

CHAPTER 2

Boating

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- § 12-2-1 Applicability and Enforcement
- § 12-2-2 State Boating and Water Safety Laws Adopted
- § 12-2-3 Markers and Navigation Aids; Posting Ordinance

SEC. 12-2-1 APPLICABILITY AND ENFORCEMENT.

- (a) The provisions of this Chapter shall apply to the waters of Rice Lake and Lake Montanis within the jurisdiction of the City.
- (b) This Chapter shall be enforced by the officers of the water safety patrol of the Police Department of the City.

SEC. 12-2-2 STATE BOATING AND WATER SAFETY LAWS ADOPTED.

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

- 30.50 (Definitions)
- 30.501 (Capacity Plates on Boats)
- 30.51 (Operation of Unnumbered Boats Prohibited)
- 30.52 (Certificate of Number)
- 30.53 (Identification Number to be Displayed on Boat;
Certificate to be Carried.)
- 30.54 (Transfer of Ownership of Numbered Boat)
- 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)
- 30.64 (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)
- 30.76 (Deposit of Money to Obtain Release from Arrest)

State Law Reference: Section 30.77, Wis. Stats.

SEC. 12-2-3 MARKERS AND NAVIGATION AIDS; POSTING ORDINANCE.

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- (a) **DUTY OF CHIEF.** The Chief of Police shall 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 post and maintain a copy of this Section at all public access points within the jurisdiction of the City.
- (b) **STANDARD MARKERS.** All markers placed by the Chief or any other person upon the waters of the lake 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 in the waters of the lake by the authority of the United States, state or City or by any private person pursuant to the provisions of this Section.

- (2) Affect any offense, penalty or forfeiture, or prosecution for any offense, or levy of any penalty or forfeiture which has arisen prior to the repeal or amendment of the relevant provision of any ordinance or resolution. The preceding sentence shall not preclude the application of a lesser penalty or forfeiture if the new amending or repealing provision contains such a lesser penalty or forfeiture. The procedure for prosecution of any violations of Ordinances repealed or amended shall be conducted according to the procedure set forth in the new amending or repealing provision or other procedure currently in effect.

SEC. 1-1-7 GENERAL PENALTY.

- (a) **GENERAL PENALTY.** Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of this Code shall upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - (1) **First Offense — Penalty.** Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than Five (\$5.00) Dollars nor more than Five Hundred (\$500.00) Dollars together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.
 - (2) **Second Offense — Penalty.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not less than Twenty (\$20.00) Dollars nor more than One Thousand (\$1,000.00) Dollars for each such offense, together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.
- (b) **CONTINUED VIOLATIONS.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- (c) **OTHER REMEDIES.**
 - (1) The City shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.
 - (2) Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the City, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.

SEC. 1-1-8 CLERK TO MAINTAIN COPIES OF DOCUMENTS INCORPORATED BY REFERENCE.

Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the City Clerk-Treasurer shall maintain in his office a copy of any such material as adopted and as amended from time to time. Materials on file at the City Clerk-Treasurer's office shall be considered public records open to reasonable examination by any person during the office hours of the City Clerk-Treasurer subject to such restrictions on examination as the Clerk-Treasurer imposes for the preservation of the material.