

ORDINANCE 071017-01

AN ORDINANCE AMENDING JOINT UNIFORM LAKE LAW ORDINANCE OF GENEVA LAKE, WALWORTH COUNTY, WISCONSIN

The Common Council of the City of Lake Geneva, the Village Boards of the Village of Williams Bay and the Village of Fontana-on-Geneva Lake, and the Town Boards of the Town of Linn and the Town of Walworth, Walworth County, Wisconsin, do ordain jointly and identically, in conformity with Sections 30.77 and 30.81 of the Wisconsin Statutes, as follows:

1. The Joint Uniform Lake Law Ordinance of Geneva Lake, Walworth County, Wisconsin, be and the same is hereby repealed and recreated to read as follows:

Section I. Applicability and Enforcement.

(a) The provisions of this ordinance are adopted in the interest of public health and safety and shall apply to persons, boats and other objects upon, in and under the waters and ice of Geneva Lake within the jurisdictions of the city, villages and towns above named, which are all such municipalities surrounding, riparian to, and having jurisdiction over said lake.

(b) This ordinance shall be enforced by the officers, employees and agents of the Geneva Lake Law Enforcement Agency, and by the properly designated and authorized officers and agents of said municipalities.

(c) Water Safety Patrol. The Geneva Lake Water Safety Committee, Inc., through its Water Safety Patrol shall:

1. Promote water safety upon Geneva Lake in Walworth County, Wisconsin, including water rescue, promulgating and encouraging practices conducive to the safety of persons and property incident to the use and enjoyment of water traffic, pleasure and sports.
2. Educate in promoting water safety in all of its aspects.

Section II. State Boating and Water Safety Laws and Administrative Orders and Rules Adopted.

(a) The statutory provisions describing and defining regulations with respect to water and ice traffic, boats, boating and related water and ice activities in the following enumerated Sections 30.50 through 30.81 inclusive of the Wisconsin 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 ordinance.

(b) All rules and orders created by the Wisconsin Department of Natural Resources designated Chapter NR 5 of the Wisconsin Administrative Code, modifying or supplementing the foregoing provisions of the state law or which may be adopted or made in the future are hereby incorporated in and made a part of this ordinance by reference to the same as if they are or were to be set out herein verbatim.

(c) All deletions, additions and amendments which may be made to the sections of the State laws enumerated under Section II (a) above are hereby adopted and incorporated herein by reference as of the time of their respective effective dates, as if they were to be set out herein verbatim.

(d) Speed limits.

1. No person shall operate any boat powered by an engine, or any other boat, in or upon the waters of Geneva Lake at a speed in excess of 45 miles per hour between sunrise and sunset; nor at a speed in excess of 15 miles per hour between sunset and sunrise, except as noted in section II (d) 2 below.
2. On weekends (from 12:01 p.m. every Friday to midnight Sunday) and on Memorial Days, July 3-5th, and Labor Days of each year, no person shall operate any boat powered by an engine, or any other boat, in or upon the waters of Geneva Lake at a speed in excess of 35 miles per hour between sunrise and sunset.
3. The speed limit set forth in section II (d)1 shall not apply to Police Patrol boats in situations involving emergencies, or while engaged in law enforcement, nor to boats participating in a duly authorized race, regatta or water ski meet duly authorized by a permit while operating in the designated area authorized by said permit. The speed limit set forth in section II (d)1 shall not apply to Water Safety Patrol boats in situations involving emergencies.

(e) Careless, negligent, or reckless operators.

1. No person shall operate or use any boat powered by an engine or any other boat, or manipulate any water skis, aquaplane or similar device in or upon the waters of Geneva Lake in a careless, negligent, or reckless manner so as to endanger another person's life, safety or property of another.

Section III. Zones, Areas and Restrictions.

(a) Zones and areas defined.

1. All areas marked by buoys and/or regulatory markers and properly permitted by the DNR and local municipalities are so designated as swimming zones.
2. The traffic area shall be beyond 200 feet distant and parallel to the shoreline, and 100 feet from any dock, raft, pier, structure, mooring area or buoyed restricted area.

(b) Restrictions.

1. Traffic lights. Any municipality may install and operate boat traffic lights and when so installed and operating they must be obeyed by all boat or other watercraft operators using such traffic area.
2. No water traffic outside the traffic area shall exceed the "slow-no-wake" speed limit.

Section IV. Additional Safety Regulations and Rules.

(a) Swimming Regulations.

1. Swimming From Boats. No person shall swim from any boat unless such boat is anchored or the boat is manned by a competent person.
2. Swimming in Traffic Area. No person shall swim in the traffic area unless accompanied by a boat manned by a competent person. Such boat shall stay within 50 feet of and guard such swimmer. This paragraph is subject to the provisions set forth in paragraph 3 below.
3. Hours Limited. No person shall swim in the traffic area from sunset to sunrise.

(b) Water Skiing.

1. All water skiing is limited to the traffic area.
2. No watercraft which shall have in tow a person or persons on water skis, surf-boards, or similar devices shall be operated upon Geneva Lake unless such watercraft shall be occupied by at least 2 competent persons. One person shall operate the boat and observe boat traffic at all times and the second shall observe the towed person.
3. The drivers or operators of all watercraft by means of which aquaplanes, water skis, or similar devices are being towed, and the riders of such devices, must conform to the same rules and clearance as provided in this ordinance for motor boats.
4. Any person using water skis, an aquaplane or a similar device, or any person who is towed in any manner by a watercraft or other means shall wear a United States Coast Guard approved Personal Flotation Device.

(c) Spearfishing.

Under or in water spear fishing is prohibited within 100' of municipal piers, harbors, (Lake Geneva/Riviera, Williams Bay, Fontana, Linn Pier/Trinke Estates, Abbey Harbor) and marinas.

(d) Buoys to be out by the first day of winter.

1. All buoys shall be removed from the water by the first day of winter of each year.
2. Every municipality or the Water Safety Patrol may remove all buoys, regulatory markers or aids to navigation being privately owned or placed which are not removed before the first day of winter of each year.

Section V. Littering or Polluting.

(a) No person shall deposit, place or throw any cans, bottles, debris, refuse, garbage, solid or liquid waste, sewage or effluent into the waters of the lake or upon the ice when formed or cause or permit the same to be done by any agent or employee.

Section VI. Markers and Navigation Aids.

(a) Standard Markers. All regulatory markers, navigation aids and other waterway markers placed upon the waters of the lake shall comply with the regulations of the Department of Natural Resources and approval of the designee of the local government.

Section VIII. Repeal of Conflicting Ordinances.

Any ordinance conflicting with the provisions of this ordinance or any part thereof is hereby repealed.

Section IX. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional, by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Board or Council hereby adopting this ordinance declares that they would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

Section X. Penalties.

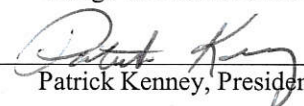
1. Any person who shall violate Section 30.67(1) of the Wisconsin Statutes which are adopted as local ordinances in Section II of this ordinance shall, upon conviction thereof, shall forfeit and be subject to the penalties as set forth in Section 30.80 Wisconsin Statutes as amended from time to time and as set forth in the bond schedule as it is amended from time to time, on file with the court having jurisdiction for the enforcement of this Joint Uniform Lake Law Ordinance for Geneva Lake.
2. Any person violating Section 30.67(2) shall forfeit the amounts set forth in Section 30.80, Wisconsin Statutes as amended from time to time and as set forth in the bond schedule as it is amended from time to time, on file with the court having jurisdiction for the enforcement of the Joint Uniform Lake Law Ordinance for Geneva Lake.
3. Any person who shall violate sections 30.681(1)(a) or (b) or 30.684(5) of the Wisconsin Statutes which are adopted as local ordinances in Section II of this ordinance shall, upon conviction thereof, forfeit and be subject to the applicable penalties as set forth in Sections 30.80(6)(a) – (e) of the Wisconsin Statutes as amended from time to time and as set forth in the bond schedule as it is amended from time to time, on file with the court having jurisdiction for the enforcement of the Joint Uniform Lake Law Ordinance for Geneva Lake.
4. Any person who shall violate those provisions set forth in Section II of this ordinance and for which penalties are not specifically provided for herein shall, upon conviction thereof, forfeit an amount as set forth in the bond schedule as it is amended from time to time, on file with the court having jurisdiction for the enforcement of the Joint Uniform Lake Law Ordinance for Geneva Lake.
5. Any person violating any provision of the Joint Uniform Lake Law Ordinance for which a penalty is not provided for herein or which is not provided for in the bond schedule as it is amended from time to time, on file with the court having jurisdiction for the enforcement of the Joint Uniform Lake Law Ordinance of Geneva Lake, shall forfeit not more than \$500 for the first offense and shall forfeit not more than \$1,000 upon conviction of the same offense a 2nd or subsequent time within one year.

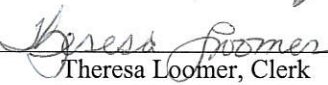
2. Effective Date.

This ordinance shall be in full force and effect upon and from its passage, approval and publication as required by law.

PASSED AND ADOPTED by the Village Board of the Village of Fontana on Geneva Lake, Walworth County, WI this 10th day of July, 2017

Village of Fontana on Geneva Lake

By: 
Patrick Kenney, President

Attest: 
Theresa Loomer, Clerk

