

LAKE TRAFFIC ORDINANCE LITTLE CEDAR LAKE PROTECTION & REHABILITATION DISTRICT

ORDINANCE 2020-1

Regulation of Activities on the Water of Little Cedar Lake

2020-1.01 GENERAL PROVISIONS.

- (1) **APPLICABILITY.** The provisions of this ordinance shall apply to the waters of Little Cedar Lake and the Cedar Creek Channel up to and including the Little Cedar Lake dam, 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, hereinafter referred to as LCLPRD, pursuant to the powers granted them by virtue of §30.77 Wis. Stats., and resolutions adopted by the Town of West Bend (Resolution 5-94 June, 1994) and the Town of Polk (Resolution 10-93 July, 1993).

2020-1.02 INTERPRETATION.

The sections of this ordinance pertaining to the use, operation or equipment of boats and other vehicles as well as the activities which are regulated by §§30.12, 30.50 to 30.74, and 30.75 to 30.80, Wis. Stats. and the rules and regulations of the State of Wisconsin Department of Natural Resources ("DNR") established pursuant thereto, shall be construed and interpreted, if possible, to be consistent with and not contrary to said statute sections, rules and regulations, nothing to the contrary herein notwithstanding.

2020-1.03 ENFORCEMENT.

- (1) The provisions of this ordinance shall be enforced by the Washington County Sheriff's Department, the DNR and the law enforcement officers contracted by the LCLPRD.
- (2) A law enforcement officer operating a duly authorized water safety patrol watercraft, 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 safety patrol's watercraft oscillating or flashing blue lights are activated.
- (3) Upon the approach of a duly authorized safety patrol watercraft giving an audio or visual signal, the operator of a vehicle referred to in this ordinance shall reduce the speed of that vehicle to slowest possible speed under the circumstances and yield the right-of-way to the safety patrol watercraft until it has passed.
- (4) No person operating a vehicle referred to in this ordinance may refuse to stop after being requested or signaled to do so by a law enforcement officer.
- (5) Sections 30.79(l)(b), (3) and (4), Wis. Stats., are adopted herein by reference.

2020-1.04 DEFINITIONS.

Definitions as set forth in §30.01 and §§30.50 through 30.71, Wis. Stats., are incorporated herein by reference as though fully set forth herein, except as follows:

- (1) **PERSONS.** Includes individuals, firms, partnerships, corporations, agencies, or any other association of individuals organized together for any purpose whatsoever.
- (2) **SHOREZONE.** The surface of the lake that is within 100 feet from and parallel to the shore. Provided, however that on any part of said lake where the distance between the opposite shores is such that the foregoing formula is impossible or impracticable in application, then shorezone shall be as indicated by buoys placed for that specific purpose.
- (3) **WATER TRAFFIC LANES.** The water traffic lane is the surface of the lake that is beyond 150 feet distant from and parallel to the shore or 100 feet distant from the projecting extremities of any pier, wharf, restricted area or other structure built in or over the water, or the greater thereof, provided, however, that on any part of said lake where the distance between the opposite shores is such that the foregoing formula is impossible or impracticable in application, then the water traffic lane shall be as indicated by buoys placed for that specific purpose.
- (4) **WATER TRAFFIC.** All moving objects controlled by persons on the water surface.
- (5) **SLOW-NO-WAKE SPEED.** When used herein, slow-no-wake speed shall mean that speed at which a boat moves as slowly as possible without generating a wave-wake while still maintaining steerage control.
- (6) **PERSONAL WATERCRAFT / PWC.** Personal watercraft shall mean a motorboat that uses an inboard motor powering a water jet pump or a caged propeller as its primary source of motive power and that is designated to be operated by a person standing on, kneeling on or sitting astride the watercraft.
- (7) **BOAT, WATERCRAFT.** Boat or Watercraft means every description of watercraft used or capable of being used as a means of transportation on water.
- (8) **MOTORBOAT.** Motorboat means any boat equipped with propulsion machinery, whether or not the machinery is the principle source of propulsion.
- (9) **UNPOWERED VESSELS.** Unpowered vessels are sailboats or vessels that are paddled, pedaled, poled or rowed.
- (10) **TUBE.** An inflatable or solid device on which persons are towed by a motorboat or PWC.
- (11) **WATER SKIING AND WATER SKIER.** Being towed or the one being towed, respectively, on water skis, wake boards, wake surfboards, knee boards, aquaplane, or some similar devices by a Watercraft or PWC.

2020-1.05 DIRECTIONAL TRAVEL.

- (1) All Watercraft or Personal Watercraft traveling faster than a "Slow-No-Wake" speed are required to travel/follow in a counter-clockwise direction.

2020-1.06 LIGHTING OF BOATS AND WATERCRAFT EQUIPMENT.

- (1) MOORING LIGHTS REQUIRED. No person shall moor, drift, operate or anchor any boat or unpowered vessel from sunset to sunrise unless there is prominently displayed thereon a white light.

2020-1.07 SPEED RESTRICTIONS IN WATER TRAFFIC LANES.

- (1) Monday Through Friday.
10:00AM to 7:00PM (Maximum of 35 mph)
7:00PM to 10:00AM (Slow-No-Wake)
- (2) Weekends and Holidays
10:00AM to 6:00PM (Maximum of 35 mph)
6:00PM to 10:00AM (Slow-No-Wake)
- (3) Speeds outside of Water Traffic Lanes (inside buoys along shorezones) are considered SHOREZONE AREAS and are restricted as Slow-No-Wake.
- (4) When traveling in water traffic lanes and it is necessary to approach closer than the prescribed distances to a moored boat, a slow-moving boat, a flag or marker warning of subsurface activity, or a swimmer, the operating speed shall be Slow-No-Wake.

2020-1.08 DECLARATION OF HIGH-WATER EMERGENCY RESTRICTIONS.

- (1) When the water level exceeds the ordinary high-water mark (as established on the east wing wall of the Little Cedar Lake dam) by at least four (4) inches, the Chair of the LCLPRD Board of Commissioners may declare a high-water emergency. If a high-water emergency is declared, Boat, Watercraft and Personal Watercraft speeds are restricted to "Slow-No-Wake" until the emergency has been rescinded. Notice of imposition and rescission of a High-Water Emergency will be posted at the public launch at Ackerman's Grove, as well as on the homepage of the LCLPRD website.

2020-1.09 PROHIBITED BOAT AND PERSONAL WATERCRAFT OPERATION.

- (1) DISTANCE. No motorboat or personal watercraft shall pass within 100 feet of an unpowered vessel, moored boat, swimmer, skin diver, or skin diver's marker unless part of the skin-diving operation.
- (2) AGE RESTRICTIONS (§§30.678, 30.74 and 30.80 of the Wisc. Stats.)
 - A. Motorboats other than personal watercraft
 - i. No person *under 10 years of age* may operate a motorboat.

- ii. **No person who is at least 10 years of age but under 12 years of age** may operate a motorboat unless he or she is accompanied in the motorboat by a parent or guardian or a person who is at least 18 years of age and who is designated by a parent or guardian and the parent, guardian or designated adult holds a valid boating safety certificate issued under §30.74(1)(a) or a valid boating safety certificate that is honored under §30.74(1)(c) or was born before January 1, 1989.
- iii. **No person who is at least 12 years of age but under 16 years of age** may operate a motorboat unless one of the following applies:
 - a. The person holds a valid boating safety certificate issued under Wisc. §30.74(1)(a) or a valid boating safety certificate that is honored under §30.74 (1)(c).
 - b. The person is accompanied by a parent or guardian or by a person who is at least 18 years of age and who is designated by a parent or guardian, and the parent, guardian or designated adult holds a valid boating safety certificate issued under §30.74 (1)(a) or a valid boating safety certificate that is honored under §30.74 (1)(c) or was born before January 1, 1989.
- iv. **No person who was born on or after January 1, 1989 and who is 16 years of age or older** may operate a motorboat unless one of the following applies:
 - a. The person holds a valid boating safety certificate issued under §30.74(1)(a) or a valid boating safety certificate that is honored under §30.74(1)(c).
 - b. The person is accompanied by another person who is at least 18 years of age and that person holds a valid boating safety certificate issued under §30.74(1)(a) or a valid boating safety certificate that is honored under §30.74(1)(c) or was born before January 1, 1989.

B. Personal Watercraft (PWC)

- i. **No person under 12 years of age** may operate a PWC.
- ii. **No person who is 12 years of age or older but under 16 years of age** may operate a PWC unless he or she is in possession of a valid certificate issued under §30.74(1)(a) or a valid boating safety certificate that is honored under §30.74(1)(c).
- iii. **No person who was born on or after January 1, 1989, and who is 16 years of age or older** may operate a PWC unless the person holds a valid safety certificate issued under §30.74(1)(a) or a valid boating safety certificate that is honored under §30.74(1)(c).

C. Proof of certificate

Any person required to hold a safety certificate while operating a motorboat or PWC shall carry proof of such and shall display such proof to a law enforcement officer upon request.

D. Exemptions

The above restrictions do not apply to a person while the person is operating a motorboat as may be required as part of a boating safety course under §30.74(1).

E. Parent and guardian liability

Any violation of the above restrictions that is done with the knowledge of a parent or guardian shall be considered a violation by the parent or guardian and be punishable under §30.80.

- (3) TIGHT CIRCULAR AND REPETITIVE OPERATION OF MOTORBOATS AND PWCs. No person may operate a motorboat or PWC repeatedly in a tight, circuitous course, or in a prolonged, repetitive manner in the same area of the lake.
- (4) POWER LAUNCHING AND RETRIEVING PROHIBITED. No person shall launch or retrieve a motorboat off or onto a trailer at the Ackerman's Grove public launch unless the motorboat's motor is turned off or the motor is being operated in its neutral gear. No person shall have the motorboat's motor operating in a gear other than neutral while engaged in retrieving a motorboat onto a trailer after the motorboat is at rest on the trailer.
- (5) WEED BED AREA. No person shall waterski, tube, wakeboard, wake surf, aquaplane or use personal watercraft in a marked weed bed area. No person shall operate a motorboat or PWC in a marked weed bed area at a speed in excess of Slow, No Wake.
- (6) EXHAUST/MUFFLER EQUIPMENT. No person shall operate a motorboat or watercraft unless equipped and maintained with a muffler and exhaust system in compliance with Wis. Stat. §30.62. It is unlawful to operate a vessel which exceeds a noise level of 86 dBA.

2020-1.10 WATER SPORT REGULATIONS.

- (1) HOURS OF OPERATION. No person shall operate a boat or PWC for the purpose of towing a water skier, wake boarder, wake surfer, aquaplane, tube, or similar device, or engage in water skiing, wake boarding, wake surfing, aquaplaning, tubing, or similar activity except during the following hours:
 - (a) Monday through Friday 10:00 A.M. to 7:00 P.M. (No more than two (2) lines per Watercraft are allowed).
 - (b) Weekends and Holidays 10:00 A.M. to 6:00 P.M. (No more than one (1) line per Watercraft is allowed).
 - i. Exception: Towing a flotation device (e.g., tube) behind a single line is allowed at a speed which does not exceed Slow, No Wake for up to 30 minutes after sunset.
- (2) REQUIREMENT TO WEAR A USCG-approved PERSONAL FLOTATION DEVICE (PFD). Any person on board a PWC, or anyone being towed behind a vessel must wear a USCG-approved PFD.

- (3) AIRBORNE DEVICES PROHIBITED. No motorboat operator shall tow any water skier, aquaplane, or person engaged in similar activity, or tow any tube or similar device using or equipped with any airborne devices, i.e., kite, sail, plane, Jet-ski or other device designed to lift such skier, aquaplane, or person engaged in similar activity above the surface of the water for a sustained period of time.
- (4) FLYBOARDS PROHIBITED. The use of flyboards are prohibited on Little Cedar Lake.

2020-1.11 SWIMMING REGULATIONS.

- (1) WATER TRAFFIC LANE. No person shall swim in the water traffic lane unless accompanied by and within (50) feet of a manned boat, Watercraft or PWC.
- (2) HOURS. No person shall swim in the traffic lanes from sunset to sunrise unless accompanied by manned boat or Watercraft with proper lighting.
- (3) FISH SPAWNING AREA. No person shall skin dive in any marked fish spawning areas, unless sanctioned by the DNR for specific purposes supporting fish habitat.

2020-1.12 SWIMMING BEACHES MARKED.

- (1) GENERAL. All beaches used by the public shall be identified by markers placed on the outer perimeter thereof by the riparian owner; markers are to be of a size normally visible for a distance of 300 feet and securely fastened so as to keep the markers in place, and painted as required by regulations adopted by the DNR.
- (2) BOATS PROHIBITED FROM ENTERING. All boats and PWCs are prohibited from entering such swimming beach, except a boat used by a lifeguard, safety patrol unit, or law enforcement officer.

2020-1.13 RAFTS, BUOYS AND MARKERS.

- (1) COLORS. All buoys and markers of any kind anchored in the water, except docks and piers, shall be painted in conformity with the color scheme established by the rules and regulations of the DNR. Any such marker which does not comply with such color scheme is deemed an unlawful obstruction of navigable waters and can be removed in accordance with law.
- (2) POSITION. All rafts, platforms, buoys and markers shall be anchored so that they shall have at least 12 inches of free board above the water line and so that they will not float or drift in excess of 10 feet in any direction from the position that is directly above their anchor.

- (3) SHOALS. If any shoals are marked, the same shall be indicated with markers normally visible for a distance of 300 feet and which are securely fastened to prevent moving, and painted in conformity with the DNR.

2020-1.14 UNDERWATER CRAFT.

- (1) No person shall engage in any activity employing a craft capable of operating below the surface of the water unless such craft submerges and surfaces in that area of the surface of the lake that has not been designated herein as the water traffic lane, or submerges or surfaces in the water traffic lane within a radius of 50 feet from a flag similar to that required by §30.70, Wisconsin Statutes, which regulates skin diving, except in the case of emergency.

2020-1.15 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.

2020-1.16 MARKERS AND NAVIGATION AIDS: POSTING ORDINANCE.

- (1) LCLPRD is authorized and responsible to direct, place and maintain suitable markers, buoys, navigation aids and signs in such water areas as shall be appropriate to advise the public of the provisions and regulations of this ordinance at all public access points to Little Cedar Lake.
- (2) INTERFERENCE WITH MARKERS PROHIBITED. No person shall, without authority, remove, damage, or change the placed mooring.

2020-1.17 MISCELLANEOUS PROVISIONS AND RESTRICTIONS.

- (1) LITTERING LAWS STRICTLY ENFORCED. No person shall deposit, place, or throw from any boat, watercraft, raft, pier, platform structure or shore any refuse, garbage, debris, cans, paper, bottles, or solid or liquid waste on or into the Lake.
- (2) 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.
- (3) LIMITATION ON NUMBER OF MOORINGS (§30.12(1)(f) Wis. Stats. and Pier Planner, WDNR Pub. FH 017, August 2012). The number of boat slips, or the total number of watercraft docked at a pier or wharf including boats in a boat lift or hoist, is limited to two (2) boat slips for the first 50 feet of the riparian owner's shoreline frontage, and no more than one (1) boat slip for each additional fifty (50) feet of shoreline, unless otherwise lawfully permitted by the DNR. In addition to the boat slip allowance, a riparian owner can secure up to two (2) personal watercraft (PWC) for the first 50 feet of the riparian owner's shoreline frontage and one additional PWC for each additional 50 feet of shoreline.
- (4) STATE UNDERAGE ALCOHOL PROVISIONS ADOPTED. State underage alcohol laws as found in §§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.

- (5) RESISTING OR OBSTRUCTING WATER SAFETY PATROL OFFICERS PROHIBITED. No person shall resist or obstruct any water safety patrol officer in the performance of duty.

2020-1.18 PENALTIES.

- (1) Any person who violates the provisions of this ordinance shall pay a determined forfeiture/penalty as provided for in Wis. Stat. §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 §2020-1.19(1) above shall, upon conviction of such violation, forfeit not more than the amounts provided in §30.80(1), Wisc. Stats.

2020-1.19 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.

2020-1.20 EFFECTIVE DATE. This Ordinance supersedes all previous Water 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

Mary Therese Breger, Chairperson

Little Cedar Lake Protection & Rehabilitation District