

LAKE TRAFFIC ORDINANCE LITTLE CEDAR LAKE PROTECTION & REHABILITATION DISTRICT

ORDINANCE NO. 2020-2

Regulation of Activities on the Ice on Little Cedar Lake

2020-2.01 GENERAL PROVISIONS.

- (1) **APPLICABILITY.** The provisions of this ordinance shall apply to all the icebound waters of Little Cedar Lake within the Town of West Bend and the Town of Polk, Washington County, Wisconsin.
- (2) **PURPOSE.** The purpose of this ordinance is to promote the public health, safety, and general welfare of the persons and area affected by this ordinance.
- (3) **AUTHORITY.** This ordinance is adopted by the Little Cedar Lake Protection and Rehabilitation District, hereafter referred to as LCLPRD, pursuant to the powers granted it by virtue of Wis. Stat., 30.81, 33.22, 33.235 and 33.29, and resolutions adopted by the Town of West Bend (No. 5-94, June 1994) and the Town of Polk (No. 10-93, July, 1993).

2020-2.02 LAW ENFORCEMENT.

- (1) The provisions of this ordinance shall be enforced by the Washington County Sheriff's Department, Wisconsin DNR and the law enforcement officers contracted by the LCLPRD.

2020-2.03 DEFINITIONS.

- (1) **ATV (All-Terrain Vehicle) or UTV (Utility Terrain Vehicle)** mean any engine driven device as defined in Wis. Stat. §340.01(2g) and any other multi-axle, two to six wheeled vehicles, or combination wheel and track (runner) vehicles, not otherwise defined herein, powered by a small motor(s) or fan and designed to be operated on snow, ice, grass, dirt, gravel, sand and wetland whether or not required to be licensed by State Law.
- (2) **SNOWMOBILE** means any engine driven vehicle as defined in Wis. Stat. §340.01(58a).
- (3) **AUTOMOBILE** means any motor vehicle as defined in Wis. Stat. §340.01(4) and including mini vans.
- (4) **TRUCK** means any motor vehicle as defined in Wis. Stat. §340.01(34) and including pickup trucks, sport utility vehicles, regular size vans and combination automobile/trucks.
- (5) **RV** means any Recreational Vehicle as defined in Wis. Stat. §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.
- (6) **MOTORCYCLE** means any motorized vehicle as defined in Wis. Stat. §340.01(32) and including motorized bicycles and scooters.

- (7) HOVERCRAFT means any engine driven vehicle which travels across land or water just above a cushion of air provided by a downward jet as from its engines, propellers, etc. For purposes of this ordinance, a hovercraft shall be considered an ATV subject to the provisions of Wis. Stat. §22.33, adopted herein by reference in Section 2004-2.12.
- (8) VEHICLE Includes all the above vehicles plus any other vehicle powered by motor.
- (9) FISHING SHANTIES means structures parked or erected on the ice for use as warming buildings and ice fishing shelters, and not including RVs, trucks, and automobiles.
- (10) ICE BOAT means a sailboat-like structure with runners or wheels intended to be wind powered on a solid surface.

2020-2.04 SPEED LIMITS FOR VEHICLES ON ICE.

- (1) WITHIN 100 FEET OF SHORELINE, PERSONS AND OTHER OBJECTS. No person may operate a vehicle on the ice in excess of 10 mph at any time day or night when within 100 feet of: a) the shoreline, b) any person not in, on, or of a vehicle (except vehicles of the same type), c) an ice boat, or d) an ice shanty.
- (2) BEYOND 100 FEET FROM THE SHORELINE, PERSONS AND OTHER OBJECTS. No person may operate a vehicle in excess of the respective speed limits listed below when beyond 100 feet of:
 - a) shoreline, b) any person not in, on, or of a vehicle (except vehicles of the same type), c) an ice boat, or d) an ice shanty:
 - (a) SNOWMOBILES. During the hours from sunrise to sunset, not in excess of a speed of 50 miles per hour; during the hours from sunset to sunrise, not in excess of a speed of 35 miles per hour anywhere on the ice.
 - (b) ATVs, UTVs, MOTORCYCLES & SIMILAR VEHICLES. During the hours from sunrise to sunset, not more than a speed of 25 miles per hour; during the hours from sunset to sunrise, not in excess of a speed of 10 miles per hour.
 - (c) AUTOMOBILES, RVs & TRUCKS. Not in excess of a speed of 10 miles per hour at any time day or night.
 - (d) HOVERCRAFT. During the hours from sunrise to sunset, not in excess of a speed of 25 miles per hour. No person shall operate a hovercraft on the ice between the hours from sunset to sunrise.

2020-2.05 PROHIBITED OPERATIONS.

- (1) No person shall operate a vehicle on the ice in such a manner as to exceed a noise level of 86 dBA, as measured by society of automotive engineers' standards. No vehicle operating on ice shall be modified in any manner that shall amplify or otherwise increase total noise emission above that emitted by the vehicle as originally constructed, regardless of date of manufacture.
- (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) DNR age restrictions for off-road operation on ice follows State of Wisconsin UTV/ATV/Snowmobile Vehicle Laws and Regulations.
 - a. All-Terrain Vehicles (ATVs)
 - i. No person under age 12 may operate an ATV.
 - ii. All ATV operators at least age 12 and born on or after January 1, 1988 must possess a valid ATV Safety Certificate.
 - iii. All ATV operators age 12-15 must also be accompanied by an adult when riding on the ice.
 - b. Utility Terrain Vehicles (UTVs)
 - i. No person under 16 may operate a UTV.
 - ii. All UTV operators at least age 12 and born on or after January 1, 1988 must possess a valid ATV Safety Certificate.
 - c. Snowmobiles
 - i. Any person who is at least 12 years old and who was born on or after January 1, 1985 is required to possess a valid Snowmobile Safety Certificate.
 - ii. There is no safety certificate requirement for a child under age 12, but a parent, guardian or person 18 years or older must accompany the child on the (same) snowmobile when operating on the ice.

2020-2.06 REGULATION OF ICEBOATS.

- (1) No person shall operate an iceboat on the ice in any careless way 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) Within 100 feet of any person not in or upon a vehicle, or of a vehicle or fishing shanty, a person operating an iceboat on the ice shall reduce the speed of the iceboat to the slowest speed reasonable under the circumstances.

2020-2.07 RIGHT-OF-WAY RULES BETWEEN VEHICLES AND ICEBOATS.

- (1) When a vehicle and an iceboat are proceeding in such a direction as to involve risk of collision, the vehicle shall yield the right-of-way to the iceboat.

2020-2.08 AIRCRAFT.

- (1) It shall be unlawful for manned aircraft to use any part of the lake for landing or taking off unless the pilot in command has declared an official "Mayday" emergency.

2020-2.09 RACING OR CONTESTS.

- (1) No person shall participate in a race or contest involving two or more vehicles unless the race or contest has been allowed by permit as provided in this subsection. A person may apply for a permit for such a race by applying therefor to the Board of Commissioners of the LCLPRD on the application form provided by the LCLPRD.
 - (a) Individuals or organizations wishing to conduct a race consisting of any of the defined vehicles in this ordinance may apply for a permit for such by submitting a completed application to the LCLPRD Board of Commissioners. The Permit Application form will be provided per written request.
 - (b) Permits for racing activities/events are restricted to nonprofit and charitable organizations. Participants must have valid operators' licenses to operate the vehicle being utilized in the event.
 - (c) All such permits shall be limited so as not to exceed two days of actual event activities.
 - (d) The LCLPRD Board of Commissioners may impose additional restrictions per permit request depending on the nature of the event. A Board decision and conditions on the permit application will be rendered within 30 days after receipt of the complete application.

2020-2.10 MISCELLANEOUS PROVISIONS AND RESTRICTIONS.

- (1) **DISORDERLY CONDUCT PROHIBITED.** No person shall, engage in violent, abusive, threatening, tumultuous, indecent, obscene, profane, boisterous, unreasonably loud, or otherwise disorderly conduct. Public urination or defecation shall be considered disorderly conduct.
- (2) **LITTERING ON ICE IS PROHIBITED.**
No person shall deposit or place, or throw from any vehicle, iceboat, raft, pier, platform, fishing shanty, structure or shore, any cans, paper, bottles, debris, refuse, garbage, or solid or liquid waste, feces or urine onto or through the ice of the lake or onto or into the waters of the lake.

(3) STATE UNDERAGE ALCOHOL PROVISIONS ADOPTED. State underage alcohol laws as found in Sections 125.07(1), 125.07(4)(a), (b), (bs), (c) and (cd) and 125.085(1), (3)(b) and (3) (bd) of the Wisconsin Statutes are adopted herein by reference, including amendments adopted by the State subsequent to the enactment of this ordinance. Any act required to be performed or prohibited by the provisions of any said statute adopted herein by reference is required to be performed or prohibited by this ordinance.

(1) HOLES IN THE ICE. No person may cut a hole in the ice that is in excess of 12 inches in diameter.

2020-2.11 WISCONSIN STATUTES AND RELATED PROVISIONS.

(1) THE WISCONSIN ADMINISTRATIVE CODE IS ADOPTED BY REFERENCE. Wis. Stats. §22.33, §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 the Wisconsin Administrative Code, including Chapter NR 6 and NR 64, are adopted herein by reference, including those statutes or rules and regulations related thereto that are adopted by 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.

2020-2.12 WINTER SAFETY PATROL VEHICLES.

(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 safety patrol vehicle is oscillating or flashing blue lights are activated.

(2) Upon the approach of a duly authorized winter safety patrol vehicle giving an audio or visual signal, the operator or 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 safety patrol vehicle until it has passed.

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

2020-2.13 CITATION ENFORCEMENT.

(1) The LCLPRD hereby adopts and authorizes the use of a citation to be issued for violations of this ordinance as provided in for in Wis. Stat. § 66.0113. Citations authorized under this ordinance may be issued by law enforcement officers of the LCLPRD. Nothing herein shall be construed to prohibit the LCLPRD from enforcing this ordinance by any other lawful means.

2020-2.14 PENALTIES.

- (1) Any person who violates the provisions of this ordinance shall pay a determined forfeiture/penalty as provided for in Wis. Stats. §§30.80 as applicable to a violation of Wis. Stat. 30.50 through 30.71, §346.65(2) through (7), and §346.655, §§350.11(1)(b) through (11)(4) as to any violation in this ordinance which is similarly described in said statutes, plus court costs shall apply for violations of the provisions referred to therein.
- (2) Any person who shall violate any of the provisions of this ordinance which are not covered under Section 2020-1.19(1) above shall, upon conviction of such violation, forfeit not more than the amounts provided in Section 30.80(1), Wisconsin Statutes.

2020-2.15 SEVERABILITY.

- (1) The provisions of this ordinance shall be deemed severable and it is expressly declared that the LCLPRD would have passed the other provisions of this ordinance irrespective of whether one or more provisions may be declared invalid. If any provision of this ordinance or the application 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.

2020-2.16 EFFECTIVE DATE. This Ordinance supersedes all previous Ice Ordinances of the Little Cedar Lake Protection & Rehabilitation District and shall become effective upon its passage on September 8, 2020.

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I, the undersigned, hereby certify that this Ordinance was adopted by the Commissioners, property owners and electors of the Little Cedar Lake Protection & Rehabilitation District at its Annual Meeting on September 8, 2020.



Mary Therese Breger, Chairperson

Little Cedar Lake Protection & Rehabilitation District