

CHAPTER 12 PUBLIC WATERS AND BEACHES

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12.01 BOATING REGULATIONS

(1) INTRODUCTION.

(a) Applicability. The provisions of this section are adopted in the interest of public health and safety and shall apply to persons, boats and other objects upon, in and under the waters and ice of Geneva Lake within the jurisdictions of the city, Village and towns which are all the municipalities surrounding, riparian to and having jurisdiction over such lake.

(b) Enforcement. This section shall be enforced by the officers, employees and agents of the Geneva Lake Law Enforcement Agency and by the properly designated and authorized officers and agents of such municipalities.

(c) Water Safety Patrol. The Geneva Lake Water Safety Committee, Inc., through its Water Safety Patrol, shall:

1. Promote water safety upon Geneva Lake, including water rescue, promulgating and encouraging practices conducive to the safety of persons and property incident to the use and enjoyment of water traffic, pleasure and sports.
2. Educate in promoting water safety in all of its aspects.

(2) STATE BOATING AND WATER SAFETY LAWS AND ADMINISTRATIVE ORDERS AND RULES ADOPTED

(a) Statutes Adopted. The statutory provisions describing and defining regulations with respect to water and ice traffic, boats, boating and related water and ice 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 such statutes, are hereby adopted and by reference made a part of this section 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 section:

30.50	Definitions
30.501	Capacity plates on boats
30.51	Operation of unnumbered boats prohibited; exemptions
30.52	Certificate of number; applications; issuance; renewals; fees
30.523	Certificate or registration card to be on board; display of stickers or decals and identification numbers
30.53	Certificate of origin; requirements; contents
30.531	Certificate of title; requirements; exemptions
30.533	Application for certificate of title; hull and engine identification numbers
30.539	Contents of certificate of title
30.54	Lost, stolen or mutilated certificates
30.541	Transfers of boat titles
30.543	Report of stolen or abandoned boats
30.544	Inspection of boats purchased out-of-state
30.549	Transfer of ownership of boats with a certificate of title, certificate of number or registration
30.55	Notice of abandonment or destruction of boat or change of address

30.60	Classification of motor boats
30.61	Lighting equipment
30.62	Other equipment
30.63	Use of certain outboard motors restricted
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	Officers action after arrest for violating intoxicated boating law
30.69	Water skiing
30.70	Skin diving
30.71	Boats equipped with toilets

(b) Administrative Code Provisions Adopted. All rules and orders created by the Wisconsin Department of Natural Resources designated Chapter NR, Wis. Adm. Code, modifying or supplementing the foregoing provisions of State law or which may be adopted or made in the future are hereby incorporated in and made a part of this section by reference as though fully set forth herein.

(c) Changes in State Laws Adopted. All deletions, additions and amendments which may be made to the sections of the State laws enumerated under par. (a) 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.

(d) Speed Limits.

1. In accordance with the Joint Uniform Lake Law, no person shall operate any boat powered by an engine or any other boat in or upon the waters of Geneva Lake at a speed in excess of the following speeds:

- 45 mph on Weekdays (Monday -Friday Noon)
- 35 mph on Weekends (Friday Noon - Sunday)
- 35 mph on All Holidays
- 15 mph at Night (Sunset to Sunrise)

2. The speed limit in section one above shall not apply to police patrol boats in situations involving emergencies or while engaged in law enforcement nor to boats participating in an authorized race, regatta or water ski meet authorized by a permit while operating in the designated area authorized by such permit. The speed limit in section one above shall not apply to Water Safety Patrol boats in situations involving emergencies.

(3) ZONES, LANES AND RESTRICTIONS

(a) Zones and Lanes Defined.

1. All areas marked by buoys or regulatory markers as swimming zones are so designated as swimming zones.

2. Traffic lanes for boats shall be those areas designated as such by identifying buoys or other aids to navigation.

3. Where the traffic lane is not so identified, a traffic lane is hereby established and shall be the greater distance between the shoreline and a line parallel to and 200' distant from it and 100' from any dock, raft, pier, structure, mooring area or buoyed restricted area.

(b) Restrictions.

1. Any municipality may install and operate boat traffic lights and when so installed and operating they shall be obeyed by all boat or other watercraft operators using such traffic lane.

2. No water traffic outside the traffic lane shall exceed the "slow-no-wake" speed limit.

(4) ADDITIONAL SAFETY REGULATIONS

(a) Right-of-Way at Docks, Piers and Wharves. Boats leaving or departing from a pier, dock or wharf shall have the right-of-way over all other boats approaching such dock, pier or wharf.

(b) Right-of-Way of Sailboats Over Rowboats. Boats propelled entirely by muscular power shall yield the right-of-way to sailboats when necessary to avoid risk of collision.

(c) Mooring Lights. No person shall moor or anchor any boat, raft, buoy or other floating object or permit the same to drift in the traffic lane above described between sunset and sunrise unless there is prominently displayed thereon a white light of sufficient size and brightness to be visible from any direction for a distance of 2 miles on a dark night with clear

atmosphere. This provision shall not apply to authorized structures within the pierhead line nor to boats or objects moored or anchored in mooring areas.

(d) Rafts and Platforms. No person shall place or maintain any raft or platform more than 50' from the shore unless it is so anchored that it has at least 6" of freeboard above the waterline and has attached thereto not less than 12" from each corner or projection a red reflector not less than 3" in diameter.

(e) Swimming Regulations.

1. Swimming From Boats. No person shall swim from any boat unless such boat is anchored or the boat is manned by a competent person.

2. Swimming in Traffic Lane. No person shall swim in the traffic lane unless accompanied by a boat manned by a competent person. Such boat shall stay within 50' of and guard such swimmer. This paragraph is subject to the provisions set forth in subparagraph 3 below.

3. Hours. No person shall swim in the traffic lane from sunset to sunrise.

(f) Water Skiing.

1. All water skiing is forbidden outside the traffic lane.

2. No watercraft which shall have in tow a person or persons on water skis, surfboards or similar devices shall be operated upon Geneva Lake unless such watercraft shall be occupied by at least 2 competent persons. One person shall operate the boat and observe boat traffic at all times and the second shall observe the towed person.

3. The drivers or operators of all watercraft by means of which aquaplanes, water skis or similar devices are being towed and the riders of such devices shall conform to the same rules and clearance as provided in this section for motor boats.

4. Any person using water skis, an aquaplane or a similar device or any person who is towed in any manner by a watercraft or other means shall wear or have on his person a United States Coast Guard approved personal flotation device.

(g) Shooting of Projectiles Prohibited. No person by use of a contrivance or device or otherwise in any manner shall throw, propel, send forth or shoot any missile, projectile or object toward or in the direction of a person, watercraft or other property.

(h) Buoys to be Out by the First Day of Winter.

1. All buoys shall be removed from the water by the first day of winter of each year.

2. Every municipality, the Water Safety Patrol and the Geneva Lake Law Enforcement Agency may remove all buoys, regulatory markers or aids to navigation being privately owned or placed which are not removed before the first day of winter of each year.

(i) Fueling Regulations.

1. No person shall fuel watercraft with gasoline by pouring gasoline from a portable can or container into the watercrafts fuel tank while being located at the Village owned lakefront or at any municipally owned pier in the Village. Watercraft with on-board gasoline fuel tanks must be removed from the water for fueling or be fueled at a commercial gasoline facility.

2. This section is adopted pursuant to the police power of the Village and is designed to prevent hazardous and dangerous conditions that are created by persons fueling their watercraft with hand-held gasoline cans, thus exposing themselves to the presence of gasoline fumes and the potential for the pollution of Geneva Lake by the spillage of gasoline into the lake.

(5) LITTERING OR POLLUTING.

(a) No person shall deposit, place or throw any cans, bottles, debris, refuse, garbage, solid or liquid waste, sewage or effluent into the waters of the lake or upon the ice when formed or cause or permit the same to be done by any agent or employee.

(b) **OVERBOARD DISCHARGE INACTIVATION.** No boat equipped with a means of discharging sewage directly from a toilet or holding tank into the water upon which the boat is moored or is moved shall enter inland or outlying waters of the State until such means of discharge is inactivated. An owner or operator of a boat equipped with such means of discharge shall contact a representative of the Department of Natural Resources or a local law enforcement official with respect to inactivation before entering State waters. Overboard discharge inactivation shall include as a minimum, either disconnection of the toilet piping, removal of the pumping device, securely plugging the discharge outlet, sealing of the toilet bowl with wax or other method approved by the official contacted. The inspecting official shall provide the boat owner or operator with a signed written statement as to the method of inactivation accepted. The owner or operator shall give information as to the inland or outlying waters he plans to navigate and as to the time of stay on such waters. (Pursuant to Ch. COMM 86.07, Wis. Adm. Code.)

(6) MARKERS AND NAVIGATION AIDS.

(a) Duty of Director-Manager. The Director of the Water Safety Patrol and the Manager of the Geneva Lake Law Enforcement Agency are authorized and directed to place and maintain suitable regulatory markers, navigation aids and signs and waterway markers in such areas of the lake as shall be necessary under this section, State law and State administrative code provisions and to advise the public of the provisions of this section and such State law and State administrative code provisions and they shall post and maintain a copy of this section at all public access points to the lake.

(b) Standard Markers. All regulatory markers, navigation aids and other waterway markers placed upon the waters of the lake shall comply with the regulations of the DNR.

(7) SKIN DIVING AND SWIMMING; SCUBA DIVING AND SWIMMING; SKIN FISHING.

(a) Subsurface Activities.

1. In the interest and protection of the public health, safety and general welfare, the Village Board deems the area comprising Geneva Lake north of a line drawn from the most southerly point of Conference Point on the west and the most southerly point of Cedar Point on the east and the Village Board of Fontana-on-Geneva Lake deems the area comprising such lake west of a line drawn from the north line of Belvidere Park on the north shore and the eastern edge of the public road east of the Club Unique Subdivision on the south shore in the Village and the City Council of Lake Geneva deems the area of Geneva Bay from Geneva Bay Estates east to the lake-front of the Somerset Condominium Association as being highly congested and hazardous for all kinds of water traffic, especially motor-powered watercraft of all kinds, sailboats, water skiers and fishermen and

subsurface activities are especially dangerous in such areas because persons engaged in such activities cannot be seen by observers on the surface of the water.

2. All skin and other underwater diving and swimming used or performed with self-contained, underwater breathing apparatus (SCUBA diving) or similar devices are hereby forbidden during the period from May 20 to September 15 of each year within the above described areas, except to recover personal property, bodies and to examine the bottom of the lake for some public authority and then only after making application for and receiving permission from the Water Safety Patrol in writing.

(b) Registration Required. No person shall engage in underwater diving and swimming with self-contained under water breathing apparatus without first having registered and been issued a permit card provided by the Water Safety Patrol.

(c) Unassisted SCUBA Diving Prohibited. No person shall SCUBA dive underwater, unless assisted by another competent, properly equipped SCUBA diver.

(d) Boat Required. A SCUBA diver shall be accompanied when in the water by a boat equipped with an approved dive flag as provided in §30.70, Wis. Stats. The boat shall be anchored and shall be manned by a competent person.

(e) SCUBA Diving Areas Restricted. No person shall SCUBA dive at any of the public beaches nor shall SCUBA diving be done in such a way as to interfere with fishermen and their lines or with boats and their anchors.

(f) Prohibited Areas. Restricted areas on the lake other than those above designated may be out of bounds for SCUBA divers as determined by the Water Safety Patrol. These areas shall be properly marked and designated.

(g) Recovered Articles. All SCUBA divers and other users of Geneva Lake who find articles of any value on the bottom of the lake shall deliver them to the Water Safety Patrol for return to their proper owners and, if such owners cannot be found, then for disposal according to law.

(h) Hours. SCUBA diving is forbidden between the hours of sunset and sunrise, unless for some emergency and then only if properly authorized as above provided.

(8) ESTABLISHMENT OF PIERHEAD LINE AND WHARF REGULATIONS. ~~(Rep. & rec. #9-83)~~

(a) Definitions. The definitions as set forth in §30.01, Wis. Stats., are hereby adopted and incorporated herein by reference the same as if set forth at length herein. Any future amendment, revision or modification of the statutes incorporated herein is intended to be made a part of this subsection.

(b) Establishment of Pierhead Line.

1. Pursuant to §§30.11 and 30.13 (3), Wis. Stats., and in the interest of the preservation and protection of the public's rights in the waters of Geneva Lake, the Village, within its boundaries, does hereby establish a pierhead line on Geneva Lake which shall be at a distance of 100' waterward from the shoreline. The shoreline, for the purpose of this subsection, shall be at the elevation of the spillway crest on the Geneva Lake Dam, which is at the elevation of 864.3' mean sea level datum. The pierhead line shall run parallel to the shoreline.

2. The map pursuant to §30.11, Wis. Stats., approved by the Wisconsin Department of Natural Resources, indicating the existing shore and pierhead line

established in sub-par. 1. above is incorporated herein and made a part of this section.

(c) Unlawful Obstruction Prohibited.

1. Interference with Public Rights. No wharf or pier shall interfere with public rights in navigable waters. A wharf or pier which interferes with public rights in navigable waters constitutes an unlawful obstruction of navigable waters unless a permit is issued for the wharf or pier by the Wisconsin Department of Natural Resources under §30.12, Wis. Stats., or unless authorization for the wharf or pier is expressly provided.

2. Interference with Riparian Rights. No wharf or pier shall interfere with the rights of other riparian proprietors. A wharf or pier which interferes with rights of other riparian proprietors constitutes an unlawful obstruction of navigable waters, unless a permit is issued for the wharf or pier by the Wisconsin Department of Natural Resources under §30.12, Wis. Stats., or unless authorization for the wharf or pier is expressly provided.

3. Extension Beyond Pierhead Line; Exception.

a. No wharf or pier shall extend beyond the pierhead line which has been established under subpar. (b)1. above. A wharf or pier which extends into navigable waters beyond the pierhead line established above constitutes an unlawful obstruction of navigable waters, unless a valid permit, license or authorization for the wharf or pier is granted or unless it is a permissible preexisting wharf or pier.

b. A wharf or pier is a permissible preexisting wharf or pier if it existed prior to the establishment of the pierhead line, is not extended or expanded after that date and if the ownership of the land to which it is attached did not change after that date, except that a wharf or pier continues its status as a permissible preexisting wharf or pier for one year after the date of the change of ownership is recorded. The seasonal removal of a wharf or pier does not affect its status as a permissible preexisting wharf or pier if it is reestablished in substantially the same form. The owner of a wharf or pier may submit evidence to the Village that it is a permissible preexisting wharf or pier at any time after the effective date of this subsection.

c. All piers including removable piers (non-cribbed) are permissible preexisting piers if they existed prior to the enactment of the Joint Uniform Lake Law Ordinance (adopted 1971, as amended), have not been extended or expanded after that date and do not extend beyond the pierhead line. The seasonal removal of the permissible pre-existing pier not extending beyond the pierhead line does not affect its status as a permissible pre-existing pier not extending beyond the pierhead line, if it is established in exactly the same form and place, irrespective of a change in ownership of the riparian parcel. Status as a permissible pre-existing pier not extending beyond the pierhead line does not imply that authorization for the wharf or pier is provided for the purposes of subs. 1. and 2. The owner of a pier may submit evidence to the Village that it is a permissible pre-existing pier not extending beyond the pierhead line that existed prior to the enactment of the Joint Uniform Lake Law Ordinance in 1971.

4. Free Movement of Water. Any wharf or pier shall be constructed so as to allow the free movement of water underneath and in a manner which will not cause the formation of land upon the bed of the water.

5. Location of Wharves and Piers Regulated. No wharf or pier shall be located, built, constructed or maintained on a lot or parcel within a distance of 12" or 12.5 feet from a riparian proprietors property line, where such property line intersects the shoreline as defined in subpar. (b)1. above.

This restriction shall not apply to permissible preexisting wharves or piers as defined in subpar. (c)3.b. and permissible preexisting piers not extending beyond the pierhead as defined in subpar. (c)3.c. above.

(d) Removal of Unlawful Obstructions. The Village Board may remove a wharf or pier which constitutes an unlawful obstruction of navigable waters as set forth in par. (c) above as provided under §66.0495, Wis. Stats.

(e) Dilapidated Structures in Navigable Waters Prohibited

1. Any wharf or pier in navigable waters which is so old, dilapidated or in need of repair that it is dangerous, unsafe or unfit for use may be proceeded against by the Village Board or designated officer thereof in the manner and pursuant to the procedure as provided in section 30.13(5m), Wis. Stats.

2. Any wharf or pier in navigable waters which is declared so old, dilapidated or in need of repair that it is dangerous, unsafe or unfit for use under section 30.13(5m)(a)2, Wis. Stats., or repair is determined unreasonable under that section is a public nuisance and may be proceeded against under Ch. 823, Wis. Stats.

(f) Wharf and Pier Permit Required

1. *Permits Required.*

a. Riparian proprietors who construct or place a wharf or pier or cause the same to be done shall prior thereto obtain a permit therefore from the Village Board. Once a permit is issued by the Village Board, no future permit is required so long as the structure remains in substantially the same form and location. This paragraph shall not apply to a permissible preexisting wharf or pier as defined in subpar. (c)3.b. and permissible preexisting piers not extending beyond the pierhead line as defined in subpar. (c)3.c. above.

b. No person shall erect, construct, place, extend or maintain any wharf or pier in such a manner that it violates any of the provisions of this section, any applicable laws of the State or any rule, order or regulation of the State DNR. However, any permit granted to a riparian proprietor by the State DNR pursuant to _30.12, Wis. Stats., shall deem such pier or wharf to be in compliance with this section to the extent of the permit so granted. A copy of any application for a permit from the State DNR pursuant to _30.12, Wis. Stats., shall be filed with the Village Clerk at the same time such application is filed with the DNR.

2. *Application.* The application for such permit shall describe the real estate and the location of the wharf or pier or extension or modification thereof in detail with regard to such real estate, shoreline and pierhead line and setting forth the distances of the wharf or pier to the property lines of any abutting riparian lands, giving the details of the dimensions and kinds of materials to be used in the construction of the same, together with any additional details and specifications which the Village Board may require. Such application shall also state the name and permanent residence or post office address of the applicant.

3. *Investigation and Report.* Upon filing of such application, the Village Clerk shall refer the same immediately to the Building Inspector or such other person as may be designated by the Village Board for investigation and report, which such

report shall indicate that all of the requirements of this section, applicable laws of the State and rules and orders of the Wisconsin Department of Natural Resources will be complied with. The Building Inspector or other designated official shall thereafter file with the Village a report of his findings, which such report shall also include a recommendation and the reasons therefore.

(g) Issuance, Denial, Revocation of Permits; Appeals; Fees

1. After the filing and review of the application by the Building Inspector or other designated person, the Village Board shall act on the application. No permit shall be granted until the Village Board determines all requirements of this section and all the applicable laws of the State and rules and orders of the Wisconsin Department of Natural Resources have been complied with. The reasons for the granting or denial of such permit shall be stated in the minutes.

2. If the wharf or pier for which a permit has been granted is not erected, constructed or placed in accordance with the application, plans, specifications, details and drawings submitted by the applicant thereof or if the wharf or pier for which a permit has been issued violates any laws of the State or rules or orders of the Wisconsin Department of Natural Resources, the Village Board may revoke such permit. The provisions of this paragraph shall not affect the Village Board's rights to pursue any other legal remedies it may have as provided in this section or otherwise by law.

3. Any person having a substantial interest which is adversely affected by a decision of the Village Board or an officer, employee or agent thereof relating to the issuance, denial or revocation of a permit as provided in this subsection may have such determination reviewed pursuant to the provisions of Chapter 24 of the municipal code of Williams Bay.

4. The Village Board may provide for the payment of a reasonable fee for the issuance of a permit under this subsection.

(h) Marinas and Lagoons. No lagoon or marina shall be constructed or expanded unless a permit for the same has been obtained from the Wisconsin Department of Natural Resources as provided by law. At the time an application is filed with the Department of Natural Resources, a copy of such application shall be filed with the Village Clerk.

(9) SAFETY REGULATIONS AFFECTING THE USE OF WATER CIRCULATORS AND PROTECTION AGAINST DANGERS CREATED BY ICE OPENINGS

(a) Definitions.

1. Water circulator is a motor, pump or other device which rotates a propeller or other apparatus which causes the circulation of water used to keep the ice from forming around a boat, pier or other structure.

2. Ice opening is any opening in the ice caused by cutting or sawing or by use of a water circulator to remove the ice or prevent it from forming in order to reach and use the water in Geneva Lake for the purpose of fishing, obtaining minnows or other bait, scuba diving, or to protect a boat, pier, wharf, seawall or other structure from possible ice damage.

(b) No person shall operate a water circulator in the waters of Geneva Lake without first obtaining a permit therefore from the municipal authority within which the area where the circulator to be used is located.

(c) No such circulator shall be used unless the owner or operator places around the margin of the opening made by such circulator and maintains at a place where the ice is sufficiently thick to hold at least 300 pounds per square foot, a snow fence or its equivalent

with closely-spaced slats extending not less than 3-1/2 feet above the surface of the ice, and shall place signs on the same at intervals of not less than 25 feet within the word "Danger" in red letters at least one foot high.

(d) Ice openings caused by methods other than the use of a water circulator when not covered by a building, enclosure, shelter, tent, shanty, or similar structure, shall be protected against accidents by a notice and warning by using fencing, wooden horses, "Danger" signs, warning flags or similar devices to alert the general public of the opening until such time as the water in the opening has frozen to a thickness sufficient to hold 300 pounds per square foot at which time such notice and warning shall be removed to prevent accidents by collision. Such warning devices shall have on them the name of the person who caused the opening.

(10) REGULATIONS OF SNOWMOBILES AND OTHER MOTOR VEHICLES ON THE ICE

In the interest of public health and safety, the following laws and regulations are adopted:

(a) State Snowmobile Laws Adopted. Except as otherwise specifically provided in this chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this section:

1.	350.01	(Definitions)
2.	350.02	(Operation of Snowmobiles on or in Vicinity of Highway)
3.	350.03	(Right-of-Way)
4.	350.04	(Snowmobile Races, Derbies and Routes)
5.	350.045	(Public Utility Exemption)
6.	350.047	(Local Ordinance to be Filed)
7.	350.05	(Operation by Youthful Operators Restricted)
8.	350.055	(Safety Certification Program Established)
9.	167.31	(Firearms and Bows)
10.	350.07	(Driving Animals)
11.	350.08	(Owner Permitting Operation)
12.	350.09	(Head Lamps, Tail Lamps and Brakes)

13.	350.10	(Miscellaneous Provisions for Snowmobile Operation)
14.	350.12	(Registration of Snowmobiles)
15.	350.13	(Uniform Trail Signs and Standards)
16.	350.15	(Accident and Accident Reports)
17.	350.17	(Enforcement)
18.	350.18	(Local Ordinances)
19.	350.19	(Liability of Land Owners)

(b) Operation Forbidden on Public Property. Except as provided in §350.02 and 350.03, Wis. Stats., no person shall operate a snowmobile upon the path around the lake or any other public right-of-way, or street, or in any public park or on any other public property unless the same or any parts of them have been designated as snowmobile routes and the trails have been clearly marked by municipal authorities.

(c) Rules of Road Adopted. If snowmobile routes are designated over public highways, operators of vehicles upon them shall observe the rules of the road for motor vehicles set forth in Ch. 346, Wis. Stats., in addition to any special rules adopted by this section; and where operated over parks or other recreational areas, the speed shall not be in excess of the posted speed limit.

(d) Unattended Vehicles. No person shall leave or allow a snowmobile owned or operated by him to remain unattended while the motor is running or with the starting key left in the ignition.

(e) Operation on Private Premises Restricted. No person shall operate a snowmobile on any private property now owned or controlled by him without the express consent and permission of the owner or occupant of such land.

(f) Restricted Use on Lake. No person shall operate or ride upon a snowmobile on Geneva Lake at any time or place when the ice is unsafe.

(g) Accidents and Accident Reports.

1. Definition. "Snowmobile accident" means a collision, accident or other casualty involving a snowmobile.

2. Rendering Help. If he can do so without serious danger to his own snowmobile or to persons on board, the operator of a snowmobile involved in a snowmobile accident on Geneva Lake shall stop his snowmobile and render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident and shall give his name, address and identification of his snowmobile to any person injured and the owner of any property damaged in the accident.

3. Reporting Accident.

a. If the snowmobile accident results in death or injury to any person or total property damages in excess of \$200, every operator of a snowmobile

involved in such accident shall as soon as possible notify the police department having jurisdiction over the area in which the accident occurred of the accident and shall, within 10 days after the accident, file a written report thereof with such department on forms prescribed by it.

b. If the operator of a snowmobile is physically incapable of making the report required by this section and there is another occupant in the snowmobile at the time of the accident capable of making it, he shall make such report.

(11) RIGHT-OF-WAY. Every pedestrian, skater, ice-boater and operator of a vehicle which is not motor-driven shall have the right-of-way over a snowmobile and other motor vehicles. The operator of a snowmobile or other motor vehicle shall yield the right-of-way to all pedestrians, skaters, ice-boaters and operators and occupants of vehicles which are not motor-driven. Every pedestrian shall have the right-of-way over a skater and ice-boater. Every skater shall have the right-of-way over ice-boaters.

(12) PENALTIES

(a) Any person convicted of a violation of par. (2)(a) of this section as described in §§30.67(1) or (2) or 30.68(2), Wis. Stats., shall forfeit not more than \$200, together with the costs of prosecution and penalty assessment, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail not exceeding 6 months. Any person convicted of a violation of par. (2)(a) of this section as described in §30.68, Wis. Stats., shall, in addition to the penalties above, be required to obtain a certificate of satisfactory completion of a safety course under §30.74(1), Wis. Stats.

(b) Any person convicted of a violation of par. (2)(a) of this section as described in §§30.681(1) or 30.684(5), Wis. Stats., shall forfeit not less than \$150 nor more than \$300, together with the costs of prosecution and penalty assessment, and shall be required to obtain a certificate of satisfactory completion of a safety course under §30.74(1), Wis. Stats., and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail not exceeding 6 months.

(c) In addition to any other penalty imposed, any person convicted of a violation of par. (2)(a) of this section as described in §§30.681(1) or 30.684(5), Wis. Stats., shall be ordered by the court to submit to and comply with an assessment by an approved public treatment facility for an examination of the person's use of alcohol or controlled substances. Intentional failure to comply with an assessment ordered under this paragraph constitutes contempt of court, punishable under Ch. 785, Wis. Stats.

(d) Any person convicted of a violation of par. (2)(a) of this section as described in §30.71, Wis. Stats., or any rule promulgated under that section, shall forfeit not more than \$100 for the first offense and not more than \$200 upon conviction of the same offense a second and subsequent time within one year, together with the costs of prosecution and penalty assessment, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail not exceeding 6 months.

(e) Except as otherwise provided above, any person convicted of a violation of subs. (2) through (7) of this section, shall forfeit not more than \$50 for the first offense and not more than \$100 upon conviction of the same offense a second and subsequent time within one year.

(f) Penalties for violations involving the use of snowmobiles are set out in §350.11, Wis. Stats., but forfeitures for such offenses shall be as set out in §20.05 of this Code of Ordinances.

(g) Violations of any provision of this section not described in pars. (a) through (f) above shall be as provided in §20.05 of this Code of Ordinances.

(20) Establishment of Bulkhead Line

(1) The bulkhead line along the North shore of Williams Bay of Geneva Lake, described as follows and as shown by the map on file with the Village Clerk, is established subject to the approval of the Department of Natural Resources:

Located in the South ½ of the Northwest ¼ and the Northeast ¼ of Section, 6, Town 1 North, Range 17 East, in the Village of Williams Bay, County of Walworth, State of Wisconsin, described as follows:

Commencing at a 2 inch iron pipe in the Southwest ¼ of the Northeast ¼ of said Section 6, said pipe marking the Northwest corner of "Cedar Point Park Second Addition", a recorded subdivision; thence South 71° 21' 00" West along the North line extended of Cedar Point Park Second Addition, 21.16 feet to the Point of Beginning of the following bulkhead line; thence North 64° 21' 59" West, 111.27 feet; thence North 67° 34' 48" West, 204.27 feet; thence North 72° 37' 20" West, 233.08 feet; thence North 78° 06' 06" West, 384.28 feet; thence North 82° 12' 33" West, 290.00 feet; thence South 89° 32' 35" West, 487.10 feet; thence South 81° 59' 29" West, 154.20; thence South 75° 49' 55" West, 137.83 feet; thence South 68° 41' 44" West, 64.16 feet; thence South 65° 27' 35" West, 135.85 feet; thence South 61° 46' 44" West, 139.39 feet; thence South 49° 49' 39" West, 83.88 feet; thence South 36° 03' 40" West, 125.72 feet to the Point of Ending of said bulkhead line. This Ordinance shall become effective and said bulkhead line shall be established upon approval of the Department of Natural Resources, and upon the filing of the approved Ordinance and map with the Department of Natural Resources, the Clerk of the Village of Williams Bay and the Register of Deeds for Walworth County.

12.02 BOAT DOCKING AND LAUNCHING

(1) DOCKING

(a) Docking of a boat or vessel as specified herein or for a period longer than as specified herein, except by those persons holding valid leases as tenants and only for the slip described in their respective leases, is prohibited:

1. Maximum 15 minutes on the east side of the Center Municipal Pier (also known as the "T" Pier).
2. Maximum 2 hours on the east sides of both the East Municipal Pier and the West Municipal Pier.
3. No docking at any time upon any portion of the East, Center or West Municipal Piers not referred to in subparagraphs 1 and 2 above, including specifically any part of the south and west sides to include all slips or portions of slips.

(b) Pulling alongside or docking on the south end of the Center Municipal Pier to put on or discharge passengers is permitted. Docking for a period longer than is necessary to put on or discharge passengers is prohibited.

(c) Docking of a boat on any municipally owned pier after 11 p.m. and prior to sunrise is prohibited.

(d) For a violation of par. (a)1. and par. (a)2. above, a minimum forfeiture of \$25.00. For a violation of par. (a)3. above, a minimum forfeiture of \$25.00 unless docked in a slip or portion of a slip a minimum forfeiture of \$50.00. For a violation of par. (b) a minimum forfeiture of \$25.00. For a violation of par. (c) a minimum forfeiture of \$50.00. (Rep. & recr. #3-96)

(e) Persons cited for violation of docking offenses described and defined in this subsection may discharge their penalty and avoid court prosecution by forwarding within 72 hours of the issuance of the citation to the Village Police Department the minimum penalty specified for the violation. When payment is made as provided in this paragraph, no court costs shall be charged.

(f) If the alleged violator does not deliver or mail a deposit as provided in par. (e) as specified in the citation, the Chief of Police shall proceed with prosecution pursuant to law.

(g) Citations for violations of this docking subsection may be issued by the Chief of Police or his designate, the Harbor Master or the Village Board or its designate.

(h) Definitions

1. "Boat" or "vessel" means every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water and a fish raft.

2. "Docking" means a boat that is alongside and physically attached to any portion of a municipally owned pier by any means including, without limitation, ropes, lines, wires, straps, bumpers or manually being held to the pier by the boat's occupants.

(i) Removal of Illegally Moored Boats

1. *Hazard to public safety.* Any boat moored in violation of any of the provisions of this section is declared to be a hazard to marine traffic and public safety.

2. *Removal by operator.* Such boat shall be removed by the operator in charge, upon request of a Village officer having authority to issue citations herein to a position where docking is permitted or to a private or public mooring premises.

3. *Removal by village officer.* Any Village officer, after issuing a citation for illegal mooring of an unattended boat in violation of this section, is authorized to remove such boat to a position where mooring is permitted.

4. *Removal by private service.* The officer may order a marine service who performs boat towing and storage services to remove and store such boat in any facility of the person providing the marine towing and storage services.

5. *Towing and storage charges.* In addition to other penalties provided by this section, the owner or operator of a boat so removed shall pay the actual cost of moving, towing and storage. If the boat is moved or towed by the Village official, a charge as set forth on a schedule of charges established by the Village Board shall be paid. If the boat is towed or stored by a private marine service, actual charges regularly paid for such services shall be paid.

6. *Registration record of boat as evidence.* When any boat is found in violation of any provision of this section regulating the docking of boats and the identity of the operator cannot be determined, the owner, as shown by the registration of the boat supplied by the Wisconsin Department of Natural Resources or a comparable authority of any other State, shall be deemed to have committed the violation for purposes of enforcement of this section and shall be subject to the applicable forfeiture penalty; provided the defenses defined as described in §346.485(5)(b), Wis. Stats. shall be defense for an owner charged with such violation with references therein to "vehicle" to refer to "boat" throughout.

(2) LAUNCHING

(a) Regulated. Launching of any boat or any type of water vehicle from any part of the Village owned shoreline, including those areas that have been leased by the Village, except in the area provided especially for launching by the Village, is hereby prohibited.

(3) TEMPORARY MOORING/ANCHORING

(a) Regulated. No one may attach or tether their watercraft to any Village property, including, but not limited to, benches, trees, signs, monuments.

(4) OPERATOR OR OWNER RESPONSIBLE

(a) Definitions.

Operate. When used with reference to a motorboat, means the manipulation of any of the boat controls which would be used to put the boat in motion or engage the motor in operation.

Owner. The person who has lawful possession of a motorboat by virtue of legal title or equitable interest therein which entitles him to such possession.

Registration. The registration card and sticker or decal issued by the Wisconsin Department of Natural Resources or a comparable authority of any other state or country lawfully within the jurisdiction of the Village.

(b) Violation. Whenever a motorboat, boat or any other type of water vehicle is found within the jurisdiction of the Village in violation of any provision of this section and the identity of the operator cannot be determined, the owner as shown by the ownership registration of the boat supplied by the Wisconsin Department of Natural Resources or a comparable authority of any other state or country shall be deemed to have committed the violation for purposes of enforcement of this section and shall be subject to the implicable forfeiture provisions as provided for in this section.

12.03 PLACING OF BUOYS AND MARKERS

(1) No person other than duly authorized and constituted governmental personnel shall place a bathing beach marker, speed zone marker, information marker, mooring buoy, fishing buoy or any other type or marker or buoy in the waters of Lake Geneva within the boundaries of the Village without making a written application and receiving a permit therefore.

(2) Any person desiring to place a marker or buoy described above in the waters of Lake Geneva within the boundaries of the Village shall first make a written application therefore to the Village Board which shall be referred to the Village Harbor Commission for examination, inspection and approval or rejection, and if approved, a permit shall be issued by the Village Clerk.

(3) Any marker or buoy placed in area described above shall be deemed to be an unlawful obstruction to navigation and as trespassing and may be summarily removed by any duly constituted authority representing the Village, county or State.

12.04 SWIMMING BEACHES, MARKING AND REGULATION OF

(1) **LIFELINE REQUIRED.** There shall be established upon every public or quasi-public beach or area upon Geneva Lake within the limits of the Village a lifeline throughout the length of such beach in such manner and at such direction as the trustees may from time to time determine. Such lifeline shall consist of a rope of a diameter of not less than 1" and shall be securely fastened at each

end opposite each end of such beach or area and shall be kept afloat by floats strung or otherwise fastened thereto at the intervals of not more than 20'.

(2) FLOATS. All public and quasi-public swimming beaches and areas shall be marked upon the water by floats painted or colored white which may bear the emblem consisting of the Red Cross of the American National Red Cross painted thereon.

Such floats to be securely anchored to the bottom of the lake at intervals of not less than 300' between the ends of such beaches and areas parallel to the direction of such beach and not more than 200' on the lake-ward side of and parallel to the lifelines upon such beaches and areas. There shall be similarly anchored not less than one float marked as aforesaid between the mean water level of such beach and the float at each end of the above described floats marking the length of such beach parallel to the shore.

(3) LITTERING OF BEACHES PROHIBITED. No person shall place, deposit or leave upon any public beach within the limits of the Village any paper, garbage, refuse, trash or other discarded thing, substance or article.

(4) OPERATION OF BOATS WITHIN SWIMMING AREAS PROHIBITED. No person shall moor, anchor, operate, propel, or cause to be moored, anchored, operated, or propelled any boat in any manner within any or upon any part of Geneva Lake lying within the boundaries of the Village designated and marked as a swimming beach. A water safety patrol boat may enter a swimming area at any time.

(5) WATER SAFETY PATROL BOATS. Every boat assigned to or used by any officer, employee, or life guard of the Geneva Lake Water Safety Patrol upon any beach within the Village shall have conspicuously painted or marked thereon the words "Water Safety Patrol" or other similar words designating that such boat is in the use or control of Geneva Lake Water Safety Patrol, and no unauthorized person shall use, operate or occupy any such boat.

(6) QUALIFICATION OF LIFE GUARDS. No person shall be eligible to employment as a life guard upon any public or quasi-public beach within the Village until they shall have taken and passed the senior life saving test, so called as the same is now or may hereafter from time to time be, prescribed by the American National Red Cross or tests prescribing equal standards to the Director of the Geneva Lake Water Safety Patrol. The Village Trustees may require proof of this certification.

(7) LIFE GUARDS HOURS OF DUTY. The schedule for life guards on duty at the beach shall be published on an annual basis at the beach house where the public may view it.

(8) SWIMMING PROHIBITED EXCEPT IN DESIGNATED AREAS. No person shall swim in Geneva Lake within the Village except within the limits of a designated swimming area. This section does not apply to an owner, occupant, licensee, lessee, or guest of any thereof, of any privately owned real estate abutting upon said lake, the frontage of which private owner, lessee, or occupant is not marked and designated as a quasi-public beach, nor to any life guard acting in the line of duty.

12.05 SLIPS NOT IN CRIBS, SHORE STATIONS, RAMPS AND MOORING WHIPS

(1) SHORELINE ESTABLISHED. The shoreline of Geneva Lake is established and determined as set forth on the Official Shoreline Map on file with the State Public Service Commission, which is adopted by reference and made a part of this section.

(2) PERMIT REQUIRED. No person shall hereafter construct, place, extend, modify or change the location of a slip not in cribs, shore station, ramp or mooring whip on, into or over the water of Geneva Lake without first applying for and obtaining a permit from the Village.

(3) DEFINITIONS.

Mooring whip. A spring loaded device, one end of which is secured to a wharf, pier, or slip and the other end is secured to a vessel so as to hold the vessel away from the wharf, pier, or slip. Used in pairs.

Ramp. A structure installed on the lake shore not exceeding 8 feet width along the shore and 16 feet length extending from the shore toward the lake, constructed of wood, metal or similar framing with a deck of wood or similar planking material and inclined toward the water surface or into the water upon which a vessel is pulled from the water and stored thereon, generally installed on the shore toward or in the water in the Spring and removed in the Fall. A ramp may exceed 8 feet width but each 8 or portion thereof constitutes a separate ramp.

Shore station. A boat cradle or other lifting or holding device for vessels placed directly on the lake bed or lake shore.

Slip. A 3-sided part or portion of a wharf or pier or dock extending out into the water from the wharf or pier to serve as a landing or mooring place for vessels.

(4) APPLICATION AND PLANS. Any person desiring to erect, construct, place, extend, modify, change the location of or add any slip, shore station, ramp or mooring whip in or upon Geneva Lake along or beyond the shore line as it is defined in 12.01(8)(b)1. and shown in 12.01(8)(b)2. of this chapter, shall make and file in the office of the Village Clerk a written application for a permit. The application shall state the name, address and telephone number of the applicant, describe the riparian real estate owned or occupied by the applicant, together with a plan showing the proposed location, extension or modification of the said slip not in cribs, shore station, ramp or mooring whip in detail, together with its location with regard to the shore line, the pierhead line and with the distances to the property lines of the abutting neighboring riparian lands giving the details of the dimensions and kinds of materials proposed together with drawings and any additional details and specifications the Building Inspector and Harbor Commission might require. It shall also state the name, post office address and telephone number of any lessee proposed by the applicant to rent the applied for slip, shore station, ramp or mooring whip.

(5) DELEGATION OF AUTHORITY TO HARBOR COMMISSION AND BUILDING INSPECTOR TO ISSUE PERMITS. The Village Board does delegate to the Harbor Commission of the Village of Williams Bay the authority to authorize the Building Inspector to issue permits for the construction, placement or modification of slips, shore stations, ramps or mooring whips in accordance with the provisions of this section.

No permit shall be granted until the Harbor Commission determines that all requirements of this section, applicable laws of the State of Wisconsin and rules and orders of the State DNR have been complied with. The Harbor Commission shall state the reasons for granting or denying said permit, which shall be stated in writing and mailed by certified mail to the applicant and which shall also be stated in the minutes of the meeting. The Harbor Commission may also place restrictions or conditions on any permit so issued under this section in order to effectuate the provisions of this section.

(6) PLACEMENT REQUIREMENTS. The following requirements shall control the placement and location of slips, shore stations, ramps and mooring whips:

(a) A sideline shall be established on Geneva Lake between the riparian property of the applicant and that of the abutting riparian properties as fairly as possible considering the curvature of the shoreline.

(b) No part of any slip not in cribs, shore station or ramp shall extend to within 12.5 feet of such established sidelines. Mooring whips shall not be located so as to permit boats moored thereto to extend within 12.5 feet of such established sidelines.

(c) In establishing the sidelines between adjacent riparians, the guidance in _NR 326.07, Wis. Adm. Code, will be used.

(d) If applicable permissible preexisting wharves or piers as defined in sub. (c)3.b. and permissible preexisting piers not extending beyond the pierhead line as defined in sub. (c)3c. of this chapter may create an exception to this subsection if a slip was a portion of such a wharf or pier at the time it qualified as such a wharf or pier.

(7) **REVOCAION OF PERMIT.** The Building Inspector or Harbor Commission shall revoke a permit if the permittees placement of the permitted structure or item subsequently violates the terms of the permit, is changed or modified as to location or placement without first obtaining a new permit, or violates any provision of this section.

(8) **DURATION OF PERMIT AND PERMIT FEE.** Each permit to be issued hereunder will be valid as follows:

(a) New placement of a slip on piles or cribs or modified or changed placement of a slip on piles or cribs, permit valid for as long as the placement location or configuration of the supporting piles into the lake does not change.

(b) For structures without piles or cribs that are required to be reinstalled annually to specifically include a slip not on piles or cribs (removable slips) and shore stations, ramps and mooring whips, permit valid for one seasonal year or portion thereof with such seasonal year to begin on the first day of spring or the date of the granting of the permit if later than the first day of spring and to end on the first day of winter for each year.

(c) Applications for permits shall be accompanied by a non-refundable permit fee in the amount to be determined by the Village Board from time to time by resolution, which charge shall be sufficient to defray the costs of processing of such applications and the issuance of permits.

12.06 SETBACK AREA

(1) **DEFINITIONS.** The following terms have the meanings indicated:

Boat ramp. An inclined platform without any roof or cover, extending to the edge, over or into the water of Lake Geneva, usually with rollers at the waters edge, to accommodate small boats during the boating season and removed when the boating season is over.

Fence. An enclosed barrier made of wood, stone, wire, posts or other material or a planted hedge intended to prevent intrusion from without or straying from within or to obstruct vision.

Pier. A platform supported by a framework resting on the bottom of the lake extending into Geneva Lake for use as a landing place for and harboring of boats and for swimming and fishing and may or may not be attached to the shore.

Seawall. A wall, embankment or piling used to resist the encroachment or washing by the waves or the wearing away of the shore.

Setback Area. The land between the high waterline or mark of Geneva Lake and the setback line.

Stairway. A number of steps built into the land itself or constructed of cement, stone, wood or other building material and uncovered for the purpose of reaching a pier or ramp from higher ground.

(2) **SETBACK LINE.** There is hereby established a setback line from the high waterline or mark of Geneva Lake in the Village which shall be at least 75', or 25' from the public path away from the lake, whichever is greater, from the high watermark. The measurement shall be made in a horizontal plane from the nearest point of the structure to the high waterline extended vertically to meet the horizontal plane.

(3) **STRUCTURES LIMITED.** Only piers, boats, ramps, seawalls and stairways may be built and/or located within the setback area, but not over or within 2' of the public path.

(4) FENCES. If any fences are built, they must be kept 5' back of the setback line away from the lake.

12.08 GENEVA LAKE LAW ENFORCEMENT AGENCY

(1) Pursuant to §30.79, Wis. Stats., a "Water Safety Patrol Unit" to be known as the "Geneva Lake Law Enforcement Agency" is hereby created for the purpose of enforcing §§30.50 to 30.80, Wis. Stats., and the Uniform Geneva Lake Boating Regulations upon the waters of Geneva Lake.

(2) The Geneva Lake Law Enforcement Agency shall be governed by a Board of Administrators to consist of the respective Town Board Chairperson, Village President and Mayor from each of the municipalities. The Board of Administrators shall have the power to hire any personnel necessary for the operation of the unit. It shall also have the power to establish any staff to directly supervise the operation of the unit. Such staff shall be directly responsible to the Board of Administrators.

12.09 SLOW SPEED ZONE AND SLOW-NO-WAKE MARKERS

(1) SLOW SPEED ZONE. No watercraft shall operate at a speed in excess of the slow-no-wake speed north of a line running from the southeast corner of Lot No. 6 of the Plat of the Original Town on the west shore of Williams Bay as indicated by a post marker, east to the northwest corner of Lot No. 191 in the Second Addition to Cedar Point Park Subdivision as indicated by a post marker on the east shore of Williams Bay.

(2) SLOW-NO-WAKE MARKERS. Markers stating "Slow-No-Wake" shall be placed along such line at intervals of approximately 200'.

(3) PENALTIES. Any person violating the provisions of this section shall be subject to the penalties set out in §20.05 of this Code.

12.10 REGULATING THE PLACEMENT AND USE OF MOORINGS

(1) MOORINGS.

(a) Intent. The intent of this section is to provide safe conditions for the mooring of boats consistent with public rights and interest and the capability of the water resource of Geneva Lake.

(b) *State Mooring and Safety Laws Adopted by Reference*. State mooring regulations and regulations applicable to moorings as found in the following sections of the Wisconsin Statutes are adopted by reference as if the same were set forth at length herein. Any future amendment, revision or modification of the statutes incorporated herein are intended to be made a part of this paragraph and are automatically adopted by reference herein.

30.15	Penalty for unlawful obstruction of navigable waters
30.16	Removal of obstructions to navigation
30.74(2)	Uniform navigation aids
30.772	Placement and use of moorings; restrictions; permits
30.773	Designated mooring areas

(2) **MOORINGS PROHIBITED.** No person shall place a mooring or moorings for boats or watercraft of any type upon those waters of Geneva Lake within the corporate limits of the Village without first obtaining a permit therefore from the Village in accordance with the provisions of this section.

(a) Applications for buoys to be placed 200' or less from the ordinary high watermark of Geneva Lake are subject to the regulations of this section and are not required to be submitted to the Department of Natural Resources for approval.

(b) Applications for buoys to be placed greater than 200' from the ordinary high watermark of Geneva Lake require the application to be acted on by the Village and the Department of Natural Resources. Applications for buoys greater than 200' from the ordinary high watermark of Geneva Lake will:

1. First be acted on by the Village to determine if a permit will be issued independent of the Department of Natural Resources' investigation.

2. If a permit will be allowed by the Village, then the conditionally granted permit by the Village will be submitted to the Wisconsin Department of Natural Resources for its investigation and approval. Upon DNR approval, the permit will become effective.

(3) **PERMITS.** Applications for permits shall be in the form prescribed by the Wisconsin Department of Natural Resources', "Waterway Marker Placement Application-In Water," Form 8700-58, and necessary attachments thereto as prescribed by the Village to comply with the requirements of this section. Completed forms are to be filed with the Village Clerk and shall contain the following information:

(a) Name, address and telephone number of the applicant.

(b) The name, address and telephone number of the owner of the land in front of which the mooring is to be placed.

(c) The description of the real estate in front of which the mooring is to be placed.

(d) The written consent of the aforesaid land owner to the placing of such mooring.

(e) A sketch or chart showing the proposed location of the mooring, its distance from the ordinary high watermark and its relationship, if any, to other existing mooring, established traffic lanes, marked swimming or bathing areas and structures, including piers, rafts, docks, shore stations, boat hoists and wharves located within the riparian space of the consenting riparian owner.

(f) A description of the type of mooring, including its physical description, markings, approximate depth of water and the approximate length of rope, cable or chain connecting the mooring buoy to its mooring anchor and connecting the mooring buoy to the boat to be attached thereto.

(g) A full description of the boat the applicant intends to moor to the mooring. If the applicant intends to moor more than one boat to the mooring, such is permitted, provided a full description of all such boats are contained in the application and all such boats are owned by the applicant. A full description of the boat means the full name and address contained in the actual registration of the boat (must be the same as the applicant), the state of registration, state registration number assigned the boat, the length, color, make and description of the boat. Only one boat may be moored to the mooring at any one time, however.

(4) **DURATION AND CONDITIONS OF PERMIT TO BE ISSUED; ADDENDUM TO PERMIT.**

(a) Each permit to be issued hereunder will be valid for one seasonal year only or portion thereof with such seasonal year to begin on the first day of spring or the date of the granting of the permit if later than the first day of spring and end of the first day of winter for each year. Such permit's duration shall also be limited to that period during which the riparian owner's consent continues for the placement of such mooring in front of such riparian's property. A riparian owner can object and cancel his consent at any time during the permit term, at which point the permit will be immediately rendered null and void. A permit is further conditional upon the placement upon the mooring of the designated boat or boats only. Any attempt to moor a boat or boats other than as described in the permit shall void the mooring permit.

Any attempt to moor more than one designated boat at a time shall void the mooring permit. The permit shall further be conditioned upon each mooring having at all times attached or affixed to it the authorized mooring buoy number, which will be assigned by the Village at the time the permit applied for is granted. As a condition of the permit remaining in effect, the buoy mooring number must be affixed or attached thereto at all times. The buoy mooring number will conform to the Wisconsin Marking System.

(b) An applicant possessing a valid mooring permit who thereafter desires to moor a non-designated boat owned by the applicant may do so provided the boat is of equal size or smaller than the largest designated boat by filing with the Village Clerk an addendum to the application providing a full description of the new boat in compliance with par. (3)(g) and paying the addendum fee.

(5) DEFINITIONS.

(a) The definitions as set forth in §30.01, Wis. Stats., are hereby adopted and incorporated herein by reference as if the same were set forth at length herein. Any future amendment, revision or modification of the definitions incorporated herein are intended to be made a part of this subsection.

(b) In response to a complaint relating to the rights of an adjacent riparian, the guidance in §NR 326.07, Wis. Adm. Code, will be used.

(c) Ordinary high watermark as used herein is elevation 864.30' above sea level.

(6) RESTRICTIONS. No mooring permits shall be issued for any of the following:

(a) Any mooring which obstructs or interferes with public rights or interests in the navigable waters.

(b) Any mooring for which the riparian owner has not given written permission for the placement and use.

(c) Any mooring which interferes with or encroaches upon the rights of adjacent riparian owners.

(d) Any mooring which adversely affects critical or significant fish or wildlife habitat.

(e) Any mooring which is determined by the Village to be a safety hazard because of its proximity to any other mooring, any properly marked and established lane, any properly marked swimming or bathing area or any structure, including any pier, raft, dock, wharf, shore station or boat hoist.

(f) Any mooring which will have more than one boat attached. Stardocks are specifically excluded as moorings.

(g) Any mooring which would be in violation of or in conflict with the "Uniform Navigation Aids" rules established by the Department of Natural Resources.

(7) DELEGATION OF AUTHORITY TO HARBOR COMMISSION TO ISSUE MOORING PERMITS IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. The Village Board does delegate to the Harbor Commission of the Village the authority to receive applications for and issue permits for moorings in accordance with the provisions of this section. No permit shall be granted until the Harbor Commission determines that all requirements of this section, applicable laws of the State and rules and orders of the Wisconsin Department of Natural Resources have been complied with. The Harbor Commission shall state the reasons for granting or denying such permit, which shall be stated in writing and mailed by certified mail to the applicant and which shall also be stated in the minutes of the meeting. The Harbor Commission may also place restrictions or conditions on any permit so issued under this section in order to effectuate the provisions of this section.

(8) APPLICATIONS FOR THE PLACEMENT OF MOORINGS MORE THAN 200' FROM THE ORDINARY HIGH WATERMARK OF GENEVA LAKE. No person shall place a mooring or moorings more than 200' from the ordinary high watermark of Lake Geneva within the corporate limits of the Village without first obtaining a permit therefore from the Village and the Department of Natural Resources. The procedure for the issuance of such permits shall be in accordance with par. (2)(b) and this subsection:

(a) Pursuant to §30.74, Wis. Stats., and the pertinent provisions of the Wisconsin Administrative Code pertaining thereto, no mooring buoy shall be installed or placed more than 200' from the ordinary high watermark of Geneva Lake, unless a permit is first conditionally granted for the placement and use of the mooring buoy by the Village and such conditionally granted permit is then subsequently approved by the Wisconsin Department of Natural Resources. If the Wisconsin Department of Natural Resources fails to subsequently approve such conditionally granted permit by the Village, such conditionally granted permit shall become null and void.

(b) Applications for more than 200' buoys shall be on forms prescribed and approved by the Wisconsin Department of Natural Resources in accordance with sub. (3).

(c) Such applications shall be initially filed with the Village and acted upon first by the Village in accordance with the requirements and procedures set forth in this section as far as practicable. A copy of the permit shall, after approval by the Village, be transmitted to the Department of Natural Resources for its consideration and investigation. If the Village fails to approve the application and conditionally grant the permit, such application shall not be forwarded to the Wisconsin Department of Natural Resources.

The Department of Natural Resources will only review a conditionally approved permit after favorable action by the Village.

(9) REVOCATION OF PERMIT. The Village Board may revoke a permit if the permittee's placement of a mooring buoy subsequently violates any provisions of this section or applicable laws of the State or rules and orders of the Wisconsin Department of Natural Resources.

(10) APPEALS. Any person aggrieved by a decision of the Harbor Commission of the Village may appeal such decision to the Village Board for final determination. The procedure for such appeals shall be as follows:

(a) Within 30 days of the decision and the mailing of the letter stating the reasons for granting or denying such permit by the Harbor Commission regarding the placement of a mooring, such aggrieved applicant shall file with the chairman of the Harbor Commission a request for a hearing on the matter. The chairman of the Harbor Commission shall schedule a hearing of the Harbor Commission within a reasonable time of the filing of the request for same, but not later than 30 days after such filing, providing reasonable notice of the date, time and place of such hearing to the requesting applicant therefore. The Harbor Commission hearing will have as its objective the resolution of the matter. If the matter is resolved to the satisfaction of the applicant, then all matters including the findings and reasons of the Harbor Commission shall be turned over to the Village Board for appropriate action. The Village Board will review the findings and reasons of the Harbor Commission

and make a final determination with regard thereto. The Village Board may at its sole option schedule a second hearing before it to attempt to resolve the matter.

(b) For any person aggrieved by a decision of the State DNR with regard to applications for buoy permits more than 200 from the high watermark, appeal rights will be satisfied by the issuance by the DNR of a notice of appeal rights substantially in the following form:

If you wish to challenge this decision, you should know that Wisconsin Statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision, pursuant to §§227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed or otherwise served by the Department to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the DNR as the respondent. To request a contested case hearing, pursuant to §227.42, Wis. Stats., you have 30 days after the decision is mailed or otherwise served by the Department to serve a petition for hearing on the secretary of the DNR. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

This notice is provided pursuant to §227.48(2), Wis. Stats.

(11) PERMIT FEE. Applications for permits and addendums to permits shall be accompanied by a nonrefundable permit or addendum fee in the amount determined by the Village Board from time to time by resolution, which charge shall be sufficient to defray the costs of processing of such applications and the issuance of permits or the processing of addendums to such permits provided for in this section.

12.11 LAUNCHING OF MOTORIZED WATERCRAFT IN EXCESS OF 30' AT THE MUNICIPAL LAUNCH SITE PROHIBITED

(1) No person shall launch at the Village launch site any motorized watercraft in excess of 30' in overall length.

12.12 TRAILER PARKING AND BOAT LAUNCHING FOR MUNICIPALLY SPONSORED FUNCTIONS OR EVENTS

Notwithstanding the general prohibition of trailer parking and boat launching, there is created an exception to such general prohibitions as follows:

(1) Trailer parking is permitted for vehicles and trailers engaged in Village sponsored functions or events. An example of a Village sponsored function or event is the Village Park and Recreation Program Sailing Instruction Course.

(2) Boat launching is permitted if such launching is being engaged in connection with a Village sponsored function or event in Edgewater Park. A Village sponsored function or event includes the Park and Recreation Program Sailing Instruction Course.

12.13 COMMERCIAL USE OF LAUNCH AREA REGULATED

(1) DEFINITION.

Commercial use means a person using the Village municipal launch parking area and ramp as a bulk handling area for the loading or unloading of construction materials from or onto water craft from or to locations on Geneva Lake. Such construction materials include building materials, landscaping materials, earth, stone, timbers and pier lumber.

(2) PROHIBITION. The commercial use of the Williams Bay Municipal Launch parking area and ramp is prohibited without a permit. Every person shall obtain a permit prior to the commercial use of the Williams Bay Municipal Launch parking area and ramp. The permit shall be issued by the Village Clerk upon the filing of an application and the payment of the required fee. The application shall contain the name, address, telephone number and gross vehicle weight of the loads proposed to be handled by the commercial user at the municipal launch parking area and ramp. The exact nature, including the weight thereof, of the construction materials to be handled and the equipment proposed for handling, must be stated in the application. The applicant is responsible for all damage to the Village-owned launch facility, including the pier, parking lot and ramp area, and will promptly reimburse the Village for any such damages. Any violation of this provision will result in the immediate revocation of the permit, the commencement of an action for the imposition of the standard penalties of this Code and/or an action for money damages.

12.14 FISHING TOURNAMENTS REGULATED

(1) Fishing Tournament or Contest Definitions. Any event held at a Village facility in which caught fish are scored, weighted, tabulated or calculated on site, and/or a prize of any kind (monetary, merchandise or recognition by plaque or trophy) is given to a person or persons, and use of the facility requires any arrangements above and beyond the normal function of the facility (tent construction, extra electricity, etc.) shall be considered a fishing contest or tournament. This is independent of whether a DNR permit is required or not. Tournaments or outings with a minimum number of fifty (50) boats must also receive a permit from the Village even if no special arrangements are required as described above. All contests or tournaments held at any Village facility shall abide by rules set by the Parks and Lakefront Committee and the Village of Williams Bay.

(2) DNR Permit. All individuals or groups wishing to hold a fishing tournament at a facility owned by the Village of Williams Bay must receive a permit from the DNR (if required by DNR rules) and follow all DNR regulations.

(3) Village Permit. All individuals or groups wishing to hold a fishing tournament at a facility owned by the Village of Williams Bay must receive a permit from the Village of Williams Bay and submit required insurance and indemnification and pay all associated fees. Tournament officials must contact the Parks and Lakefront Committee ninety(90) days prior to the tournament. Tournaments affecting the normal operations of the Village facility as determined by the Parks and Lakefront Committee may require approval by the Parks and Lakefront Committee.

(4) Walk-Through. Tournament officials are required to do a walk through of tournament activities with the Parks and Lakefront Committee, a minimum of 24 hours prior to the tournament.

(5) Contact Person. A responsible contact person for the tournament must be identified to the Parks and Lakefront Committee prior to the tournament during normal working hours.

(6) Map of Tournament. A map or sketch of the layout of the tournament activities must be provided to the Parks and Lakefront Committee prior to the tournament.

(7) Changes in Arrangements. Any changes from the map or pre-tournament arrangements must be cleared through the Parks and Lakefront Committee prior to the start of the tournament during normal working hours.

(8) Parking. Parking and weigh-in at no time shall hinder the public's use of the launch site.

(9) Restrictions on Tournaments. No tournaments or contest shall be held and no permits issued between the first Saturday in May and June 25TH of any year. Additionally, no tournaments or contests shall be held and no permits will be issued for the 4th of July holiday and Labor Day holiday weekend.

(10) Facility Costs. There will be a \$1.00 per boat fee for use of the facility, payable one (1) week prior to the start of the tournament. This is over and above the daily launch fee for the facility.

12.15 REGULATIONS FOR LAWN FERTILIZER & SALES

Sec. 12.15 Regulations for lawn fertilizer application and sale. Authority. This chapter is recommended by the Geneva Lake Environmental Agency and is adopted by the Village under the authority of W.S.A. § 62.04.

- (a) **Purpose and intent.** The Village finds that Geneva Lake and its streams are a natural asset which enhance the environmental, recreational, cultural and economic resources of the area and contribute to the general health and welfare of the public. The Village further finds that regulating the amount of nutrients and contaminants, including phosphorus contained in fertilizer, entering the surface waters will improve and maintain lake and stream water quality.
- (b) **Applicability.** This section applies in all areas of the Village of Williams Bay.
- (c) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) Agricultural use means beekeeping; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain; mint and seed crops; raising of fruits; nuts berries, sod farming and vegetable raising.
 - (2) Fertilizer has the meaning set forth in W.S.A. § 94.64(1)(e).
 - (3) Lawn fertilizer means any fertilizer, whether distributed by property owner, renter or commercial entity, distributed for nonagricultural use, such as for lawns, golf courses, parks and cemeteries. Lawn fertilizer does not include fertilizer products intended primarily for garden and indoor plant applications.
- (d) **Regulation of the use and application of lawn fertilizer.**
- (1) Effective October 1, 2008, no person shall apply any lawn fertilizer within the Village that is labeled as containing more than zero percent phosphorus or other compound containing phosphorus, such as phosphate, except as provided in the exemptions in this section.
 - (2) No lawn fertilizer shall be applied when the ground is frozen.
 - (3) No person shall apply fertilizer to any impervious surface including parking lots, roadways, and sidewalks. If such application occurs, the fertilizer must be immediately contained and either legally applied to turf or placed in an appropriate container.
- (e) **Exemptions.** The prohibition against the use of fertilizer under subsection (e) shall not apply to:
- (1) Newly established turf or lawn areas during their first growing season.
 - (2) Turf or lawn areas that soil tests, performed within the past three years by a state-certified soil testing laboratory, confirm are below phosphorus levels established by the University of Wisconsin Extension Service. The lawn fertilizer application shall not contain an amount of phosphorus exceeding the amount and rate of application recommended in the soil test evaluation.

- (3) Agricultural uses, vegetable and flower gardens, or application to trees or shrubs.
- (4) Yard waste compost, bio-solids or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

(g) **Sale of fertilizer containing phosphorus.**

- (1) Effective October 1, 2008, no person shall sell or offer for sale any lawn fertilizer within the Village that is labeled as containing more than zero percent phosphorus, or other compound containing phosphorus, such as phosphate, except such fertilizer may be sold for use as provided in the exemptions of this section.
- (2) Effective October 1, 2008, no person shall display lawn fertilizer containing phosphorus. Signs may be posted advising customers that lawn fertilizer containing phosphorus is available upon request for uses permitted by the exemptions of this section.
- (3) Effective October 1, 2008, a sign containing the regulations set forth in this section and the effects of phosphorus on Geneva Lake and its streams must be prominently displayed where lawn fertilizers are sold.

(f) **Enforcement.** Violations of this section will be enforced by the Village building inspector or code enforcement officer.

(g) **Penalty.** Any person who violates this section in the application of fertilizer at his or her residences shall be subjected to a forfeiture of \$25.00 per violation. Any commercial fertilizer applicator, residential or commercial developer, industrial or commercial owner, or other person who violates subsection (e), and any person who violates subsection (g) shall be subject to a forfeiture of \$50.00 for the first violation within a 12-month period, \$150.00 for the second violation within a 12-month period, and \$300.00 for the third and each subsequent violations within a 12-month period.

(j) **Severability clause.** If any section, provision or portion of this section is ruled invalid by a court, the remainder of the section shall not for that reason be rendered ineffective or invalid.

12.20 PENALTY

Except as otherwise provided herein, any person found in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in 20.05 of this Municipal Code.