

ORDINANCE NO. 2018-04-09-02

AN ORDINANCE AMENDING AND RESTATING CHAPTER 4 OF THE VILALGE CODE - LAKES

WHEREAS, the Village and the Town of Merton have joint jurisdiction over Beaver Lake and North Lake; and

WHEREAS, the Village Board desires to amend and restate Chapter 4 of the Village Code pertaining to Lakes in order to separate the various lakes in the Village into different sections of Chapter 4 and to facilitate joint jurisdiction with the Town of Merton over Beaver Lake and North Lake;

NOW THEREFORE, BE IT RESOLVED the Village Board of the Village of Chenequa, Waukesha County, Wisconsin does ordain and adopt an amended and restated Chapter 4 of the Village Code as Follows:

CHAPTER 4: LAKES

4.1 PROHIBITING PARKING OF BOATS.

(1) The parking or fastening of boats upon public property in the Village for longer than two (2) hours consecutively is hereby prohibited, and declared unlawful.

(2) Any person violating the provisions of this Section shall, upon conviction thereof, forfeit Fifteen Dollars (\$15), together with the cost of prosecution. Lake Country Municipal Court to determine consequences of non-payment.

(3) Police officers of the Village are authorized to remove any boat found parked for more than twenty four (24) hours in violation of this Section and to destroy or otherwise dispose of the same unless redeemed by the payment of the fine and costs for violation of this Section including hauling and storage, within thirty (30) days from the date of seizure.

4.2 BOATING - PINE LAKE.

(1) **PURPOSE.** The Village Board determines and declares it to be in the interest of the public health, safety and welfare to adopt regulations relative to water traffic, boating and water sports on Pine Lake in the Village.

(2) **APPLICABILITY.** The provisions of this Section shall apply to the waters of Pine Lake in the Village.

(3) **STATE BOATING AND WATER SAFETY LAWS ADOPTED.** The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities in the following enumerated sections of the Wisconsin Statutes 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	Certification of number and registration; requirements; exemptions
30.52	Certificate of number and registration; application; certification and registration period; fees; issuance
30.523	Certification or registration card to be on board; display of stickers or decals and identification number
30.541	Transfer of boat titles
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
30.625	Rental of personal watercraft
30.64	Patrol boats
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 screen test
30.683	Implied consent
30.684	Chemical tests
30.686	Report arrest to department
30.687	Officer's action after arrest for violating intoxicated boating law

- 30.69 Water skiing
- 30.70 Skin diving
- 30.71 Boats equipped with toilets

(4) SPEED RESTRICTIONS

- (a) WITHIN TWO HUNDRED (200) FEET OF SHORELINE. A person operating a motorboat shall operate at slow-no-wake speed when within two hundred (200) feet of a shoreline.
- (b) BOATS PASSING SWIMMERS, BOATS OR OTHER OBJECTS. A person operating a motorboat shall operate at slow-no-wake speed when within one hundred (100) feet of a swimmer, diving flag, canoe, rowboat, sail boat, non-operating motorboat or raft.
- (c) OPERATION IN CIRCUITOUS COURSE. No person shall operate or use a motorboat or personal watercraft repeatedly in a circuitous course with a diameter of less than two hundred (200) feet at a speed in excess of slow-no-wake speed.
- (d) DAYTIME SPEED RESTRICTIONS, NIGHTTIME SPEED RESTRICTIONS. A person shall operate or use a motorboat or personal watercraft at speeds no greater than forty-five (45) miles per hour from one hour before sunrise to one hour after sunset each day. A person shall operate or use a motorboat or personal watercraft at slow-no-wake speed from one hour after sunset each day until one hour before sunrise of the next day.

(5) SAFE OPERATION REQUIRED. No person shall operate, direct or handle a boat in such manner as to unreasonably annoy, unnecessarily frighten or endanger the occupants of such person's boat or other boats.

(6) RACING PROHIBITED. No person shall operate a motorboat in a race or speed contest with any other motorboat, except as provided in sub section 4.2(9).

(7) WATER SKIING.

- (a) DISTANCE FROM SWIMMERS, BOATS OR OTHER OBJECTS. No person on water skis, aquaplane, surfboard or similar device shall pass, and no person operating a boat which is pulling or towing such skier or rider shall cause such skier or rider to pass within one hundred (100) feet of a swimmer, diving flag, canoe, row boat, sailboat, non-operating motorboat, raft or pier, except in the course of the skier or rider taking off from, or landing at, such pier.
- (b) HOURS. No person shall operate a boat, while towing a person on water skis, aquaplane, surfboard or any similar device, at any time from sunset to sunrise.
- (c) EXEMPTIONS FROM SPEED RESTRICTIONS. The following are exempt from the speed restrictions in subsection 4.2(4)(a): (i) a boat commencing to tow

a person on water skis, aquaplane, surfboard or similar device, or landing such person, and (ii) a boat towing a water skier to make a jump over a ski jump platform anchored in the water within two hundred (200) feet from a shoreline, provided the location of such platform is approved in a permit issued by the Chief of Police.

(8) ANCHORAGES AND STATIONARY OBJECTS.

- (a) MOORING LIGHTS REQUIRED. No person shall moor or anchor any boat more than one hundred (100) feet from the shoreline between one hour after sunset and one hour before 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 one thousand five hundred (1,500) feet on a dark night with clear atmosphere.
- (b) RAFTS AND BUOYS. No person shall erect or maintain any raft, platform or buoy more than one hundred (100) feet from the shore unless it is so anchored that it has at least ten (10) inches of free board above the water line, and either (i) is painted white and has attached thereto not less than twelve (12) inches from each corner or projection a red reflector in good condition not less than three (3) inches in diameter, or (ii) is painted with a band at least three inches in width of luminous paint so as to be visible from any direction.

(9) RACES AND OTHER SPORTING EVENTS, EXHIBITIONS, COURSES AND JUMP PLATFORMS.

- (a) PERMIT REQUIRED. No person shall direct or participate in any motorized boat race, water ski meet, or other water sporting event or exhibition, nor shall any person set up or use a boat or waterski course or jump platform, unless such event, course or jump platform has been authorized and a permit issued by the Chief of Police.
- (b) PERMIT. A permit issued under this Section shall specify the course or area of water to be used by the permittee for such event, course or jump platform and the permittee shall be required to place markers, flags or buoys approved by the Chief of Police designating the specified area. Any waterway markers authorized by the Chief of Police must meet the size and shape requirements as set forth in NR 5.09(7)(b), Wis. Adm. Code, or any successor thereto. Permits shall be issued only if in the opinion of the Chief of Police the proposed use of the water can be carried out safely and without danger to or substantial obstruction of other watercraft or persons using the lake. Permits shall be valid only for the hours and areas specified.
- (c) RIGHT OF WAY PARTICIPANTS. Boats, waterskiers and participants in any such permitted event or who have received a permit to set up and use a boat or waterski course or jump platform shall have the right of way on the marked area and no other person shall obstruct such area during the race, event or other permitted use or interfere therewith.

(10) LITTERING WATERS PROHIBITED. No person shall deposit, place or throw any cans, paper, bottles, debris, refuse, garbage, solid or liquid waste into the water of, or upon the ice of, the lake.

(11) **MARKERS AND NAVIGATION AIDS; POSTING CHAPTER.**

- (a) **DUTY OF CHIEF.** The Chief of Police is authorized and directed to place and maintain suitable markers, navigation aids and signs in such water areas as shall be appropriate to advise the public of the provisions of this Chapter and to post and maintain a copy of this Chapter at all public access points within the jurisdiction of the village.
- (b) **STANDARD MARKERS.** All markers placed by the Chief of Police or any other person upon the waters of the lake shall comply with the regulations of the Wisconsin Department of Natural Resources.
- (c) **INTERFERENCE WITH MARKERS PROHIBITED.** No person shall without authority remove, damage or destroy or moor or attach any watercraft to any buoy, beacon or marker placed in the waters of the lake by the authority of the United States, State or Village or by any private person pursuant to the provisions of this Chapter.

(12) **PENALTIES.** Any person violating any provision of this Section 4.2 shall upon conviction thereof be subject to the penalties provided in Section 30.80 Wisconsin Statutes, which is hereby adopted and by reference made a part of this Chapter as if fully set forth herein, except that all references to fines are amended to forfeitures and all references to imprisonment deleted. Any violation of this Section for which no specific penalty is provided in Section 30.80 Wisconsin Statutes shall be subject to the penalties provided in Section 30.80(1) Wisconsin Statutes.

4.3 OPERATION AND PARKING OF MOTOR VEHICLES ON ICE -PINE LAKE.

(1) **PURPOSE.** The Village Board determines and declares it to be in the interest of the public health, safety and welfare to prohibit the use, operation and parking of motor and other motorized vehicles, including without limitation snowmobiles, on the ice surface of Pine Lake in the Village.

(2) **PROHIBITING USE AND PARKING OF MOTORIZED VEHICLES.** No person shall use; operate or park a motor or other motorized vehicle, including without limitation snowmobiles, on the ice surface of Pine Lake in the Village.

4.4 EMERGENCY SLOW NO WAKE SPEED AT TIMES OF HIGH WATER ON PINE LAKE.

- (1) **DEFINITIONS.** Terms used in this Section shall have the following meanings:

High water: When the waters of Pine Lake exceed an elevation of 903.2 MLS as based upon the USGS benchmark.

Slow no wake: The meaning specified in Section 30.50(12) Wisconsin Statutes.

Motorboat: The meaning specified in Section 30.50(6) Wisconsin Statutes.

MSL: Near sea level or the average height for the surface of the water.

(2) SLOW NO WAKE SPEED REQUIRED. No person shall operate a motorboat at a speed in excess of slow no wake on Pine Lake after notice of high water condition has been declared until the declaration of the high water condition is repealed.

(3) NOTICE. Notice of a high water condition shall be posted (a) at the public launch site at CTH K in the Village; (b) by publication of a notice in the *Lake Country Now*; and (c) on the Village website. The posted notice shall state the time of the declaration of a high water condition. The Village shall endeavor to post a flag at appropriate places on the lake.

(4) POSTING REQUIREMENTS. This ordinance shall be posted at the Village boat launch on CTH K.

4.5 REGULATION OF USE OF PINE LAKE PUBLIC BOAT ACCESS FACILITY.

(1) FACILITY HOURS. The public boat access facility located on Pine Lake in the Village (the “facility”) shall be open from 6:00 A.M. to 10:00 P.M., except on the general fishing opening weekend when the facility shall be open on that first Saturday and Sunday from 4:00 A.M. to midnight. No boat or equipment incident to navigation (hereinafter referred to collectively as “boat”) may be launched during a time the facility is not open, but a boat on the lake at the applicable closing time may be retrieved from the lake after such closing time and a vehicle in the designated parking area at such closing time may remain there until the boat transported by such vehicle is retrieved. Except as set forth above, no person shall enter or remain on the facility premises and no parking shall be allowed on the facility premises at a time when the facility is not open.

(2) USE OF PUBLIC LAUNCH SITE RESTRICTED. No person shall launch a boat from the facility launch site unless (a) at the time of such launching, there is an available parking place in the designated parking area for the vehicle which transported the boat and (b) such vehicle is then parked in a parking place in the designated parking area; provided, however, to assure that parking in the designated parking area is limited to the general public, no owner or tenant of property on Pine Lake shall be required or permitted to park in the designated parking area after launching a boat owned by such person at the facility’s launch site.

(3) USE OF PARKING AREA RESTRICTED. A person shall only park a vehicle in the facility’s designated parking area provided that:

- (a) the vehicle is being used to transport a boat for use on Pine Lake or to transport persons for the purposes incident to navigation on Pine Lake,
- (b) the person remains in the facility or upon Pine Lake the entire time the vehicle remains in the designated parking area,
- (c) the vehicle is parked in a marked parking place in the facility’s designated parking area, and
- (d) each parking stall contains no more than one (1) vehicle and one*(1) trailer.

(4) USE OF FACILITY RESTRICTED. The facility shall be used only for the launching of boats on Pine Lake and for providing access for purposes incident to navigation on Pine Lake and for parking associated therewith. The facility shall not be used for fishing, hunting, camping, picnicking, swimming, sunbathing, fish cleaning, maintenance of boats and/or motors or for other recreational

purposes not expressly permitted above, or sales of products and services except for collection of fees for launching of boats and parking.

- (a) **POWER LOADING.** No person shall engage in the act of powering a motor boat of seventeen (17) feet in length or greater on or off the trailer at the Pine Lake Boat Launch within the Village with the engine being operated at a speed greater than idle speed. No person shall continue to operate the engine while engaged in the act of launching or retrieving a motorboat after the motorboat is at rest on the trailer. A sign shall be posted at the Pine Lake launch site advising of the requirement of this Subsection, indicating no power loading, minimum forfeiture of One Hundred Fifty (\$150) Dollars to a maximum of Five Hundred (\$500) Dollars for first offense and may be increased to One Thousand (\$1,000) Dollars for subsequent offenses.

(5) **PARKING FEES.** Fees for parking of vehicles and vehicles with trailers at the facility's designated parking area may be charged by the Village in amounts determined from time to time by the Village Board, but in no event shall such fees exceed the fees permitted under Sections NR 1.91 through 1.93 of the Wisconsin Administrative Code.

(6) **PENALTY.** Any person found guilty of a violation of any of the terms or provisions of this ordinance shall be subject to a fine of not less than Twenty (\$20) Dollars and not more than Two Hundred (\$200) Dollars for each violation.

4.6 MARINE REFUELING SERVICES.

(1) **PURPOSE.** The Village Board shall determine and declare that certain regulations and restrictions will be placed upon entities engaged in marine refueling services on the waterways of Pine Lake.

(2) **PERMITTING.** The permitting process to conduct marine refueling services will be administered by the Village Administrator and/or Village Police Department. Permits will be considered and issued on an annual basis. All permits will expire no later than the last day of each year.

(3) **APPLICABILITY.** The provisions of this Section shall apply to the waterways of Pine Lake within the jurisdiction of the Village.

(4) **LIMITATIONS/RULES OF APPROVAL.** Any and all portions of this Section shall function as the conditions of approval for permit(s) that could be granted by the Village Administrator and/or the Village Board of the Village in regard to marine refueling services along with such other conditions as the Village Administrator deems appropriate to carry out the purpose of this Section including a reasonable permit fee. A violation of any portion of this Section is considered material and could result in the revocation of a permit already granted under this Section or the denial of a permit under this Section.

(5) **RULES OF OPERATION.** Persons operating marine refueling services must comply with the following minimum requirements:

- (a) Refueling services are restricted from being offered on weekends and holidays.
- (b) Refueling services can only be offered from May 1 through September 30 of each year.

- (c) A marine refueling service shall only make one round trip around Pine Lake per day.
- (d) Refueling services shall operate from sunrise to no later than 3:00 p.m.
- (e) Any marine craft used for refueling services shall be trailored at all times when not in use.

(6) **WATER CRAFT LIMITATIONS.** Water crafts under this Section must comply with the following limitations:

- (a) Water craft used for refueling services shall not exceed twenty-one (21) feet.
- (b) Water craft used for refueling services shall be equipped with a seventy-five (75) foot long hose on a reel.
- (c) Water craft used for refueling services shall be equipped with an electric fuel transfer pump.
- (d) Water craft used for refueling services shall be equipped with an automatic shutoff nozzle.
- (e) Water craft used for refueling services shall comply with all relevant requirements by applicable state and federal rules and regulations.

(7) **SAFETY REQUIREMENTS.** Persons operating marine refueling services shall observe the following minimal safety requirements:

- (a) Persons operating marine refueling services shall adhere to all federal, state, county and local laws and ordinances when conducting marine refueling services within the jurisdiction of the Village.
- (b) Any water craft used for refueling services shall operate within fifty (50) feet of the shoreline, at slow-no-wake speeds.
- (c) Any water craft used for refueling services shall operate in no-wake zones.
- (d) Refueling services shall not operate during weekends or holidays.
- (e) Any water craft used for refueling services shall not be left unattended.
- (f) All refueling equipment used by marine refueling services shall comply with all requirements and codes set forth by all relevant state and federal agencies.
- (g) Any and all efforts shall be made by persons operating marine refueling services to prohibit or inhibit the spread of zebra mussels and Eurasian milfoil or other hazardous nuisance as determined by the Village Board.
- (h) No fuel spills will be tolerated and could result in an immediate termination of a license which allows for marine refueling services.

- (i) Any person operating a water craft used for marine refueling services must be at least twenty-one (21) years of age.
- (j) Any water craft used by marine refueling services shall be primarily powered by two motors of equal power to aid in the maneuverability of the marine water craft.
- (k) All operators of water craft used by marine refueling services shall be trained in regard to operating and emergency response procedures.
- (l) Any water craft used by marine refueling services shall be equipped with proper on-board fire protection.
- (m) The design and operation of any marine refueling service shall be in accordance with any and all information provided by the Wisconsin Department of Commerce.
- (n) Refueling of any water craft used for marine refueling shall not take place through the use of a secondary fuel source within the Village.
- (o) Marine refueling services shall be prohibited from operation if: (i) winds on Pine Lake exceed twenty (20) miles per hour; or (ii) a severe weather alert has been issued.
- (p) Services shall not take place on those days when an organized outing is taking place and lake traffic is generally restricted.

(8) **INSURANCE.** Before commencing any services, any operator of a marine refueling service must present to the Village Administrator: a specific insurance policy which provides coverage for spills and environmental cleanup costs, property damage (through collision, fire, explosion, environmental) and personal injury; and proof that the coverage shall be in effect at all times, regardless of whether the marine refueling water craft is in the water, in transport or in storage.

4.7 BOATING - NORTH LAKE

(1) **PURPOSE:** The Town Board of the Town of Merton, and the Village Board, each being a municipality as defined in Chapter 30 Wisconsin Statutes, and each having jurisdiction of a portion of North Lake, located in Waukesha County, do ordain jointly and identically in conformity with Sections 30.77 and 30.81 Wisconsin Statutes, as follows:

(2) **INTENT.** The intent of this Section 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.

(3) **APPLICABILITY AND ENFORCEMENT.** The provisions of this Section shall apply to the waters of North Lake, within the jurisdiction of the Town of Merton and the Village. The provisions of this Section shall be enforced by the officers of the Water Safety Patrol of the Town of Merton and/or the Village.

(4) STATE BOATING AND WATER SAFETY LAWS ADOPTED. The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities 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 Section.

30.50	Definitions
30.51	Operation of unnumbered motorboats prohibited
30.52	Certificate of number
30.523	Identification number to be displayed on boat; certificate to be carried
30.541	Transfer of ownership of numbered boat
30.55	Notice of abandonment or destruction of boat or change of address
30.60	Classification of motorboats
30.61	Lighting equipment
30.62	Other equipment
30.635	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
30.681	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 30.681
- 30.69 Water skiing
- 30.70 Skin diving
- 30.71(1) Boats equipped with toilets

All deletions, additions and amendments which may be made to the sections of the state laws enumerated 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.

(5) DEFINITIONS.

- (a) "Swimming zone" means an authorized area marked by regulatory markers to designate a swimming area.
- (b) "Designated anchorage" means an area of water established and marked as an anchorage by lawful authority.
- (c) "Public access" means any access to the water by means of public property.
- (d) "Navigation lane" means an area designated by authorized aids to navigation.
- (e) "Slow-no-wake" is defined as the slowest possible speed so as to maintain steerage.

(6) SPEED RESTRICTIONS.

- (a) NIGHT LIMIT. No person shall operate a boat at a speed in excess of slow-no-wake speed from one (1) hour after sunset each day until one (1) hour before sunrise of the next day.
- (b) SPEED LIMIT -MAXIMUM. No person shall operate a boat at a speed in excess of thirty five (35) miles per hour on North Lake at any time.
- (c) OPERATION IN CIRCUITOUS COURSE. No person shall operate or use a motor boat or personal watercraft repeatedly in a circuitous course with a diameter of less than two hundred (200) feet at a speed in excess of slow-no-wake speed.

(7) PROHIBITED OPERATION. INTOXICATED PERSON NOT TO RIDE IN BOATS.

No person shall permit any person who is so intoxicated or under the influence of a controlled substance who would be unable to provide for his own safety, to be a passenger in a boat operated by him, except in a case of emergency.

(8) **CAPACITY RESTRICTIONS.** No person shall operate or loan, rent or permit a boat to leave the place where it is customarily kept for operation on the waters covered by this Section with more passengers or cargo than a safe load.

(9) **STATIONARY OBJECTS.**

- (a) **REFLECTORS REQUIRED.** All piers, rafts, ski jumps or other stationary objects, extending into and/or located upon the waters covered by this Section, shall have red reflector signals on each side thereof and in the case of piers, such reflectors shall not be less than three (3) feet from the outer limits thereof and shall be at least three (3) inches in diameter.
- (b) **RAFTS.** No person shall erect or maintain any raft or platform more than one hundred (100) feet from the shore unless it is so anchored that it has at least ten (10) inches of free board above the waterline, and either (i) is painted white and has attached thereto on each side above the waterline one or more reflectors in good condition not less than three (3) inches in diameter, or (ii) is painted with a band at least three (3) inches in width of luminous paint so as to be visible from any direction.
- (c) **PERMITS REQUIRED.** No water ski jump shall be placed upon the waters covered by this Section at any time unless a permit is obtained from the Water Safety Patrol. No raft or other stationary object shall be placed more than one hundred (100) feet from the shore unless a permit is obtained from Water Safety Patrol.
- (d) A permit issued under this Section shall specify the location of the ski jump, raft or other structure, and in the case of ski jumps, the area of water to be used by users of such jump. Permits shall be issued only if in the opinion of the Water Safety Patrol, the proposed use of the water and location of the structure is such so as not to interfere with or obstruct navigation and other uses of the water.

(10) **SAFE OPERATION REQUIRED.** No person shall operate, direct or handle a boat in such manner as to unreasonably annoy, unnecessarily frighten or endanger the occupants of such person's boat or other boats.

(11) **SWIMMING REGULATIONS.** Any persons swimming more than one hundred fifty (150) feet from the shoreline of the lakes covered by this Section and more than fifty (50) feet from a diving raft anchored more than one hundred (100) feet from the shoreline of said lakes shall be accompanied by a boat for the protection of the swimmer and as an aid to other boats in determining the location of the swimmer and such swimmer shall be not more than fifty (50) feet from the boat accompanying him.

(12) **LITTERING AND POLLUTING PROHIBITED.** No person shall deposit, place or throw from any boat, raft, pier, platform or similar structure or from the shore, any cans, paper, bottles, debris, refuse, garbage, solid or liquid waste, into the water.

(13) **RACES AND OTHER SPORTING EVENTS AND EXHIBITIONS.**

- (a) **PERMIT REQUIRED.** No person shall direct or participate in any motorized boat race, water ski meet or other water sporting events or exhibition unless such event has been authorized and a permit issued therefor by the Water Safety Patrol.
- (b) **PERMIT.** A permit issued under this Section shall specify the course of area or water to be used by participants in such event and the permittee shall be required to place markers, flags or buoys approved by the Water Safety Patrol, designating the specified area. Permits shall be issued only if in the opinion of the Water Safety Patrol, the proposed use of the water can be carried on safely and without danger to or substantial obstruction of other watercraft or persons using the lakes. Permits shall be valid only for the hours and area specified thereon.
- (c) **RIGHT-OF-WAY OF PARTICIPANTS.** Boats and participants in any such permitted events shall have the right-of-way on the marked area and no other person shall obstruct such area during the race or event or interfere therewith.

(14) **WATER SKIING.**

- (a) **HOURS.** No person shall water ski and no person shall operate a boat while towing a person on water skis aquaplane, surfboard or any similar device at any time between sunset of any day and 9:00 A.M. of the following day.
- (b) All persons water skiing, aquaplaning, surfboarding or using any similar device shall wear a personal flotation device.
- (c) No persons shall water ski and no person shall operate a boat while towing a person on water skis, aquaplane, surfboard or any similar device on North Lake unless in a counter-clockwise direction. This restriction shall not apply to the operator of a boat attempting to pick up a skier who has fallen.
- (d) No person shall tow another who is either barefoot or on water skis, aquaplane, kneeboard or other similar device, nor shall any person tow another on tubes, torpedoes or other similar inflated appliances, unless such person is wearing a Coast Guard approved personal flotation device or a wetsuit having flotation capabilities.

(15) **MARKERS AND NAVIGATION AIDS: POSTING CHAPTER.**

- (a) The Water Safety Patrol is authorized and directed to place and maintain suitable markers, navigation aids and signs in such water areas as shall be appropriate to advise the public of the provisions of this Section and to post and maintain a copy of this Section at all public access points on waters covered by this Section.
- (b) **STANDARD MARKERS.** All markers placed by the Water Safety Patrol or any other person upon the waters covered by this Section shall comply with the regulations of the Department of Natural Resources.

- (c) INTERFERENCE WITH MARKERS PROHIBITED. No person shall without authority remove, damage or destroy or moor or attach any watercraft to any buoy, beacon, or marker placed on the waters of any lake covered by this Section, by the authority of the United States, State, County or Town or by any private person, pursuant to the provisions of this Section.

(16) PENALTIES AND DEPOSITS.

- (a) Any person violating any provision of this Section for which a penalty is not provided by subsection (b) below shall, upon conviction thereof, be penalized by forfeiture as defined in Wisconsin Statutes, together with the cost of prosecution. Lake Country Municipal Court to determine consequences of non-payment.
- (b) Any person violating Subsection 30.67(1) or 30.68(1) Wisconsin Statutes, adopted by reference in this Section, shall, upon conviction thereof, forfeit not more than Two Hundred (\$200) Dollars, together with the cost of prosecution. Lake Country Municipal Court to determine consequences of non-payment.
- (c) Any person violating Sections 30.681 or 30.684(5) Wisconsin Statutes, adopted by reference in this Section, shall, upon conviction thereof, forfeit not less than One Hundred Fifty (\$150) Dollars nor more than Three Hundred (\$300) Dollars, together with the cost of prosecution, the court shall enter the orders required by Subsections 30.80(6)(d) and (e) Wisconsin Statutes.
- (d) MONEY DEPOSITS. Any officer arresting a person for violation of a provision of this Section who is unable to bring the person arrested before the proper court without unnecessary delay shall permit such person to make a money deposit as provided in Section 30.76 Wisconsin Statutes. Such deposit shall be made to whom and at the office designated by the Water Safety Patrol Officer.

(17) WISCONSIN STATUTES DEFINED. Whenever used in this Section the term "Wisconsin Statutes" shall mean the current Wisconsin Statutes and all amendments thereof.

(18) REPEAL OF CONFLICTING ORDINANCES. All ordinances regulating water traffic, boats, boating or water sports upon the waters covered by this Section and all ordinances or parts of ordinances in conflict with this Section, heretofore enacted by the Village Board of the Village, are hereby repealed.

(19) SEVERABILITY. The provisions of this Section shall be deemed severable and it is expressly declared that the Village Board would have passed the other provisions of this Section irrespective of whether or not one or more provisions may be declared invalid and if any provisions of this Section or the application thereof to any person or circumstances is held invalid, the remainder of the Section and the application of such provisions to other persons or circumstances shall not be affected thereby.

4.8 AUTOMOBILES AND TRUCKS ON NORTH LAKE.

The Town Board of the Town of Merton and the Village Board, each being a municipality as defined in Chapter 30 of Wisconsin Statutes, and each having jurisdiction over a portion of North Lake, an inland lake located in Waukesha County, do ordain jointly and identically in conformity with Sections 30.77 and 30.81 Wisconsin Statutes, as follows:

- (a) No person shall operate or park or permit to be operated or parked any automobile or truck upon the ice of North Lake.
- (b) The definitions contained in Chapter 340 Wisconsin Statutes and any amendments thereto are hereby incorporated by reference as if fully set forth herein.
- (c) Any person violating any provision of this Section shall, upon conviction thereof, forfeit an amount set forth in the general penalties section of the Village Code.

4.9 EMERGENCY SLOW NO WAKE SPEED AT TIMES OF HIGH WATER ON NORTH LAKE.

(1) **PURPOSE:** The Town Board of the Town of Merton, and the Village Board, each being a municipality as defined in Chapter 30 of Wisconsin Statutes, and each having jurisdiction of a portion of North Lake located in Waukesha County, do ordain jointly and identically in conformity with Sections 30.77 and 30.81 Wisconsin Statutes, as follows:

(2) **INTENT.** The intent of this Section 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.

(3) **APPLICABILITY AND ENFORCEMENT.** The provisions of this Section shall apply to the waters of North Lake within the jurisdiction of the Town of Merton and Village. The provisions of this Section shall be enforced by the officers of the Water Safety Patrol of the Town of Merton and/or the Village.

(4) **COOPERATION.** The Village and the Town of Merton agree that neither shall change the provisions of this Section or the Town of Merton's corresponding ordinance without first providing written notice to the other outlining the proposed revisions and allowing the other an opportunity to comment on the proposed revisions to the applicable ordinance.

(5) **DEFINITIONS.** Terms used in this Section shall have the following meanings:

High water: When the waters of North Lake exceed an elevation of 897.2 msl as based upon the USGS benchmark.

Slow no wake: The meaning specified in Section 30.50(12) Wisconsin Statutes.

Watercraft: Motorboats, as defined in Section 30.50(6) Wisconsin Statutes, jet skis, and all other personal watercraft.

MSI: Near sea level or the average height for the surface of the water.

(6) SLOW NO WAKE SPEED REQUIRED. No person shall operate a motorboat at a speed in excess of slow no wake on North Lake after notice of high-water condition has been declared until the declaration of the high-water condition is repealed.

(7) NOTICE. Notice of a high-water condition on North Lake shall be posted: (a) at the North Lake Yacht Club; (b) At any and all public launch sites within the Town of Merton; (c) by publication of a notice in the *Lake Country Now*; and (c) on the Village and Town websites. The posted notice shall state the time of the declaration of a high-water condition. The Village or Town may, in cooperation with the local residents and management district, use other means of notification by way of posting flags or lake buoys at appropriate locations on the lake for additional awareness. Local yacht clubs, management districts are also urged to disseminate notification by way of e-mail to all members and lake residents.

4.10 BOATING – BEAVER LAKE

(1) PURPOSE: The Town Board of the Town of Merton, and the Village Board, each being a municipality as defined in Chapter 30 Wisconsin Statutes, and each having jurisdiction of a portion of Beaver Lake located in Waukesha County, do ordain jointly and identically in conformity with Sections 30.77 and 30.81 Wisconsin Statutes, as follows:

(2) INTENT. The intent of this Section 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.

(3) APPLICABILITY AND ENFORCEMENT. The provisions of this Section shall apply to the waters of Beaver Lake, within the jurisdiction of the Town of Merton and the Village. The provisions of this Section shall be enforced by the officers of the Water Safety Patrol of the Town of Merton and/or the Village.

(4) STATE BOATING AND WATER SAFETY LAWS ADOPTED. The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities 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 Section.

30.50	Definitions
30.51	Operation of unnumbered motorboats prohibited
30.52	Certificate of number

30.523	Identification number to be displayed on boat; certificate to be carried
30.541	Transfer of ownership of numbered boat
30.55	Notice of abandonment or destruction of boat or change of address
30.60	Classification of motorboats
30.61	Lighting equipment
30.62	Other equipment
30.635	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
30.681	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 30.681
30.69	Water skiing
30.70	Skin diving
30.71(1)	Boats equipped with toilets

All deletions, additions and amendments which may be made to the sections of the state laws enumerated 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.

(5) DEFINITIONS.

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

- (b) "Designated anchorage" means an area of water established and marked as an anchorage by lawful authority.
- (c) "Public access" means any access to the water by means of public property.
- (d) "Navigation lane" means an area designated by authorized aids to navigation.
- (e) "Slow-no-wake" is defined as the slowest possible speed so as to maintain steerage.

(6) SPEED RESTRICTIONS.

- (a) NIGHT LIMIT. No person shall operate a boat at a speed in excess of slow-no-wake speed from one (1) hour after sunset each day until one (1) hour before sunrise of the next day.
- (b) SPEED LIMIT - TURTLE BAY OF BEAVER LAKE. No person shall operate a boat at a speed in excess of slow-no-wake or at any time to exceed a maximum speed of three (3) miles per hour in Turtle Bay.
- (c) OPERATION IN CIRCUITOUS COURSE. No person shall operate or use a motor boat or personal watercraft repeatedly in a circuitous course with a diameter of less than two hundred (200) feet at a speed in excess of slow-no-wake speed.

(7) PROHIBITED OPERATION. INTOXICATED PERSON NOT TO RIDE IN BOATS. No person shall permit any person who is so intoxicated or under the influence of a controlled substance who would be unable to provide for his own safety, to be a passenger in a boat operated by such person, except in a case of emergency.

(8) CAPACITY RESTRICTIONS. No person shall operate or loan, rent or permit a boat to leave the place where it is customarily kept for operation on the waters covered by this Section with more passengers or cargo than a safe load.

(9) STATIONARY OBJECTS.

- (a) REFLECTORS REQUIRED. All piers, rafts, ski jumps or other stationary objects, extending into and/or located upon the waters covered by this Section, shall have red reflector signals on each side thereof and in the case of piers, such reflectors shall not be less than three (3) feet from the outer limits thereof and shall be at least three (3) inches in diameter.
- (b) RAFTS. No person shall erect or maintain any raft or platform more than one hundred (100) feet from the shore unless it is so anchored that it has at least ten (10) inches of free board above the waterline, and either (i) is painted white and has attached thereto on each side above the waterline one or more reflectors in good condition not less than three (3) inches in diameter, or (ii) is painted with a

band at least three (3) inches in width of luminous paint so as to be visible from any direction.

- (c) **PERMITS REQUIRED.** No water ski jump shall be placed upon the waters covered by this Section at any time unless a permit is obtained from the Water Safety Patrol. No raft or other stationary object shall be placed more than one hundred (100) feet from the shore unless a permit is obtained from the Water Safety Patrol.
- (d) A permit issued under this Section shall specify the location of the ski jump, raft or other structure, and in the case of ski jumps, the area of water to be used by users of such jump. Permits shall be issued only if in the opinion of the Water Safety Patrol, the proposed use of the water and location of the structure is such so as not to interfere with or obstruct navigation and other uses of the water.

(10) **SAFE OPERATION REQUIRED.** No person shall operate, direct or handle a boat in such manner as to unreasonably annoy, unnecessarily frighten or endanger the occupants of such person's boat or other boats.

(11) **SWIMMING REGULATIONS.** Any persons swimming more than one hundred fifty (150) feet from the shoreline of the lakes covered by this Section and more than fifty (50) feet from a diving raft anchored more than one hundred (100) feet from the shoreline of said lakes shall be accompanied by a boat for the protection of the swimmer and as an aid to other boats in determining the location of the swimmer and such swimmer shall be not more than fifty (50) feet from the boat accompanying him.

(12) **LITTERING AND POLLUTING PROHIBITED.** No person shall deposit, place or throw from any boat, raft, pier, platform or similar structure or from the shore, any cans, paper, bottles, debris, refuse, garbage, solid or liquid waste, into the water.

(13) **RACES AND OTHER SPORTING EVENTS AND EXHIBITIONS.**

- (a) **PERMIT REQUIRED.** No person shall direct or participate in any motorized boat race, water ski meet or other water sporting events or exhibition unless such event has been authorized and a permit issued therefor by the Water Safety Patrol.
- (b) **PERMIT.** A permit issued under this Section shall specify the course of area or water to be used by participants in such event and the permittee shall be required to place markers, flags or buoys approved by the Water Safety Patrol, designating the specified area. Permits shall be issued only if in the opinion of the Water Safety Patrol, the proposed use of the water can be carried on safely and without danger to or substantial obstruction of other watercraft or persons using the lakes. Permits shall be valid only for the hours and area specified thereon.
- (c) **RIGHT-OF-WAY OF PARTICIPANTS.** Boats and participants in any such permitted events shall have the right-of-way on the marked area and no other person shall obstruct such area during the race or event or interfere therewith.

(14) WATER SKIING.

- (a) HOURS. No person shall water ski and no person shall operate a boat while towing a person on water skis, aquaplane, surfboard or any similar device at any time between sunset of any day and sunrise of the following day.
- (b) All persons water skiing, aquaplaning, surfboarding or using any similar device shall wear a personal flotation device.
- (c) No person shall tow another who is either barefoot or on water skis, aquaplane, kneeboard or other similar device, nor shall any person tow another on tubes, torpedoes or other similar inflated appliances, unless such person is wearing a Coast Guard approved personal flotation device or a wetsuit having flotation capabilities.

(15) MARKERS AND NAVIGATION AIDS: POSTING CHAPTER.

- (a) The Water Safety Patrol is authorized and directed to place and maintain suitable markers, navigation aids and signs in such water areas as shall be appropriate to advise the public of the provisions of this Section and to post and maintain a copy of this Section at all public access points on waters covered by this Section.
- (b) STANDARD MARKERS. All markers placed by the Water Safety Patrol or any other person upon the waters covered by this Section shall comply with the regulations of the Department of Natural Resources.
- (c) INTERFERENCE WITH MARKERS PROHIBITED. No person shall without authority remove, damage or destroy or moor or attach any watercraft to any buoy, beacon, or marker placed on the waters of any lake covered by this Section, by the authority of the United States, State, County or Town or by any private person, pursuant to the provisions of this Section.

(16) PENALTIES AND DEPOSITS.

- (a) Any person violating any provision of this Section for which a penalty is not provided by subsection (b) below shall, upon conviction thereof, be penalized by forfeiture as defined in Wisconsin Statutes, together with the cost of prosecution. Lake Country Municipal Court to determine consequences of non-payment.
- (b) Any person violating Subsection 30.67(1) or 30.68(1) Wisconsin Statutes, adopted by reference in this Section, shall, upon conviction thereof, forfeit not more than Two Hundred (\$200) Dollars, together with the cost of prosecution. Lake Country Municipal Court to determine consequences of non-payment.
- (c) Any person violating Sections 30.681 or 30.684(5) Wisconsin Statutes, adopted by reference in this Section, shall, upon conviction thereof, forfeit not less than

One Hundred Fifty (\$150) Dollars nor more than Three Hundred (\$300) Dollars together with the cost of prosecution.

- (d) **MONEY DEPOSITS.** Any officer arresting a person for violation of a provision of this Section who is unable to bring the person arrested before the proper court without unnecessary delay shall permit such person to make a money deposit as provided in Section 30.76 Wisconsin Statutes. Such deposit shall be made to whom and at the office designated by the Water Safety Patrol Officer.

(17) **WISCONSIN STATUTES DEFINED.** Whenever used in this Section the term “Wisconsin Statutes” shall mean the current Wisconsin Statutes and all amendments thereof.

(18) **REPEAL OF CONFLICTING ORDINANCES.** All ordinances regulating water traffic, boats, boating or water sports upon the waters covered by this Section and all ordinances or parts of ordinances in conflict with this Section, heretofore enacted by the Village Board of the Village, are hereby repealed.

(19) **SEVERABILITY.** The provisions of this Section shall be deemed severable and it is expressly declared that the Village Board would have passed the other provisions of this Section irrespective of whether or not one or more provisions may be declared invalid and if any provisions of this Section or the application thereof to any person or circumstances is held invalid, the remainder of the Section and the application of such provisions to other persons or circumstances shall not be affected thereby.

4.11 EMERGENCY SLOW NO WAKE SPEED AT TIMES OF HIGH WATER ON BEAVER LAKE.

(1) **PURPOSE:** The Town Board of the Town of Merton, and the Village Board, each being a municipality as defined in Chapter 30 of Wisconsin Statutes, and each having jurisdiction of a portion of Beaver Lake located in Waukesha County, do ordain jointly and identically in conformity with Sections 30.77 and 30.81 Wisconsin Statutes, as follows:

(2) **INTENT.** The intent of this Section 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.

(3) **APPLICABILITY AND ENFORCEMENT.** The provisions of this Section shall apply to the waters of Beaver Lake, within the jurisdiction of the Town of Merton and Village. The provisions of this Section shall be enforced by the officers of the Water Safety Patrol of the Town of Merton and/or the Village.

(4) **COOPERATION.** The Village and the Town of Merton agree that neither shall change the provisions of this Section or the Town of Merton’s corresponding ordinance without first providing written notice to the other outlining the proposed revisions and allowing the other an opportunity to comment on the proposed revisions.

(5) **DEFINITIONS.** Terms used in this Section shall have the following meanings:

High water: When the waters of Beaver Lake exceed an elevation of 910.2 msl as based upon the USGS benchmark.

Slow no wake: The meaning specified in Section 30.50(12) Wisconsin Statutes.

Watercraft: Motorboats, as defined in Section 30.50(6) Wisconsin Statutes, jet skis, and all other personal watercraft.

MSI: Near sea level or the average height for the surface of the water.

(6) SLOW NO WAKE SPEED REQUIRED. No person shall operate a motorboat at a speed in excess of slow no wake on Beaver Lake after notice of high-water condition has been declared until the declaration of the high-water condition is repealed.

(7) NOTICE. Notice of a high-water condition on Beaver Lake shall be posted: (a) at the Beaver Lake Yacht Club launch site; (b) at the public launch site on STH 83; (c) by publication of a notice in the *Lake Country Now*; and (d) on the Village and Town websites. The Village or Town may, in cooperation with the local lake residents and associations, use other means of notification by way of posting flags or lake buoys at appropriate locations on the lakes for additional awareness. Local yacht clubs or associations are also urged to disseminate notification by way of email to all members and lake residents.

(a) EXCEPTIONS. This Section shall not apply, even if a high-water condition notice has been posted pursuant to subsection 3 hereof, in the following situations: Emergency situations; and b) Conditions or events, as reasonably determined by the Town of Merton Board Chairman or Village Chief of Police which require a suspension of the slow-no-wake speed requirement.”

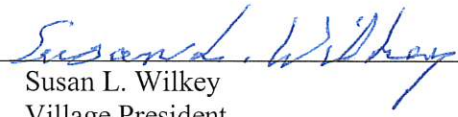
4.12 OPERATION AND PARKING OF MOTOR VEHICLES ON ICE - CORNELL LAKE.

(1) PURPOSE. The Village Board of the Village determines and declares it to be in the interest of the public health, safety and welfare to prohibit the use, operation and parking of motor and other motorized vehicles, including without limitation snowmobiles, on the ice surface of Cornell Lake in the Village.

PROHIBITING USE AND PARKING OF MOTORIZED VEHICLES. No person shall use, operate or park a motor or other motorized vehicle, including without limitation snowmobiles, on the ice surface of Cornell Lake in the Village.

Adopted this 9th day of April, 2018.

VILLAGE OF CHENEQUA

By: 
Susan L. Wilkey
Village President

Attest:


Pamela Ann Little
Village Clerk-Treasurer

Date Adopted: April 9, 2018
Date Published: April 18, 2018
Effective Date: April 19, 2018

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