

## **BOATING ORDINANCE # 2-2024**

AN ORDINANCE TO REGULATE WATER TRAFFIC, BOATING AND WATERSPORTS UPON THE WATERS OF THE TOWN OF MOUNT MORRIS AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF:

THE TOWN BOARD OF THE TOWN OF MOUNT MORRIS, WAUSHARA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

### **Section 1. Intent.**

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.

### **Section 2. Applicability and Enforcement.**

The provisions of this ordinance shall apply to all the waters of the Town of Mount Morris, Waushara County, Wisconsin, within the jurisdiction of said Town. The provisions of this ordinance shall be enforced by the officers designated by the Town of Mount Morris to enforce town ordinances. The provisions of this ordinance supersede all previous ordinances regulating boating on the waters of the Town of Mount Morris.

### **Section 3. 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 and safety in Sections 30.60 through 30.71 of the Wisconsin Statutes, and adopting Section 30.80 of the Wisconsin Statutes as the penalty section, 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.

### **Section 4. Definitions in this ordinance.**

- a) *Shore Zone* means all surface water within 200 feet of the shoreline.
- b) *Swimming Zone* means an authorized area marked by regulatory markers to designate a swimming area.
- c) *Designated anchorage* means any access to the water by means of public property.
- d) *Public access* means any access to the water by means of public property.
- e) *Slow-no-wake* means that speed at which a boat moves as slowly as possible while still maintaining steering control.
- f) *Boat* means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.
- g) *Motorboat* means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion.
- h) *Flotation Device* means a Coast Guard approved Personal Flotation Device as described in Section 30.62 (3) of the Wisconsin Statutes.

## **Section 5. Restrictions- Specific to particular waters located in the Town of Mount Morris**

### **a.) Lake Mount Morris System including Emerald Lake**

#### **1.) Speed Restriction**

No person shall on any day operate a motor boat of any nature in excess of a "SLOW-NO-WAKE" speed on the waters of Mount Morris Lakes system between hours of 5:00 P.M. and 10:00 A.M. No person shall operate a motor boat of any nature at any time in excess of slow-no-wake on the waters of Lake E-Emerald Lake, and Lake A-Alfson Lake.

The Channels connecting each of the lakes in the Lake Mount Morris chain are designated slow-no-wake zones, with the end of each zone to be marked with a slow-no-wake buoy, in the locations indicated on the attached maps which are incorporated as part of this ordinance. No person shall operate any motor boat at a speed in excess of slow-no-wake between the buoys in each channel.

#### **2,) Water skiing and Boating Hours**

Water Skiing, aquaplaning and similar activities are not permitted at any time on Lake B-Russell Lake and Lake C-Hanna Lake, of the Mount Morris Lake system. Boating in excess of slow-no-wake speed is permitted on Lake B-Russell Lake, Lake C-Hannah Lake, and Lake D- Morris Lake of the Lake Mount Morris system only between the hours of 10:00 A.M. and 5:00 P.M. Boating in excess of slow-no-wake speed, water skiing, aquaplaning and similar activities, are permitted on Lake "D" of Lake Mount Morris only between the hours of 10:00 A.M. and 5:00 P.M.

#### **3.) Restricted Areas**

The following described areas are designated as bathing or swimming area on Lake Mount Morris and no person shall operate a boat except for emergency or rescue craft within these areas marked by the official buoy. A swimming area is designated on the north side of Lake-D Morris Lake and known as the Town Park, which is described as an area 150 feet from the center of the public landing southeast along the shoreline to a point of beginning; thence southwest 75 feet to a buoy; thence southeast 100 feet to a buoy; thence 75 feet to the shore; thence northwest 100 feet along the shoreline to a point of beginning. Further, a swimming area is designated on the south side of Lake D-Morris Lake known as the Lutheran Retreat Beach, which is described as follows: Starting at the waterline in line with the northwest end of the concrete block wall; thence northeast 100 to a buoy; thence southeast 150 feet to a buoy; thence southwest 100 feet to the shoreline; thence northwest 150 feet more or less to the point of beginning.

**Prohibited Equipment:** No person may use or employ on Lake Morris System including Emerald Lake, ballast bags, ballast tanks, submersible wings or any other device which causes a boat to operate in a bow-high manner, or which increases or enhances a boat's wake.

**Prohibited Operation:** No person may operate a boat on Morris Lake System including Emerald Lake in an artificially bow-high manner in order to increase or enhance the boat's wake. Such prohibited operation shall include wake enhancement by use of ballast tanks or ballast bags, mechanical hydrofoils, uneven loading or operation at transition speed (the speed at which the boat is operating at greater than slow-no-wake speed, but not fast enough so that the boat is planing).

**Certain Operations Excluded:** In no event shall any of the following operations be deemed a violation of "Prohibited Equipment" and "Prohibited Operation" above, provided such operations do not use or employ ballast tanks, ballist bags, mechanical hydrofoils or wake enhancing fins: a) water skiing b)

tubing c) brief transition operation to empty a boat of bilge water, d) brief transition operation of a boat accelerating into a planing condition.

## **b.) Hills Lake**

### **(1) Speed Restrictions**

No person shall operate a motorboat in excess of a slow-no-wake speed on the waters of Hills Lake except daily between 9:30 AM and 5:30 PM.

(2) Boating Lane Direction of Operation. In the interest of public health, safety, and welfare, when operating any motorboat in excess of slow-no-wake speed on Hills Lake for reasons other than responding to an emergency or recovering persons in the water, the direction of motorboat travel in navigable waters shall progress expeditiously in a generally counterclockwise direction.

(3) Boating Lane Obstruction. Reference Wis Stats 30.15, in the interest of public health, safety, and welfare, unlawfully obstructing any Hills Lake navigable waters and thereby impairing the free navigation thereof is prohibited.

(4) Restricted Area. The bay containing the Big Hills Lake County Park public boat launch is designated as a slow-no-wake area, when marked with official buoys. Motorboat operation in excess of slow-no-wake speed is prohibited west of the buoys. The Big Hills Lake Management District shall ensure buoys are properly maintained, emplaced and removed annually. Buoy emplacement shall follow a general line starting from a point at approximately N 44 degrees 8' 57.10" N 89 degrees 10' 15.67" W (southern tip of sand bar at bay's mouth), on a magnetic azimuth of 142 degrees to the lakes southern shore.

**Prohibited Equipment:** No person may use or employ on Hills Lake, ballast bags, ballast tanks, submersible wings or any other device which causes a boat to operate in a bow-high manner, or which increases or enhances a boat's wake.

**Prohibited Operation:** No person may operate a boat on Hills Lake in an artificially bow-high manner in order to increase or enhance the boat's wake. Such prohibited operation shall include wake enhancement by use of ballast tanks or ballast bags, mechanical hydrofoils, uneven loading or operation of a transition speed (the speed at which the boat is operating at greater than slow-no-wake speed, but not fast enough so that the boat is planing).

**Certain Operations Excluded:** In no event shall any of the following operations be deemed a violation of "Prohibited Equipment" and "Prohibited Operation" above, provided such operations do not use or employ ballast tanks, ballast bags, mechanical hydrofoils or wake enhancing fins: a) water skiing b) tubing c) brief transition operation to empty a boat of bilge water, d) brief transition operation of a boat accelerating into a planing condition.

## **c.) Lake Napowan**

### **1. Speed Restrictions**

No person shall operate a motorboat in excess of a slow-no-wake speed on the waters of Lake Napowan except during the water skiing and boating hours hereinafter set forth.

2. Water Skiing and Boating Hours.

Boating in excess of slow-no-wake speed, water skiing, aquaplaning and similar activities are permitted on Lake Napowan only between the hours of 10:00 A.M. and 4:30 P.M.

3. Boating Lane Direction of Operation. In the interest of public health, safety, and welfare, when operating any motorboat in excess of slow-no-wake speed on Lake Napowan for reasons other than responding to an emergency or recovering persons in the water, the direction of motorboat travel in navigable waters shall progress expeditiously in a generally counterclockwise direction.

**Prohibited Equipment:** No person may use or employ on Lake Napowan, water bags, ballast tanks, submersible wings or any other device which causes a boat to operate in a bow-high manner, or which increases or enhances a boat's wake.

**Prohibited Operation:** No person may operate a boat on Lake Napowan in an artificially bow-high manner in order to increase or enhance the boat's wake. Such prohibited operations shall include wake enhancement by use of ballast tanks or ballast bags, mechanical hydrofoils, uneven loading or operation of a transition speed (the speed at which the boat is operating at greater than slow-no-wake speed, but not fast enough so that the boat is planing).

**Certain Operations Excluded:** In no event shall any of the following operations be deemed a violation of "Prohibited Equipment" and "Prohibited Operation" above, provided such operations do not use or employ ballast tanks, ballast bags, mechanical hydrofoils or wake enhancing fins: a) water skiing b) tubing c) brief transition operation to empty a boat of bilge water, d) brief transition operation of a boat accelerating into a planing condition.

**d.) Johns Lake**

1) Speed Restrictions

No person shall operate a boat in excess of slow-no-wake speed on the waters of Johns Lake except during the water skiing and speed boating hours hereinafter set forth.

2) Water Skiing and Boating Hours

Boating in excess of slow-no-wake speed, water skiing, aquaplaning and similar activities are permitted on Johns Lake only between the hours of 10:00 A.M. and 4:00 P.M.

3) Boating Lane Direction of Operation. In the interest of public health, safety, and welfare, when operating any motorboat in excess of slow-no-wake speed on Johns Lake for reasons other than responding to an emergency or recovering persons in the water, the direction of motorboat travel in navigable waters shall progress expeditiously in a generally counterclockwise direction.

**Prohibited Equipment:** No person may use or employ on Johns Lake, ballast bags, ballast tanks, submersible wings or any other device which causes a boat to operate in a bow-high manner, or which increases or enhances a boat's wake.

**Prohibited Operation:** No person may operate a boat on Johns Lake in an artificially bow-high manner in order to increase or enhance the boat's wake. Such prohibited operations shall include wake enhancement by use of ballast tanks or ballast bags, mechanical hydrofoils, uneven loading or operation of a transition speed (the speed at which the boat is operating at greater than slow-no-wake speed, but not fast enough so that the boat is planning).

**Certain Operations Excluded:** In no event shall any of the following operations be deemed a violation

of “Prohibited Equipment” and “Prohibited Operation” above, provided such operations do not use or employ ballast tanks, ballast bags, mechanical hydrofoils or wake enhancing fins: a) water skiing b) tubing c) brief transition operation to empty a boat of bilge water, d) brief transition operation of a boat accelerating into a planing condition.

**(e) Porters Lake**

**(1) Speed Restrictions**

No person shall operate a motor boat in excess of slow-no-wake speed on the waters of Porters Lake at any time.

**f) Irogami Lake**

**1. Speed Restriction**

No person shall on any day operate a motorboat of any nature in excess of a slow-no-wake speed on the waters of Irogami Lake between the hours of 8:30 P.M. and 6:00 A.M. the following morning.

**2. Water Skiing**

No person shall operate a motorboat of any nature towing a person or persons on water skis, aquaplane or similar device, nor shall any person engage in water skiing, aquaplaning, or similar activity on the waters of Irogami Lake between the hours of 8:30 P.M. and 6:00 A.M. the following morning, except on Saturdays, Sundays and specific holidays: namely, Memorial Day, July 4<sup>th</sup> and Labor Day. On the days of Saturday, Sunday and aforementioned holidays, water skiing, aquaplaning and similar activities will be allowed only between the hours of 10:00 a.m. and 6:00 p.m. At no time shall any person engage in these activities after the time of sunset contrary to Section 30.69, Wisconsin Statutes.

**Section 6. Prohibited Operation**

**a.) Use of Personal Flotation Devices**

No person shall engage in water skiing, aquaplaning or similar activity unless they are wearing a United State approved Personal Flotation Device.

**b.) Swimming Distance from Shore**

No person shall swim more than 200 feet from the shore unless accompanied by a competent person in a boat and having readily available a United State Coast Guard approved Personal Flotation Device for each person in boat and in the water.

**Section 7 Penalties and Deposits**

**a.) Major Violations**

Adopt State wide Uniform Bond Schedule

**b.) Minor Violations**

Adopt State wide Uniform Bond Schedule

**c.) Wisconsin state boating penalties as found in s. 30.80 Wis. Stats., deposits established in**

the Uniform Deposit and Bail Scheduled established by the Wisconsin Judicial Conferences are hereby Adopted by reference and all references to fines amended to forfeitures and all references to imprisonment are deleted. Any person violating those portions of this ordinance covered under Prohibited Equipment or Prohibited Operations shall forfeit \$500.00 for first offense; \$1,000.00 for second or subsequent offense.

**Section 8. Wisconsin Statutes Defined**

Whenever used in this ordinance, the term Wisconsin Statutes shall mean the Wisconsin Statutes of 2021-22 and subsequent amendments.

**Section 9 Repeal of Conflicting Ordinances**

All former 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 Town Board of Mount Morris Township, Waushara county, Wisconsin, are hereby repealed.

**Section 10. Severability**

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Mount Morris Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions maybe declared invalid and if any provision of this ordinance or the application hereof 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 11. Effective Date Clerk's Duty**

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

b) The Town Clerk is directed to file a copy of this ordinance with the Wisconsin Department of Natural Resources in Madison, Wisconsin.

Signed:

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Daniel Nowak, Chairman  
Town of Mount Morris

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Collin Corning, Supervisor  
Mount Morris

\_\_\_\_\_  
Paul Jarvis, Supervisor  
Town of Mount Morris

Attest to:

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Alan Anderson, Clerk - Town of Mount Morris