

ORDINANCE NO. 99

**An Ordinance To Regulate Water Traffic, Boating and Water Sports Upon The Waters Of Perch Lake And Prescribing Penalties For Violation Thereof.**

THE COMMON COUNCIL OF THE CITY OF SPARTA, MONROE COUNTY, WISCONSIN DO ORDAIN AS FOLLOWS:

SECTION 1. Applicability and Enforcement. The provisions of this ordinance shall apply to the waters of Perch Lake which is the La Crosse River dammed within the City of Sparta and within the jurisdiction of the City of Sparta, which waters are described as follows: Commencing at the East line of East Avenue, thence East to the East corporate limits of the City of Sparta.

The provisions of this ordinance shall be enforced by the officers of the City Police Department of the City of Sparta.

SECTION 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 is 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 ordinance.

30.50 (Definitions)

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 (2) 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)

30.68 (Prohibited Operation)

30.69 (Water Skiing)

30.70 (Skin Diving)

30.71 (Boats Equipped with Toys)

SECTION 3. Motors Prohibited. No person shall operate or rent or loan for operation on the waters covered by this ordinance any boat or vessel having a motor or engine.

SECTION 4. 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 ordinance with more passengers aboard than there are seats in said boat nor with passengers or cargo in excess of the capacity recommended by the manufacturers rating, or if such boat is a canoe with more than the following numbers of persons aboard: canoes 16 feet or under — no more than 2 persons; canoes over 16 feet to 18 feet — no more than 3 persons; canoes over 18 feet to 20 feet — no more than 4 persons.

SECTION 5. Additional Traffic Rules. In addition to the traffic rules in S. 30.65 of the Wisconsin Statutes adopted in Section 1 of this ordinance the following rules shall apply to boats using the waters covered by this ordinance:

(1) 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 watercraft approaching such dock, pier or wharf.

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

SECTION 6. Intoxication and Intoxicating Liquors.

(a) Intoxicated Persons Not To Ride In Boats. No persons shall permit any person who is so intoxicated as to be unable to provide for his own safety or the safety of others to ride as a passenger in any boat operated by him.

(b) Intoxicating Liquors Not to be Consumed on Boats. No person shall open or consume any intoxicating liquors on any boat.

SECTION 7. Anchorages and Stationery Objects.

(a) Mooring Lights Required. No person shall moor or anchor any boat, raft, buoy or other floating object more than 10 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 1500 feet on a dark night with clear atmosphere. This provision shall not apply to authorized structures within the pier head line nor to boats or objects moored or anchored in moor-

ing areas approved by the City Police Department when the entire area is marked by lights or other markers approved by the City Police.

(b) Chief to Regulate anchorages. The Chief of Police is hereby authorized and empowered to make such rules and regulations governing the location, type and use of anchorages as he shall deem necessary for the public safety and convenience.

(c) Rafts and Buoys. No person shall erect or maintain any raft or stationery platform (beyond the pierhead line) (more than 10 feet from the shore) unless it is so anchored that it has at least 6 inches of free board above the water line, painted white and has attached thereto not less than 12 inches from each corner or projection a red reflector not less than 3 inches in diameter.

SECTION 8. 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 his or other boats.

SECTION 9 Swimming Regulations.

(a) Swimming from boats prohibited. No person shall swim from any boat unless such boat is anchored.

(b) Distance from Shore. No person shall swim more than 50 feet from the shore unless he is accompanied by a boat containing a ring buoy and a person trained in life saving technique.

(c) Hours Limited. No person shall swim more than 50 feet from the shoreline between one hour after sunset and one hour before sunrise unless accompanied by a properly lighted boat.

SECTION 10 Littering Waters Prohibited. No person shall deposit, place, or throw from any boat, raft, pier, platform or similar structure any cans, paper, bottles, debris, refuse or garbage solid or liquid waste into the water of the lake.

SECTION 11. Markers and Navigation Aids; Posting Ordinance.

(a) Duty of Chief. The Chief of the City Police Department 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 ordinance and to post and maintain a copy of this ordinance at all public access points within the jurisdiction of the city.

(b) Standard Markers. All markers placed by the City Police Department or any other person

upon the waters of the lake shall comply with the regulations of the Wisconsin Conservation Commission.

(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 ordinance.

SECTION 12. Penalties and Deposits.

(a) Major Violations. Any person who shall violate the provisions adopted by reference in Section 2 of this ordinance as described and defined in ss 30.67 (1) or 30.68 (1) or (2) of the Wisconsin statutes shall, upon conviction thereof, forfeit not more than \$200 nor less than \$25 together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until full payment thereof is made, but not exceeding 60 days.

(b) Minor Violations. Any person who shall violate any provision of this ordinance except as specified in sub. (a) of this section shall upon conviction thereof forfeit not less than \$1.00 nor more than \$100 together with the costs of prosecution and in default of payment thereof shall be imprisoned in the county jail until full payment thereof is made, but not exceeding 60 days.

(c) Money deposit. Any officer arresting a person for violation of a provision of this ordinance who is unable to bring the person arrested before the police justice of the peace or county court without unnecessary delay shall permit such person to make a money deposit as provided in s. 30.76 of the Wisconsin statutes. Such deposit shall be made to the police headquarters or to the police justice of the peace.

SECTION 13. Wisconsin Statutes Defined. Wherever used in this ordinance, the term "Wisconsin Statutes" shall mean the Wisconsin Statutes of 1959.

SECTION 14. Races, Regattas, Sporting Events, and Exhibitions.

(a) Permit Required. No person shall direct or participate in any boat race, regatta, water-ski meet or other water sporting event or exhibitions unless such event has been authorized and a permit issued therefor 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 participants in such events and the permittee shall be required to place markers, flags, or buoys approved by the Chief of Police designating the specific area. 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 water crafts, or persons using the lakes. Permits shall be valid only for the hours and areas specified thereon.

(c) Right of way of Participant. Boats and participants in any such permitted event 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.

SECTION 15. 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 Common Council of the City of Sparta are hereby repealed.

SECTION 16. Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Common Council 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 of the application thereof to any person or circumstances 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 17. Effective Date; Clerk's Duty.

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

(b) The clerk is directed to file a copy of this ordinance with the Wisconsin conservation commission in Madison, Wisconsin.

Dated June 13, 1961.

OFFERED BY:

A. S. Eyler, Alderman.

PASSED June 13, 1961.

Ray C. Stewart, City Clerk.

APPROVED June 13, 1961,

Ralph E. Osborne, Mayor.