

## **Ordinance No. 2005-1**

### **Regulation of Activities on the Ice of Silver Lake, Town of West Bend**

The Silver Lake Protection and Rehabilitation District Board of Commissioners, Town of West Bend, Washington County, Wisconsin does ordain as follows:

#### **1.01 GENERAL PROVISIONS.**

(1) **APPLICABILITY.** The provisions of this ordinance shall apply to all the icebound waters of Silver Lake within the Town of West Bend, Washington County, Wisconsin.

(2) **PURPOSE.** The purpose of this ordinance is to promote the health, safety, morals, prosperity and general welfare of the persons and areas affected by this ordinance consistent with public rights and interests and the capability of the water resource.

(3) **AUTHORITY.** The ordinance is adopted by the Silver Lake Protection and Rehabilitation District, hereinafter referred to as SLPRD, pursuant to the powers granted it by virtue of Wis. Stats. §§30.81, 33.22, 33.235 and 33.29, and Resolution No. 2004-02 adopted by the Town of West Bend on December 8, 2004 which delegated authority of Wis. Stats. §30.81 to regulate the ice surface of Silver Lake.

**1.02 ENFORCEMENT.** The provisions of this ordinance shall be enforced by State certified law enforcement officers employed or contracted for patrolling by the SLPRD.

#### **1.03 DEFINITIONS.**

(1) **VEHICLES** include all of the means of conveyance plus any other vehicle powered by motor, as follows.

(a) **ATV (All Terrain Vehicle)** means any engine driven device as defined in Wis. Stats. §340.01(2g) and any other multi-axle, two or more wheeled vehicles, or combination wheel and track (runner) vehicles, not otherwise defined herein, powered by a motor(s) or fan and designed to be operated on snow, ice, grass, dirt, gravel, sand and wetlands, whether or not required to be licensed by State law.

(b) **SNOWMOBILE** means any engine driven vehicle as defined in Wis. Stats., §340.01(58a).

(c) **AUTOMOBILE** means any motor vehicle as defined in Wis. Stats. §340.01(4) and including mini-vans.

(d) **TRUCK** means any motor vehicle as defined in Wis. Stats. §340.01(34) and including pickup trucks, sport utility vehicles, regular size vans and combination automobile/trucks.

(e) **(RV) (Recreation Vehicle)** means any vehicle as defined in Wis. Stats §340.01(6m), (29) and (33m) designed or constructed to operate either under its own power or towed, and defined to be used for temporary habitation.

(f) **MOTORCYCLE** means any motorized vehicle as defined in Wis. Stats. §340.01(32) including motorized bicycles and scooters.

(g) HOVERCRAFT means any engine driven vehicle that travels across land or water just above a cushion of air provided by a downward thrust as from its engines, propellers, etc. For purposes of this ordinance, a hovercraft shall be considered an ATV and therefore shall be subject to the provisions of Wis. Stats. §23.33, adopted herein by reference in sec. 1.11 below.

(2) ICEBOAT means a sailboat-like structure with runners or wheels intended to be wind powered on a solid surface.

(3) FISHING SHANTIES means those structures parked or erected on the ice for use as warming buildings and ice fishing shelters, and not including automobiles trucks and RVs.

(4) KETTLE means the northerly approximate 15% of Silver Lake separated from the main body of Silver Lake by the channel.

(5) CHANNEL means a narrow body of water approximately 100 feet wide and 600 feet long which separates the Kettle from the main body of Silver Lake.

(6) MAIN BODY of Silver Lake means the southerly approximate 85% of the lake.

#### **1.04 PROHIBITED OPERATIONS.**

(1) No person shall operate or park or permit to be operated or parked on the ice surface of Silver Lake any motorized vehicle as defined in sec. 1.01 above, excluding snowmobiles and ATVs, except for the exclusive purpose of shoreline or lake property maintenance or repair with an approved permit issued by the SLPRD.

(2) No person shall operate any vehicle on the ice repeatedly in a tight circuitous course or in a prolonged, repetitive manner in the same area.

(3) No vehicle operated on the ice shall be modified in any manner that will amplify or otherwise increase total noise emission above that emitted by the vehicle as originally constructed, regardless of the date of manufacture.

(4) Reference is made to The Town of West Bend Ordinance 9.06 (3) Loud and Unnecessary Noise Prohibited. "Except for Town employees, between the hours of 10:00 P.M. and 6:00 A.M., no person shall do construction work or operate any chain saw, lawn mower or any other machinery of a similar nature within 300 feet of a residence of another." For the purpose of this ordinance, "machinery" includes powered ice augers.

**1.05 LITTERING ICE PROHIBITED.** No person shall deposit, place, or throw from any vehicle, iceboat, raft, pier, platform, fishing shanty, structure or shore, any cans, paper, bottles, debris, refuse, garbage, solid or liquid waste, feces or urine onto or through the ice of the lake or onto or into the waters of the lake.

#### **1.06 SPEED LIMITS ON THE ICE.**

(1) WITHIN 150 FEET OF SHORELINE. At any time of the day or night, no person shall operate a vehicle on the ice in excess of a speed of 10 miles per hour within 150 feet of the shoreline.

(2) WITHIN 100 FEET OF PERSON OR OBJECT ON THE ICE. At any time of day or night, no person shall operate a vehicle on the ice in excess of a speed of 10 miles per

hour within 100 feet of any person not in or upon a vehicle, any stationary vehicle, any iceboat, or any fishing shanty.

(3) 100 FEET AND BEYOND. No person shall operate a vehicle in excess of the speed limits identified for the conditions designated in pars. (a) and (b) below when traveling 150 feet and beyond from the shoreline, or 100 feet and beyond from any person not in or upon a vehicle, any stationary vehicle, any iceboat, or any fishing shanty.

(a) From sunrise to sunset, in the main body of Silver Lake south of the channel exiting the Kettle, not in excess of 35 miles per hour.

(b) From sunset to sunrise in the main body of Silver Lake south of the channel and at all times in the Kettle and channel, not in excess of 10 miles per hour.

### **1.07 DISORDERLY CONDUCT**

(1) No person shall, within the area to which this ordinance applies, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.

(2) Public urination or defecation by humans shall be considered disorderly conduct.

### **1.08 REGULATION OF ICEBOATS.**

(1) No person shall operate an iceboat on the ice in a careless manner so as to endanger the person or property of another.

(2) No person shall operate an iceboat on the ice during the hours from sunset to sunrise.

(3) A person operating an iceboat shall reduce the speed of the iceboat to the slowest speed possible under the circumstances within 100 feet of any person not in or upon a vehicle, any vehicle, or fishing shanty.

**1.09 RIGHT-OF-WAY BETWEEN VEHICLES AND ICEBOATS.** When a vehicle and an iceboat are proceeding in such a direction as to involve the risk of collision, the vehicle shall yield the right of way to the iceboat.

**1.10 HOLES IN THE ICE.** No person may cut a hole in the ice in excess of 12 inches in diameter, unless such hole is marked until the hole has refrozen and the marker is then removed.

**1.11 WISCONSIN STATUTES AND RELATED PROVISIONS OF THE WISCONSIN ADMINISTRATIVE CODE ADOPTED BY REFERENCE.** Wis. Stats. §23.33, §346.61, §§346.63 through 346.655, §350.01, §§350.05 through 350.12(3m)(d), §350.135 and §350.15 and the related provisions of Wisconsin Administrative Code, including Chapters NR 6 and NR 64, are adopted herein by reference, including those statutes or rules and regulations related thereto that are adopted the State or the Department of Natural Resources subsequent to the enactment of this ordinance. Any act required to be performed or prohibited by the provisions of any such statute, rule or regulation adopted herein by reference is required to be performed or prohibited by this ordinance.

### **1.12 WINTER SAFETY PATROL.**

(1) A law enforcement officer operating a duly authorized winter safety patrol vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of this ordinance, need not comply with State law or this ordinance fixing maximum speed limits when a siren is being sounded and/or such winter patrol vehicle's oscillating or flashing blue lights are on and if due regard is given to the safety of other persons in the vicinity.

(2) Upon the approach of a duly authorized winter safety patrol vehicle giving an audio or visual signal, the operator of a vehicle referred to in this ordinance or an iceboat shall reduce the speed of that vehicle or iceboat to the slowest possible speed under the circumstances and yield the right-of-way to the winter patrol vehicle until it has passed.

(3) No person operating a vehicle or iceboat referred to in this ordinance may refuse to stop after being requested or signaled to do so by a law enforcement officer.

**1.13 CITATION ENFORCEMENT.** The SLPRD hereby adopts and authorizes the use of a citation to be issued for violations of this ordinance as provided for in Wis. Stats. §66.0113. Law enforcement officers employed or contracted for patrolling by the SLPRD may issue citations authorized under this ordinance. Nothing herein shall be construed to prohibit the SLPRD from enforcing this ordinance by any other lawful means.

**1.14 SEVERABILITY.** The provisions of this ordinance shall be deemed severable and it is expressly declared that the SLPRD Board of Commissioners would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or application to any person or circumstance is held invalid, the remainder of the ordinance and application of such provisions to other persons or circumstances shall not be affected.

**1.15 PENALTIES.** Any person who violates the provisions of this ordinance shall be subject to a forfeiture of \$50 for the first offense and \$100 for the second and subsequent offences, plus court costs; however, the higher penalties provided for in Wis. Stats. §§23.33(13)(am) through (13)(f), §346.655, §350.11(1)(b) through (4), plus court costs shall apply for the violations of the provisions referred to therein.

**1.16 EFFECTIVE DATE.** This ordinance shall become effective upon passage and publication as required by law.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2005.

Approved:

\_\_\_\_\_  
David F. Berganini, Chairperson

Attest:

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John Behrens, Secretary