a boat for the purpose of towing a water skier or engage in water skiing except between the hours of 9:00 a.m. and 7:00 p.m., or sunset, whichever is earlier, Friday, Saturday, holidays, and the day preceding a holiday. Water skiing and boat wakes are permitted Sunday, Monday, Tuesday, Wednesday and Thursday from 9:00 a.m. to sunset, except if one of these days would be a legal holiday or the day preceding a holiday.

(2) Subsection (a)(1) of this section does not apply to duly authorized water ski tournaments, competitions, exhibitions or trials therefor, where adequate lighting is provided.

(b) *Careful and prudent operation.* A person operating a motorboat having in tow a person on water skis, aquaplane or similar device shall operate such a boat in a careful and prudent manner and at a reasonable distance from the persons and property so as not to endanger the life or property of any person.

(c) *Restriction.* No boat towing persons engaged in water skiing, aquaplaning or similar activity on any lake shall engage in such activity within 100 feet of any occupied anchored boat or marked swimming area or public boat landing except where pickup and drop are established and marked with regulatory markers.

(d) *Tow lines.* There shall be no more than two tow lines and only two persons using the tow lines as a means of water skiing or similar sport. The persons being towed must be equipped with a coast guard approved personal flotation device. No tow line shall exceed 75 feet in length.

(e) *Observance of rules.* Any boat engaged in towing a person or water skis, aquaplane or similar device must conform to all sections of this division and, in addition must operate in a counterclockwise pattern on both lakes and inlet and outlet in the traffic lane.

(f) *Towed or untowed flight banned.* No water skier behind any boat will be permitted to be lifted into the air by any means including parasailing, hang gliding or other means, whether the tow remains in place or not, after the skier is aloft.

(g) *Authority to conduct tournaments.* To become duly authorized to conduct water ski tournaments, competitions, exhibitions or trials, the applicant must do the following:

- (1) Appear before the Town Boards of Richmond and Whitewater with a practice and show schedule and present a plan with all dates and times including the length of each event, before the start of the season, or not less than 30 days in advance of a single event. Both town boards will be required to approve and authorize any practice and show schedule.
- (2) Have a parking plan as to handle the parking of vehicles the event participants and the spectators.
- (3) Have a commitment from an insurance company for liability insurance that indemnifies and holds harmless the Towns of Richmond and Whitewater in an amount as directed by each board.
- (4) Have in place a representative living in Walworth County who can be contacted at any time during the water ski season regarding any problems by either the Town of Whitewater or Richmond, as related to water ski tournaments, competitions, exhibitions or trials, parking, insurance, zoning, noise or the equipment used in that activity. The applicant shall also present a listing of the names addresses and phone numbers of all officers or managers of the organization that is applying to conduct water ski tournaments, competitions, exhibitions or trial.
- (5) At the appearance before the town boards the applicant for authorization should be prepared to answer questions related to the zoning of the property that is proposed for the water ski tournaments, competitions, exhibitions or trials, and have in writing a signed document from any land owner, where the event is proposed, that they have authorized the use of the property for that purpose. The board may direct that authorization be obtained from adjacent landowners before the event is authorized.
- (6) The authorization granted by the town's for water ski tournaments, competitions, exhibitions or trials is conditional upon performance of all items as stated above, and additional conditions as may be imposed by each board, and is not a license.

(Ord. of 4-11-01, art. I-A; Ord. of 4-14-04, § 1)

Sec. 30-60. Speed restrictions.

(a) All boats shall operate at a slow-no wake speed after 7:00 p.m. or sunset, whichever is earlier, on Fridays, Saturdays, holidays and the day preceding a holiday, to 9:00 a.m. the following day. All other days, water skiing will be permitted from 9:00 a.m. until sunset. The maximum speed outside the traffic lane shall be "slow-no wake" at all times every day of the week.

(b) The provisions in subsection (a) shall not apply to boats participating in duly authorized races, water ski tournaments or exhibitions, or over a course laid out, plainly marked and adequately patrolled.

(c) In the event the water level on Whitewater Lake exceeds an elevation of 892.56 feet above sea level, which is the same as 1.60 feet on the ruler bolted to the left upstream wall of the dam at the northerly end of Whitewater Lake, or in the event of a catastrophe, disaster, riot or civil commotion upon the waters of either Whitewater or Rice Lake, which impair transportation, medical services, fire, health or police protection on the waters, either the Town Chairperson of the Town of Whitewater or the Town Board of the Town of Whitewater can declare an emergency and impose upon the entire body or bodies of waters of either Whitewater or Rice Lakes a "slow-no-wake" speed restriction on watercraft operating on the waters of the lake or lakes, to last until the waters recede below 1.60 feet on the ruler, or until the particular emergency situation is resolved.

(d) On top of this dam there is a Wisconsin Railroad Commission metal circular benchmark, set at 895.63 feet above sea level. The top of the ruler bolted to the left upstream wall of the dam is 1.33 feet below the benchmark. 1.60 feet on the ruler is 1.74 feet below the top of the ruler.

(e) "Slow-no-wake" is the speed at which a boat moves as slowly as possible while still maintaining steerage control.

(f) The slow-no-wake restriction will be posted at all public watercraft access locations on Whitewater and Rice Lakes when in effect.

(Ord. of 4-11-01, art. I-A; Ord. No. 051408, 5-14-08)

Sec. 30-61. Swimming regulations.

(a) Swimming from boats prohibited. No person shall swim from any boat unless such boat is anchored and unless the swimmers stay within 25 feet of the boat. Boats used as bases for swimmers shall be adequately supplied with coast guard approved flotation devices to be used in emergencies.

(b) No person shall swim more than 150 feet from the shore, nor shall any person do any distance swimming unless he or she is accompanied by a boat containing a ring buoy or coast guard approved personal flotation device and person trained in life saving technique. For this type of swimming, if there be more than one swimmer, each shall be accompanied by a boat. No person shall swim in a traffic lane from sunset to sunrise.

(Ord. of 4-11-01, art. I-A)

Sec. 30-62. Aircraft prohibited.

It is hereby prohibited for any aircraft to land upon the surface of Rice or Whitewater Lakes covered by this division. The surface shall include ice as well as water. All provisions of this section shall be consistent with W.S.A. § 114.105.

(Ord. of 4-11-01, art. I-A)

Sec. 30-63. Mooring of boats.

No person, firm or corporation shall dock or moor any boat on the waters or along the shores of Rice and Whitewater Lakes for the purpose of living, sleeping or camping.

(Ord. of 4-11-01, art. I-A)

Sec. 30-64. Organized events and displays.

(a) No person, persons or corporations shall organize or participate in any event or display upon the surface of Whitewater or Rice Lakes without first obtaining a permit for such activity from the town board of the town in which the activity shall be held.

(b) Request for a permit for organized events or displays shall be presented to the town board in triplicate before the second Monday of the month preceding the event.

(c) Request for a permit shall describe the event, time of the event, and area of the lake to be used.

(d) Upon action by the proper town board, one copy of the permit shall be returned to the applicant, and one copy to be retained by the town clerk.

(e) It is unlawful for any person or persons, during an organized event or display approved by either of the town boards, to anchor any boat within the designated area for the organized event or to in any way interfere with the participants or the organized event in any manner.

(Ord. of 4-11-01, art. I-A)

Sec. 30-65. Additional traffic rules.

In addition to the foregoing, the following rules shall apply to boats using the waters of Rice and Whitewater Lakes:

(1) Mooring lights required. No person shall moor or anchor any boat, raft, buoy or other floating object or permit it to drift in the traffic lane described in section 30-58, between sunset and sunrise unless there is prominently displayed thereon a white light of sufficient size and brightness to be visible from any direction (360 degrees) for a distance of one mile on a dark night with clear atmosphere. This subsection does not apply to duly authorized water ski tournaments, competition exhibits, or displays or trials thereof where adequate lighting is provided.

(2) The drivers or operators of all boats by means of which aquaplanes, water skis or similar objects are being towed, and the riders of such aquaplanes, water skis or similar objects, must conform to the same rules and clearances as provided for in this division.

(Ord. of 4-11-01, art. I-A)

Sec. 30-66. Forfeitures.

Any person who shall violate the provisions of division 2 [sections 30-56—30-65] shall forfeit not less than \$10.00, nor more than \$200.00, together with costs imposed by law.
(Ord. of 4-11-01, art. I-A)

Secs. 30-67—30-75. Reserved.

DIVISION 3. LAKE ACCESSES

Sec. 30-76. Intent.

It is the intent of this division to provide for safe public use of the accesses held in trust by the Towns of Whitewater and Richmond, Walworth County, Wisconsin and to preserve the natural resources in these areas.
(Ord. of 4-11-01, art. I-A)

Sec. 30-77. Citations.

Citations for violations of any of the following provisions shall follow the procedure listed in W.S.A. §§ 66.119 and 66.12. Cash deposit for violation shall be a minimum of \$35.00 for the first violation and shall not exceed \$200.00 for succeeding offenses.
(Ord. of 4-11-01, art. I-A)

Sec. 30-78. Improvements on accesses.

As provided in W.S.A. § 236.16, nothing in this division shall require either of the towns to improve the land provided for public access.
(Ord. of 4-11-01, art. I-A)

Sec. 30-79. General use of accesses.

The general public may use the accesses for getting fishing, boating and recreational equipment to the lake on those accesses where terrain and soil conditions make possible safe and reasonable movement of such equipment from the nearest public highway to the lake. No use of the lake access that is in violation of state, federal or county statutes shall be permitted.
(Ord. of 4-11-01, art. I-A)

Sec. 30-80. Special uses of accesses.

Special uses of the lake accesses shall include, but not be limited to: Research groups, weed harvesting and chemical treatment operators, sea wall construction operators, heavy equipment operators.
(Ord. of 4-11-01, art. I-A)

Sec. 30-81. Special use permits.

(a) Special use operators shall file with the town clerk in which the work is to be done an application for a special lake access use permit. Such application shall describe the date of the beginning and ending of the operation, the special equipment to be used, provisions for public safety provided, evidence of liability insurance adequate to cover all possible accidents or damage to other persons, equipment or to terrain or vegetation on the access, provision for restoring the access to its condition at the start of the operation, evidence of state, county or federal permits required, an agreement to cease operation and remove equipment within 48 hours of an order of that town board, and the nature of and length of time any materials will be stored on the access. That town board may require a bond to be posted by the applicant for possible costs in restoring the site to its condition prior to the special use. The town may require the applicant to sign a statement freeing the town from liability to other users while the special use is in progress or as a result of that special use.

(b) The town board in which the work is to be done shall, in open meeting, review the application for special use of the access or accesses. That town board shall approve or disapprove the application. In the event of approval, the town board will designate which access or accesses may be used, the time of each use and shall direct the clerk to issue the permit. This permit must be displayed on the access or accesses while the work is in progress. As the work progresses, the town board may inspect or cause to be inspected, the operation. If upon inspection the operation is not deemed to be in the public interest or violates any town ordinance or any of the terms or conditions of the permit, it may require the operator to cease and desist in the operation and restore the access or accesses to the condition that existed at the start of the operation. The board may require the operator to surrender his permit for the operation.

(Ord. of 4-11-01, art. I-A)

Sec. 30-82. Parking on accesses.

(a) Parking shall be permitted on the access in designated areas only between the hours of 6:00 a.m. to 11:00 p.m. If parking areas are not designated, all parking shall be done in such a manner that the public may have unimpeded access to the lake at all times. The town boards, in their respective jurisdiction, may designate no parking areas when such areas are in the best public interest. Stopping or standing a vehicle on the access shall be only for short periods of time and shall be done in a sharing manner with other access users.

(b) Any person who shall violate the provisions of this section, if a sign stating the parking rule for that access has been posted by the town board, shall forfeit not less than \$10.00, nor more than \$200.00, together with costs imposed by law.

(Ord. of 4-11-01, art. I-A; Ord. of 4-14-04, § 2)

Sec. 30-83. Storage of items on lake accesses.

(a) Storage of any material or materials, equipment, weeds or bog material shall be for a minimal length of time. Any storage shall be allowed only after a special use permit has been issued to the person or persons needing to store materials on the access in order to perform

lake-oriented services. Such permit shall be for the shortest possible storage period. Materials stored on the lake accesses shall be only of those materials necessary for lake projects such as, but not limited to, weed harvesting, bog removal, chemicals for authorized treatment of aquatic nuisances, materials for erosion and eutrophication control, and navigation and traffic control devices and research equipment.

(b) Any person who shall violate the provisions of this section, shall forfeit not less than \$10.00, nor more than \$200.00, together with costs imposed by law.
(Ord. of 4-11-01, art. I-A; Ord. of 4-14-04, § 3)

Sec. 30-84. Alteration and encroachment of accesses.

(a) No person shall alter the natural terrain of the access by drainage, planting or cultivating vegetation without special permit issued by the town board after acquiring assurance in writing from state and county agencies that such alteration is not in violation of state and county statutes and ordinances. No person shall encroach upon any access by alteration of boundaries, construction of buildings, drainage of liquids, or deposition of solid waste materials.

(b) Any person who shall violate the provisions of this section, shall forfeit not less than \$10.00, nor more than \$200.00, together with costs imposed by law.
(Ord. of 4-11-01, art. I-A; Ord. of 4-14-04, § 4)

DIVISION 4. TOWN ROAD ACCESS TO LAKE AREAS

Sec. 30-85. Intent of division.

It is the intent of this division to provide for safe public use of the roadways held in trust by the Towns of Whitewater and Richmond, Walworth County, Wisconsin, and to preserve the natural resources of lakes in these areas. Control of contiguous roadways and safe usage of the lakes are interrelated. Both towns have had problems with the use of piers from areas of town roads including parked vehicles, roadway obstruction, unsafe fishing activities, picnics and placement of personal property on town roads.

(Ord. of 4-14-04, § 6)

Sec. 30-86. Citations.

Citations for violations of any of the following provisions shall follow the procedure listed in W.S.A. §§ 66.119 and 66.12. Cash deposit for violation shall be a minimum of \$100.00 for the first violation, \$200.00 for the second violation, and \$300.00 for the third and each succeeding offenses. Each day of placement of a pier or boat lift in the right-of-way or to the right-of-way is a separate violation.

(Ord. of 4-14-04, § 6)

Sec. 30-87. Piers and boat lifts in or to town roadways prohibited.

No one shall be allowed to place a pier or boat lift in the right-of-way, or connected to the right-of-way of a town road. This is applicable to town roads laid out as public highways under W.S.A. § 80.01(1), or unrecorded highways under W.S.A. § 80.01(2). This is applicable to any land accreted to a town road right-of-way that is laid out as public highways.
(Ord. of 4-14-04, § 6)

Sec. 30-88. Presumptions.

The town boards presume that the piers are being placed from town roadways at the direction and request of any owners who moor watercraft to them. Unless there is clear evidence to the contrary (i.e., that someone other than the boat owner placed the pier or lift in the roadway), the citation shall be issued to the registered owner of any boat moored to the pier or placed in the boat lift.
(Ord. of 4-14-04, § 6)

Sec. 30-89. Storage of items on lake accesses.

(a) No one shall be allowed to place any item, in a roadway contiguous to the lake, or in the right-of-way of a town road.

(b) Any person who shall violate the provisions of this section, shall forfeit not less than \$10.00, nor more than \$200.00, together with costs imposed by law.

(Ord. of 4-14-04, § 6)

Sec. 30-90. Parking on town roadways contiguous to lakes prohibited.

(a) Parking on either side of a roadway that is contiguous to any lake in either the Town of Richmond or the Town of Whitewater is prohibited if the roadway has been posted with no parking signs.

(b) Any person who shall violate the provisions of this section if a sign stating the parking rule for that access has been posted by the town board, shall forfeit not less than \$10.00, nor more than \$200.00, together with costs imposed by law.

(Ord. of 4-14-04, § 6)

DIVISION 5. ENFORCEMENT PROCEDURE***Sec. 30-91. Citation; nature, issuance, release of accused.**

(a) *Nature.* A citation under this article is a directive, issued by a law enforcement officer, that a person appear in court and answer charges. A citation is not a criminal complaint and may not be used as a substitute for a criminal complaint.

***Editor's note**—Section 5 of an ordinance adopted April 14, 2004, renumbered div. 4 as div. 5 to facilitate the inclusion of new provisions designated as div 4.

(b) *Authority to issue; effect.* A law enforcement officer may issue a citation to any person whom he or she has reasonable grounds to believe has committed a violation of any provisions of article II of this chapter. A citation may be issued in the field or at the headquarters or precinct station of the officer instead of or subsequent to a lawful arrest. If a citation is issued, the person cited shall be released on his or her own recognizance unless the law enforcement officer requires the person cited to post a bond. In determining whether to require a bond, the law enforcement officer may consider whether:

- (1) The accused has given proper identification.
- (2) The accused is willing to sign the citation.
- (3) The accused appears to represent a danger of harm to himself or herself, another person or property.
- (4) The accused can show sufficient evidence of ties to the community.
- (5) The accused has previously failed to appear or failed to respond to a citation.
- (6) Arrest or further detention appears necessary to carry out legitimate investigative action in accordance with law enforcement agency policies.

(c) *Contents.* The citation shall do all of the following:

- (1) Identify the offense and section which the person is alleged to have violated, including the date, and if material, identify the property and other persons involved.
- (2) Contain the name and address of the person cited, or other identification if that cannot be ascertained.
- (3) Identify the officer issuing the citation.
- (4) Direct the person cited to appear for his or her initial appearance in a designated court, at a designated time and date.

(d) *Service.* A copy of the citation shall be delivered to the person cited, and the original must be filed with the circuit court.

(e) *Citation no bar to criminal summons or warrant.* The prior issuance of a citation does not bar the issuance of a criminal summons or a warrant for the same offense, provided the citation is dismissed after the criminal summons or warrant is issued.

(f) *Preparation of form.* The judicial conference shall prescribe the form and content of the citation under W.S.A. § 758.171.

(Ord. of 4-11-01, art. I-A)

Sec. 30-92. Failure of defendant to appear.

(a) If the person so arrested for violation of this article and released fails to appear personally or by an authorized attorney or agent before the court at the time fixed for the hearing, the money deposited by the accused pursuant to the provisions of this article shall be retained and used for the payment of the forfeiture, which forfeiture may be imposed either

with or without cost as determined by the court after the ex parte hearing upon the accused. The excess, if any, shall be returned to the person who makes the deposit upon his making application for the same. If the accused is found not guilty, then the entire amount of the deposit shall be returned to the depositor.

(b) Any person violating any of the terms of this article shall be subject to arrest whether at the time of the arrest he is on the waterways or upon the shore, and any water patrol office may pursue the offender ashore to enforce the terms of this article.

(Ord. of 4-11-01, art. I-A)

Sec. 30-93. Bond.

The law enforcement officer or any town police officer may accept money or bond deposits from any person charged with a violation of this article, and upon receipt of the bond shall issue a receipt for the bond received to the person. The law enforcement officer or town police officer or the county court shall deliver forfeited bond deposits to the town treasurer upon order of the county court and within seven days after the court issues the order.

(Ord. of 4-11-01, art. I-A)

(d) *Tow lines.* There shall be no more than two tow lines and only two persons using the tow lines as a means of water skiing or similar sport. The persons being towed must be equipped with a Coast Guard approved personal flotation device. No tow line shall exceed 75 feet in length.

(e) *Observance of rules.* Any boat engaged in towing a person on water skis, aquaplane or similar device must conform to all sections of this division and, in addition must operate in a counterclockwise pattern on both lakes and inlet and outlet in the traffic lane.

(f) *Towed or untowed flight banned.* No water skier behind any boat will be permitted to be lifted into the air by any means including parasailing, hang gliding or other means, whether the tow remains in place or not, after the skier is aloft.

(Ord. No. 7WRA, § IV, 7-11-83)

Sec. 30-80. Speed restrictions.

(a) All boats shall operate at a slow—no wake speed, from 7:00 p.m. or sunset, whichever is earlier, on Fridays, Saturdays and holidays, to 9:00 a.m. the following day. All other days, water skiing will be permitted from 9:00 a.m. until sunset. The maximum speed outside the traffic lane shall be "slow—no wake" at all times every day of the week.

(b) The provisions in subsection (a) shall not apply to boats participating in duly authorized races, water ski tournaments or exhibitions, or over a course laid out, plainly marked and adequately patrolled.

(Ord. No. 7WRA, § V, 7-11-83)

Sec. 30-81. Swimming regulations.

(a) Swimming from boats prohibited. No person shall swim from any boat unless such boat is anchored and unless the swimmers stay within 25 feet of the boat. Boats used as bases for swimmers shall be adequately supplied with Coast Guard approved flotation devices to be used in emergencies.

(b) No person shall swim more than 150 feet from the shore nor shall any person do any distance swimming unless he or she is accompanied by a boat containing a ring buoy or Coast Guard approved personal flotation device and person trained in life saving technique. For this type of swimming, if there be more than one swimmer, each shall be accompanied by a boat. No person shall swim in a traffic lane from sunset to sunrise.

(Ord. No. 7WRA, § VI, 7-11-83)

Sec. 30-82. Aircraft prohibited.

It is hereby prohibited for any aircraft to land upon the surface of Rice Lake covered by this division. The surface shall include ice as well as water. All provisions of this section shall be consistent with W.S.A. § 114.105.

(Ord. No. 7WRA, § VII, 7-11-83)

Sec. 30-83. Mooring of boats.

No person, firm or corporation shall dock or moor any boat on the waters or along the shores of Rice Lake, Walworth County, Wisconsin, for the purpose of living, sleeping or camping.

(Ord. No. 7WRA, § VIII, 7-11-83)

Sec. 30-84. Organized events and displays.

(a) No person, persons or corporations shall organize or participate in any event or display upon the surface of Rice Lake without first obtaining a permit for such activity from the town board of the Town of Whitewater, Walworth County, Wisconsin.

(b) Request for a permit for organized events or displays shall be presented to the town board of Whitewater in triplicate before the second Monday of the month preceding the event.

(c) Request for a permit shall describe the event, time of the event, and area of the lake to be used.

(d) Upon action by the town board of Whitewater, one copy of the permit shall be returned to the applicant, and one copy to the water safety patrol or law enforcement officer designated by the town board, and one copy to be retained by the town clerk.

(e) It is unlawful for any person, persons or corporations during an organized event or display approved by the town board of Whitewater to anchor any boat within the designated area for the organized event or to in any way interfere with the participants or the organized event in any manner.

(Ord. No. 7WRA, § IX, 7-11-83)

Sec. 30-85. Additional traffic rules.

In addition to the traffic rules in W.S.A. § 30.65 adopted in section 30-31 the following rules shall apply to boats using the waters covered by this division:

- (1) Mooring lights required. No person shall moor or anchor any boat, raft, buoy or other floating object or permit it to drift in the traffic lane described in section 30-31 between sunset and sunrise unless there is prominently displayed thereon a white light of sufficient size and brightness to be visible from any direction (360 degrees) for a distance of one mile on a dark night with clear atmosphere. This subsection does not apply to duly authorized water ski tournaments, competition exhibits, or displays or trials thereof where adequate lighting is provided.
- (2) The drivers or operators of all boats by means of which aquaplanes, water skis or similar objects are being towed, and the riders of such aquaplanes, water skis or similar objects, must conform to the same rules and clearances as provided for in this division.

(Ord. No. 7WRA, § X, 7-11-83)

Sec. 30-86. Forfeitures and deposits.

Forfeitures for violation of any part or parts of this division shall be assessed in accordance with W.S.A. § 30.80.

(Ord. No. 7WRA, § XIA, 7-11-83)

Secs. 30-87—30-100. Reserved.

DIVISION 4. LAKE ACCESSES

Sec. 30-101. Intent.

It is the intent of this division to provide for safe public use of the accesses held in trust by the Town of Whitewater, Walworth County, Wisconsin and to preserve the natural resources in these areas.

(Ord. No. 24, § 2, 6-21-84)

Sec. 30-102. Penalties.

Citations for violations of this division shall follow the procedure listed in W.S.A. §§ 66.119 and 66.12. Cash deposit for violation shall be a minimum of \$35.00 for the first violation and shall not exceed \$200.00 for succeeding offenses.

(Ord. No. 24, § 10, 6-21-84)

Sec. 30-103. Improvements.

As provided in W.S.A. § 236.16, nothing in this division shall require the Town of Whitewater, Walworth County, Wisconsin to improve the land provided for public access.
(Ord. No. 24, § 3, 6-21-84)

Sec. 30-104. General use.

The general public may use the accesses for getting fishing, boating and recreational equipment to the lake on those accesses where terrain and soil conditions make possible safe and reasonable movement of such equipment from the nearest public highway to the lake. No use of the lake access that is in violation of state, federal or county statutes shall be permitted.
(Ord. No. 24, § 4, 6-21-84)

Sec. 30-105. Special uses.

Special uses of the lake accesses shall include but not be limited to: research groups, weed harvesting and chemical treatment operators, sea wall construction operators, heavy equipment operators.
(Ord. No. 24, § 5, 6-21-84)

Sec. 30-106. Special use permits.

(a) Special use operators shall file with the town clerk an application for a special lake accesses use permit. Such application shall describe the date of the beginning and ending of the operation, the special equipment to be used, provisions for public safety provided, evidence of liability insurance adequate to cover all possible accidents or damage to other persons, equipment or to terrain or vegetation on the access, provision for restoring the access to its condition at the start of the operation, evidence of state, county or federal permits required, an agreement to cease operation and remove equipment within 48 hours of an order of the town board, and the nature of and length of time any materials will be stored on the access. The town board may require a bond to be posted by the applicant for possible costs in restoring the site to its condition prior to the special use. The town may require the applicant to sign a statement freeing the town from liability to other users while the special use is in progress or as a result of that special use.

(b) The town board in open meeting shall review the application for special use of the access or accesses. The town board shall approve or disapprove the application. In the event of approval, the town board will designate which access or accesses may be used, the time of each use and shall direct the clerk to issue the permit. This permit must be displayed on the access or accesses while the work is in progress. As the work progresses, the town board may inspect or cause to be inspected, the operation. If upon inspection the operation is not deemed to be in the public interest or violates any town ordinance or any of the terms or conditions of the

permit, it may require the operator to cease and desist in the operation and restore the access or accesses to the condition that existed at the start of the operation. The board may require the operator to surrender his permit for the operation.

(Ord. No. 24, § 6, 6-21-84)

Sec. 30-107. Parking.

Parking shall be permitted on the access in designated areas only between the hours of 6:00 a.m. to 11:00 p.m. If parking areas are not designated, all parking shall be done in such a manner that the public may have unimpeded access to the lake at all times. The town may designate no parking areas when such areas are in the best public interest. Stopping or standing a vehicle on the access shall be only for short periods of time and shall be done in a sharing manner with other access users.

(Ord. No. 24, § 7, 6-21-84)

Sec. 30-108. Storage.

Storage of any material or materials, equipment, weeds or bog material shall be for a minimal length of time. Any storage shall be allowed only after a special use permit has been issued to the person or persons needing to store materials on the access in order to perform lake-oriented services. Such permit shall be for the shortest possible storage period. Materials stored on the lake accesses shall be only of those materials necessary for lake projects such as, but not limited to, weed harvesting, bog removal, chemicals for authorized treatment of aquatic nuisances, materials for erosion and eutrophication control, and navigation and traffic control devices and research equipment.

(Ord. No. 24, § 8, 6-21-84)

Sec. 30-109. Alteration and encroachment.

No person shall alter the natural terrain of the access by drainage, planting or cultivating vegetation without special permit issued by the town board after acquiring assurance in writing from state and county agencies that such alteration is not in violation of state and county statutes and ordinances. No person shall encroach upon any access by alteration of boundaries, construction of buildings, drainage of liquids, or deposition of solid waste materials.

(Ord. No. 24, § 9, 6-21-84)

ORDINANCE NO. 041404

AN ORDINANCE AMENDING THE WHITEWATER AND RICE LAKE ORDINANCE

The Town Board of the Town of Whitewater, Walworth County, Wisconsin Ordains That:

Section 1.

Sec. 30-59. Water Skiing is hereby amended by adding paragraphs (g) (1) – (6), as follows:

- (g) To become duly authorized to conduct water ski tournaments, competitions, exhibitions or trials, the applicant must do the following:
 - (1) Appear before the Town Boards of Richmond and Whitewater with a practice and show schedule and present a plan with all dates and times including the length of each event, before the start of the season, or not less than 30 days in advance of a single event. Both Town Boards will be required to approve and authorize any practice and show schedule.
 - (2) Have a parking plan as to handle the parking of vehicles the event participants and the spectators.
 - (3) Have a commitment from an insurance company for liability insurance that indemnifies and holds harmless the Towns of Richmond and Whitewater in an amount as directed by each Board.
 - (4) Have in place a representative living in Walworth County who can be contacted at any time during the water ski season regarding any problems by either the Town of Whitewater or Richmond, as related to water ski tournaments, competitions, exhibitions or trials, parking, insurance, zoning, noise or the equipment used in that activity. The applicant shall also present a listing of the names addresses and phone numbers of all officers or managers of the organization that is applying to conduct water ski tournaments, competitions, exhibitions or trial.
 - (5) At the appearance before the Town Boards the applicant for authorization should be prepared to answer questions related to the zoning of the property that is proposed for the water ski tournaments, competitions, exhibitions or trials, and have in writing a signed document from any land owner, where the event is proposed, that they have authorized the use of the property for that purpose. The Board may direct that authorization be obtained from adjacent land owners before the event is authorized.

- (6) The authorization granted by the Town's for water ski tournaments, competitions, exhibitions or trials is conditional upon performance of all items as stated above, and additional conditions as may be imposed by each Board, and is not a license.

Section 2.

Sec. 30-82. Parking on accesses is hereby amended by adding the following paragraph:

Any person who shall violate the provisions of this ordinance, if a sign stating the parking rule for that access has been posted by the Town Board, shall forfeit not less than \$10.00 nor more than \$200.00, together with costs imposed by law.

Section 3.

Sec. 30-83. Storage of items on lake accesses is hereby amended by adding the following paragraph:

Any person who shall violate the provisions of this ordinance, shall forfeit not less than \$10.00 nor more than \$200.00, together with costs imposed by law.

Section 4.

Sec. 30-84. Alternate and encroachment of accesses is hereby amended by adding the following paragraph:

Any person who shall violate the provisions of this ordinance, shall forfeit not less than \$10.00 nor more than \$200.00, together with costs imposed by law.

Section 5.

DIVISION 4. PROCEDURE, consisting of sections 30-91 - 30-93 is hereby re-numbered to "DIVISION 5."

Section 6.

DIVISION 4. TOWN ROAD ACCESS TO LAKE AREAS
is hereby added to the ordinance, as follows:

"DIVISION 4. TOWN ROAD ACCESS TO LAKE AREAS

Sec. 30-85. Intent.

It is the intent of the division to provide for safe public use of the roadways held in trust by the Town of Whitewater and Richmond, Walworth County, Wisconsin and to preserve the natural resources of lakes in these areas. Control of contiguous roadways and safe usage of the Lakes are interrelated. Both Towns have had problems with the use of piers from areas of Town

Roads including parked vehicles, roadway obstruction, unsafe fishing activities, picnics and placement of personal property on Town Roads.

Sec. 30-86. Citations.

Citations for violations of any of the following provisions shall follow the procedure listed in W.S.A. §§ 66.119 and 66.12. Cash deposit for violation shall be a minimum of \$100.00 for the first violation, \$200.00 for the second violation, and \$300.00 for the third and each succeeding offenses. Each day of placement of a pier or boat lift in the right of way or to the right of way is a separate violation.

Sec. 30-87. Piers & Boat Lifts in or to Town Roadways Prohibited.

No one shall be allowed to place a pier or boat lift in the right of way, or connected to the right of way of a Town Road. This is applicable to Town Roads laid out as public highways under W.S.A. §80.01 (1) or unrecorded highways under W.S.A. §80.01 (2). This is applicable to any land accreted to a town road right of way that is laid out as public highways.

Sec. 30-88. Presumptions.

The Town Boards presume that the piers are being placed from Town roadways at the direction and request of any owners who moor watercraft to them. Unless there is clear evidence to the contrary (i.e that someone other than the boat owner placed the pier or lift in the roadway), the citation shall be issued to the registered owner of any boat moored to the pier or placed in the boat lift.

Sec. 30-89. Storage of items on lake accesses.

No one shall be allowed to place any item, in a roadway contiguous to the lake, or in the right of way of a Town Road.

Any person who shall violate the provisions of this ordinance, shall forfeit not less than \$10.00 nor more than \$200.00, together with costs imposed by law.

Sec. 30-90. Parking on Town Roadways contiguous to Lakes prohibited.

Parking on either side of a roadway that is contiguous to any lake in either the Town of Richmond or the Town of Whitewater is prohibited if the roadway has been posted with no parking signs.

Any person who shall violate the provisions of this ordinance if a sign stating the parking rule for that access has been posted by the Town Board, shall forfeit not less than \$10.00 nor more than \$200.00, together with costs imposed by law.

Section 7.

Except as modified above, the Whitewater and Rice Lake Ordinance shall remain unchanged.

Section 8.

Effective Date. This Ordinance shall be effective on April 14, 2004, upon passage and publication as provided by law.

Adopted this 14th day of April, 2004.



Ronald Fero, Chairman



Ralph Goessling, Supervisor



Norman Prusener, Supervisor

Attest: 

Wayne Haskey, Town Clerk