ORDINANCE # 1984-1

AN ORDINANCE TO REGULATE WATER TRAFFIC, BOATING AND WATER SPORTS UPON THE WATER OF THE TOWN OF MT. MORRIS AND PREScribing PenALTIES FOR VIOLATIONS THEREOF

The Town Board of the town of Mount Morris, Waushara County, Wisconsin, do ordain as follows:

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

Section 2. Applicability and Enforcement.
The provisions of this ordinance shall apply to all the waters of the town of Mount Morris, Waushara County, Wisconsin, within the jurisdiction of said Town. The provisions of this ordinance shall be enforced by the officers designated by the Town of Mount Morris.

The provisions of this ordinance supersede all previous ordinances regulating boating on the waters of the Town of Mount Morris.

The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities and safety in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes, are hereby adopted and by reference made a part of this ordinance.

30.50 Definitions
30.51 Operation of unnumbered motorboats prohibited
30.52 Certificates of number
30.53 Identification number to be displayed on boat; certificate to be carried
30.54 Transfer of ownership or numbered boat
30.55 Notice of abandonment or destruction of boat or change of address
30.60 Classification of motorboats
30.61 Lighting equipment
30.62 Other equipment
30.635 Motorboat prohibition
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
30.69 Water skiing
30.70 Skin diving
30.71 Boats equipped with toilets
Section 4. Definitions in this Ordinance.

(a) **Shore zone** means all surface water within 200 feet of the shoreline.

(b) **Swimming zone** means an authorized area marked by regulatory markers to designate a swimming area.

(c) **Designated anchorage** means an area of water established and marked as an anchorage by lawful authority.

(d) **Public access** means any access to the water by means of public property.

(e) **Slow-no-wake** means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

(f) **Boat** means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(g) **Motorboat** means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion.

Section 5. Speed - General Restrictions.

(a) No person shall operate a motorboat at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a motorboat shall be so controlled as to avoid colliding with any object lawfully in or on the water or with any person, boat or other conveyance in or on the water in compliance with legal requirements and exercising due care.

(b) Furthermore, no person shall operate a motorboat at speeds in excess of or contrary to the provisions and restrictions for specific lakes listed in Section 7 of this ordinance.


(a) No boat towing persons engaged in water skiing, aquaplaning, or similar activities on any lake in the Town of Mount Morris shall engage in such activity within 100 feet of any anchored boat or marked swimming zone or public designated anchorage except where pick-up and drop-off areas are established and marked with regulatory markers.

(b) 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 of the boat who is in a position to observe the progress of the person being towed. An observer shall be considered competent if he can in fact observe the person being towed and relay any signals to the operator of the boat. This
observer requirement does not apply to motorboats, classified as Class A motorboats by the Wisconsin Department of Natural Resources, actually operated by the persons being towed and so constructed as to be incapable of carrying the operator in or on the motorboat, and further does not apply to duly authorized water skiing tournaments, competitions, exhibitions or trails therefor.

(c) No person shall operate a motorboat towing a person on water skis, aquaplane or similar device, nor shall any person engage in the activities of water skiing, aquaplaning or use of similar devices contrary to the provisions and restrictions for specific lakes listed in Section 7 of this ordinance.

Section 7. Restrictions - Specific to Particular Waters Located in the Town of Mount Morris.

(A) Lake Mount Morris & Emerald Lake

(1) Speed Restriction

No person shall on any day operate a boat of any nature in excess of a slow-no-wake speed on the waters of Lake Mount Morris between the hours of 4:00 P.M. and 10:00 A.M. the following morning. No person shall operate a boat of any nature at any time in excess of slow-no-wake on the waters of Emerald Lake.

The channels connecting each of the lakes in the Lake Mount Morris Chain are designated slow-no-wake zones, with the end of each zone to be marked with a slow-no-wake buoy, in the locations indicated on the attached maps which are incorporated as part of this ordinance. No person shall operate any boat at a speed in excess of slow-no-wake between the buoys in each channel.

(2) Water Skiing

High speed boating, water skiing, aquaplaning and similar activities are permitted on Lake Mount Morris only between the hours of 10:00 A.M. to 4:00 P.M.

(3) Restricted Areas

The following described areas are designated as bathing or swimming areas on Lake Mt. Morris, and no person shall operate a boat except for emergency or rescue craft within these areas marked by the official buoy. A swimming area is designated on the North side of Lake Mt. Morris and known as the Town Park, which is described as an area 150 feet from the center of the public landing Southeast along
the shoreline to a point of beginning; thence Southwest 75 feet to a buoy; thence Southeast 100 feet to a buoy; thence Northeast 75 feet to the shore; thence Northwest 100 feet along the shoreline to a point of beginning. Further, a swimming area is designated on the South side of Lake Mt. Morris known as the Lutheran Retreat Beach, which is described as follows: Starting at the waterline in line with the Northwest end of the concrete block wall; thence Northeast 100 feet to a buoy; thence Southeast 150 feet to a buoy; thence Southwest 100 feet to the shoreline; thence Northwest 150 feet more or less to the point of beginning.

(B) Hills Lake

(1) Speed Restrictions

No person shall operate a boat in excess of a slow-no-wake speed on the waters of Hills Lake except during the water skiing and speed boating hours hereinafter set forth.

(2) Water Skiing and Speed Boating Hours

High speed boating, water skiing, aquaplaning and similar activities are permitted on Hills Lake only between the hours of 9:30 A.M. to 5:30 P.M.

(3) Restricted Areas

The following described areas are designated a bathing or swimming area on Hills Lake and no person shall operate a boat except for emergency or rescue craft within these areas marked by official buoys. One swimming area is designated on the Southeast side of Hills Lake adjacent to the Napowan Scout Camp and known as the Scout Bathing Beach, starting at the steel stake on the Northeast end of the beach; thence 127 feet Northwest to a buoy; thence 107 feet Southwest to a buoy; thence 120 feet Southeast to the shoreline; thence 107 feet more or less to the point of beginning. Further, a swimming area is designated on the Westerly side of Hills Lake and adjacent to the Girl Scout Properties, Inc., from the South leg of a pier in the shape of the letter "H" 60 feet East to a buoy; thence 80 feet North to a buoy; thence 60 feet West to the other leg of the pier.

(C) Lake Napowan

(1) Speed Restrictions

No person shall operate a boat in excess of a slow-no-wake speed on the waters of Lake Napowan except during the water skiing
and speed boating hours hereinafter set forth.

(2) **Water Skiing and Speed Boating Hours**

High speed boating, water skiing, aquaplaning and similar activities are permitted on Lake Napowan only between the hours of 10:00 A.M. to 4:30 P.M.

(3) **Restricted Area**

The following described area has been designated a sailboat mooring area on Lake Napowan and no person shall operate a motorboat except for emergency or rescue craft within 100 feet of a mooring buoy - located on the North side of Lake Napowan and known as the Boy Scout Sailboat Mooring Area.

(D) **John’s Lake**

(1) **Speed Restrictions**

No person shall operate a boat in excess of a show-no-wake speed on the waters of John’s Lake except during the water skiing and speed boating hours hereinafter set forth.

(2) **Water Skiing and Speed Boating Hours**

High speed boating, water skiing, aquaplaning and similar activities are permitted on John’s Lake only between the hours of 10:00 A.M. to 4:00 P.M.

(E) **Porter’s Lake**

(1) **Speed Restrictions**

No person shall operate a boat in excess of slow-no-wake on the waters of Porter’s Lake.

Section 8. **Prohibitive Operation.**

(a) **Intoxicated Operation**

No person may operate a boat upon the waters of the Town of Mount Morris or use water skis, aquaplane or a similar device, while under the influence of an intoxicant or a controlled substance as defined in Section 885.235 and Section 161.01 (4) of the Wisconsin Statutes.

(b) **Negligent Operation**

No person may operate or use any boat or manipulate any water skis, aquaplane or similar device, upon the waters of the Town of Mount Morris in a careless, negligent or reckless manner so as to endanger the life, property or person, or the life, property, or person of another.
(c) Operation by Incapacitated Person

No person under the age of ten (10) may operate a motorboat. Persons at least ten (10) and less than twelve (12) years of age may operate a motorboat only if they are either accompanied in the boat by a parent or guardian or a person at least eighteen (18) years of age designated by a parent or guardian. Persons at least twelve (12) years and less than sixteen (16) years of age may operate a motorboat of any horsepower, but only if they are either accompanied by a parent or guardian or a person at least eighteen (18) years of age designated by a parent or guardian or in possession of a certificate issued under Section 30.74 (1) of the Wisconsin Statutes. Violations of this paragraph done with the knowledge of the parent or guardian shall be deemed a violation by the parent or guardian and punishable under Section 30.80 of the Wisconsin Statutes.

(d) Operating Within Restricted Areas

No person shall operate a boat within a water area which has been clearly marked by buoys or some other distinguishing device as a bathing or swimming zone nor operate a boat in restricted use areas contrary to regulatory notice pursuant to Section 30.74 (2) of the Wisconsin Statutes. This section does not apply in case of an emergency or to patrol or rescue craft.

(e) Molesting or Destroying Aids to Navigation and Regulatory Markers

No unauthorized person shall move, remove, molest, tamper with, destroy or attempt to destroy, or moor or fasten a boat to any navigation aids or regulatory markers, signs or other devices established and maintained to aid boaters.

(f) Use of Personal Flotation Devices

No person shall engage in water skiing, aquaplaning or similar activity unless they are wearing a United States Coast Guard approved Personal Flotation Device.

(g) Swimming Distance from Shore

No person shall swim more than 200 feet from the shore unless accompanied by a competent person in a boat and having readily available a United States Coast Guard approved Personal Flotation Device for each person on boat and in the water.
(h) Flotation Devices

No person shall float more than 200 feet from shore in an
innertube or similar floating device unless accompanied by a competent
person in a boat having readily available a United States Coast Guard
approved Personal Flotation Device for each person on the floating
device and in the boat.


(a) Every person operating a boat shall comply with the following
traffic rules, except when deviation therefrom is necessary to comply
with federal pilot rules while operating on the navigable waters of the
United States:

(1) When two (2) motorboats are approaching each other "head
and head", or so nearly so as to involve risk of collision, each boat
shall bear to the right and pass the other boat on its left side.

(2) When two (2) motorboats are approaching each other
obliquely or at right angles, the boat which has the other on her right
shall yield the right of way to the other. "Right" means from dead
ahead clockwise to two points abaft the starboard beam.

(3) When a motorboat and a boat propelled entirely by said
sail or muscular power are proceeding in such a direction as to in-
volve risk of collision, the motorboat shall yield the right of way to
the other boat.

(4) A boat may overtake and pass another boat on either side
if it can be done with safety but the boat doing the overtaking shall
yield the right of way to the boat being overtaken, notwithstanding any
other rule in this section to the contrary.

(5) A boat granted the right of way by this section shall
maintain her course and speed, unless to do so would probably result
in a collision.

(b) Additional Traffic Rules.

The Town Board may adopt such additional traffic rules as it
deems necessary in the interest of public safety. Such rules shall
conform as nearly as possible to the federal pilot rules.

Section 10. Skin Diving.

No person may engage in underwater diving or swimming with the use
of swimming fins or skin diving in waters other than marked swimming
areas or within 150 feet of shoreline, and no person may engage in underwater diving or swimming with the use of self-contained underwater breathing apparatus in waters other than marked swimming areas, unless the location of such diving or swimming is distinctly marked by diver's flag, not less than 12 inches high and 15 inches long, displaying one diagonal white stripe 3 inches wide on a red background, and of height above the water so as to be clearly apparent at a distance of 100 yards under normal conditions, and so designed and displayed as to be visible from any point on the horizon. Except in case of emergency, anyone engaging in such diving or swimming shall not rise to the surface outside of a radius of 50 feet from such flag. No person engaged in such diving or swimming shall interfere with the operation of anyone fishing nor engage in such diving or swimming in established traffic lanes; nor shall any such person alone or with another, intentionally or unintentionally, block or obstruct any boat in any manner from proceeding to its destination where a reasonable alternative is unavailable.

A reasonable alternative route is available when the otherwise unobstructed boat can proceed to its destination without reducing its lawful speed, by passing to the right or to the left of a marked diving operation.

Section 11. Penalties and Deposits.

(a) Major Violations

Any persons violating the provisions of this ordinance which would coincide with Section 30.60 to Section 30.80 of the Wisconsin Statutes for which a penalty is not provided by sub-section (2) (3) or (4) of said statutes, shall forfeit not more than fifty ($50.00) dollars for the first offense and shall forfeit not more than one hundred ($100.00) dollars upon conviction of the same offense a second or subsequent time within one year.

(b) Minor Violations

Any persons violating any other provisions of this ordinance as specified in sub-paragraph (a) of this section shall upon conviction thereof forfeit not less than ten ($10.00) dollars nor more than one hundred ($100.00) dollars.
(c) **Money Deposits**

Any officer arresting a person for violation of a provision of this ordinance who is unable to bring the person arrested before the Waushara County Circuit Judge without unnecessary delay shall permit such person to make a deposit as provided by the Wisconsin Statutes. Such deposit shall be made to the town police headquarters or to the Waushara County Clerk of Courts or to the Town Water Patrol Chief, and properly receipted for.

**Section 12. Wisconsin Statutes Defined.**

Wherever used in this ordinance, the term Wisconsin Statutes shall mean the Wisconsin Statutes of 1981-82 and subsequent amendments.

**Section 13. Repeal of Conflicting Ordinances.**

All ordinances regulating water traffic, boats, boating or water sports upon the waters covered by this ordinance and all ordinances or parts of ordinances in conflict with this ordinance heretofore enacted by the Town Board of Mt. Morris Township, Waushara County, Wisconsin, are hereby repealed.

**Section 14. Severability.**

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Mt. Morris Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provision of this ordinance or the application hereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

**Section 15. Effective Date, Clerk's Duty.**

(a) This ordinance shall take effect and be in force from and after passage, publication and posting as provided by law.

(b) The Town Clerk is directed to file a copy of this ordinance with the Wisconsin Department of Natural Resources in Madison, Wisconsin.
Passed this 13th day of ___, 1984.

Posted this day of _____, 19__.

Signed:

Robert L. Holmgren, Chairman
Town of Mount Morris

Robert Leinweber, Supervisor
Town of Mount Morris

Dan Nowak, Supervisor
Town of Mount Morris

Attest to:

Alan Anderson, Clerk
Town of Mount Morris

POSTED in the following eight places in the Town of Mount Morris:

On the display area of the Town Hall.

On the display area on the post at the Town Dump.

On the display area at the Mount Morris Trading Post Store.

All public access to Lake Mount Morris and Emerald Lake.

All public access to Hills Lake.

All public access to Lake Napowan.

All public access to Porter's Lake.

All public access to John's Lake.