

LAKE ORDINANCE FOR PLEASANT LAKE

ORDINANCE NO. LB-2

A uniform Ordinance to regulate water traffic, boating and water sports upon the water of Pleasant Lake, Walworth County, Wisconsin, and prescribing penalties for violations thereof.

The Town Board of the Town of LaGrange, Walworth County, Wisconsin, does ordain as follows:

SECTION I
REPEAL OF CONFLICTING ORDINANCES

All ordinances regulating water traffic, boats, boating or water sports upon the waters covered by this ordinance and all ordinances and parts of ordinances in conflict with this ordinance heretofore enacted by the Town of LaGrange, Walworth County, Wisconsin, are hereby repealed.

SECTION II
APPLICABILITY AND ENFORCEMENT

The provisions of this ordinance shall apply to the waters of Pleasant Lake lying wholly within the corporate limits of the Town of LaGrange, Walworth County, Wisconsin. The provisions of this ordinance shall be enforced by officers of the Water Safety Patrol of the Town of LaGrange, Walworth County, Wisconsin, which said Water Safety Patrol shall be operated by and under the jurisdiction of the Town Board of the Town of LaGrange, Walworth County, Wisconsin.

SECTION III
INTENT

It is the intent of this ordinance to provide free access to Pleasant Lake for all users and further provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public needs and the capacity of the water resource. To this end, the Town of LaGrange, Walworth County, Wisconsin, sets forth the following provisions.

SECTION IV
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 in the following enumerated sections of the Wisconsin Statutes, 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 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.

30.50	Definitions
30.501	Capacity Plate on Boat
30.51	Operation of unnumbered Boats Prohibited
30.52	Certificate of Number
30.53	Identification Number to be Displayed on Boat; Certificate to be Carried
30.54	(2) Transfer of Ownership of Numbered Boat
30.55	Notice of Abandonment or Destruction of Boat or Change of Address
30.60	Classification of Motor Boats
30.61	Lighting Equipment
30.62	Other Equipment
30.64	Patrol Boats Exempt from Certain Traffic Regulations
30.65	Traffic Rules
30.67	Accidents and Accident Reports
30.675	Distress Signal Flag
30.68	Prohibited Operations
30.77	Local Regulations of Boating

~~SECTION V~~
SECTION V
AIRCRAFT LANDING ON LAKES

It is hereby prohibited for any aircraft to land upon the surface of Pleasant Lake within the corporate limits of the Town of LaGrange, Walworth County, Wisconsin, except in cases of emergency.

SECTION VI
ADDITIONAL TRAFFIC RULES

In addition to the traffic rules in Section 30.65 of the Wisconsin Statutes adopted in Section IV of this ordinance, the following rules shall apply to boats using the waters covered by this ordinance:

- (a) Mooring Lights Required. No person shall moor or anchor any boat, raft, buoy or other floating object between sunset and sunrise unless there is prominently displayed thereon a white light of sufficient size and brightness to be visible from any direction (360 degrees) for a distance of one (1) mile on a dark night with clear atmosphere.

SECTION VII
ORGANIZED EVENTS AND DISPLAYS

- (a) No person or persons shall organize or participate in any event or display upon the surface of Pleasant Lake without first obtaining a permit for such activity from the Town Board of the Town of LaGrange, Walworth County, Wisconsin.
- (b) Request for said permit for organized events or displays shall be presented to the Town Board in triplicate before the second Tuesday of the month preceding the event.
- (c) Request for said permit shall describe the event, time of the event, area of the lake to be used.
- (d) Upon action by the Town Board of the Town of LaGrange, one copy of said permit shall be returned to the applicant, one copy to the Water Safety Patrol or Constable, and one copy to be retained by the Town Clerk.

SECTION VIII
SPEED RESTRICTIONS

The maximum speed on all waters of Pleasant Lake shall be slow enough to create "No-wake".

SECTION IX
SWIMMING REGULATIONS

- (a) Swimming from Boats Prohibited. No person shall swim from any boat unless such boat is anchored, or unless said swimmer complies with Section (b) cited below.
- (b) Distance from shore or base. No person shall swim more than one hundred (100) feet from the shore or more than fifty (50) feet from any pier, anchored raft or boat unless he is accompanied by a boat manned by a competent person trained in lifesaving techniques and having readily available a ring buoy. Such boat shall stay reasonably close to and guard such swimmer. If there is more than one swimmer, each shall be accompanied by a separate boat as above described.

SECTION X
MARKERS, NAVIGATION AIDS AND POSTING ORDINANCE

- (a) The Chief of the Water Safety Patrol is authorized and directed to place and maintain authorized markers, navigation aids and signs as shall be appropriate to advise the public of the provisions of this ordinance and to post and maintain a copy of this ordinance at all public access points within the jurisdiction of the Town of LaGrange, Walworth County, Wisconsin.

- (b) ~~Standard markers. All markers placed by the Chief or any other person upon the waters of Pleasant Lake shall comply with the regulations of the Wisconsin Department of Natural Resources.~~
- (c) No person or persons shall place a mooring buoy in the waters of Pleasant Lake without first obtaining the permission from the Town of LaGrange Town Board. All mooring buoys shall have the owner's cottage number in three (3) inch letters in yellow color on the top side of the mooring buoy.
- (d) Interference with Markers Prohibited. No person shall without authority remove, damage or destroy or moor or attach any watercraft to any buoy, beacon or marker placed in the waters by authority of the United States, the State of Wisconsin, Village or Town, or by any person pursuant to the provisions of this ordinance.

SECTION XI
BOATS EQUIPPED WITH TOILETS

No boat equipped with a toilet, portapotties or the like shall be operated, moored, or anchored by any person at any time on the open waters of LaGrange Township.

SECTION XII
PENALTIES AND DEPOSITS

- (a) Any person who shall violate the provisions of this ordinance and the provisions adopted by reference in Section IV of this ordinance, shall upon conviction thereof, forfeit not more than Two Hundred Dollars (\$200.00) or less than Ten Dollars (\$10.00), together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until full payment there is made, but not exceeding sixty (60) days.
- (b) Procedure on Arrest. Whenever a person is arrested for violation of the provisions of this ordinance, the Water Safety Patrol Officers are authorized to permit such person to make a money deposit as provided in Section 30.76 of the Wisconsin Statutes; such deposit shall be made to the Town of LaGrange or in an amount not to exceed the amount of the maximum forfeiture which may be imposed after the accused is found guilty, or other such amount as may be fixed by the Court in setting up a bail bond schedule.

When the accused makes such money deposit, he may be released from arrest until the Court having jurisdiction of the alleged violation opens or the next succeeding day in which such Court is in session, or until such other time as may be fixed for the hearing of the case.

- (c) Failure of defendant to appear. If the person arrested and released fails to appear personally or by an authorized attorney or agent before the Court at the time fixed for hearing, the money deposited by the accused pursuant to the provisions in paragraph (b) above shall be retained and used for the payment of the forfeiture, which forfeiture may be imposed either with or without cost as determined by the Court after the exparte hearing upon the accused. The excess, if any, shall be returned to the person who makes the deposit upon his making application for the same. If the accused is found not guilty, then the entire amount of the deposit shall be returned to the depositor upon his making application for the same.
- (d) Arrest for Violation. Any person violating any of the terms of this section shall be subject to arrest, whether at the time of arrest he is on the waterways or upon shore, and any water patrol officer may pursue the offender ashore to enforce the terms hereof.

SECTION XIII
WISCONSIN STATUTES DEFINED

WI Statutes of 1973.

Wherever used in this ordinance. the term "Wisconsin Statutes" shall mean the *5*

Section XIV SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board of the Town of LaGrange would have passed the other provisions of this ordinance irrespective as to whether or not one or more provisions may be declared invalid and if any provision of this ordinance or the application thereof 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 XV
DEFINITIONS OF THIS ORDINANCE

- (a) "Swimming Zone" means an authorized area marked by regulatory markers to designate a swimming area.
- (b) "Designated Anchorage" means an area of water established and marked as an anchorage by lawful authorities.
- (c) "Public Access" means any access to the water by means of Public property.
- (d) "Slow-no-wake" is defined as the slowest possible speed so as to maintain stearage.

SECTION XVI
WHARF AND PIER PLACEMENT

- (a) The definitions as set forth in Section 30.01 of the Wisconsin Statutes are hereby adopted by reference the same as if they were set out verbatim.
- (b) Permit.
 - 1. No riparian proprietor may hereafter construct, place or extend, enlarge or replace a wharf or pier in Pleasant Lake without first applying for and obtaining a permit from the Town of LaGrange, Walworth County, Wisconsin.
 - 2. Application and Plans. Any person, firm or corporation desiring to erect, construct, place, extend, replace or maintain any wharf or pier in or above the bed of Pleasant Lake along or beyond the shorelines as it exists or as it may have been determined and established by proper ordinances shall make and file in the office of the Clerk of the Town of LaGrange a written application for permit. The application shall describe the real estate, wharf, pier or extension thereof in detail, together with its location in with regard to the shoreline, pierhead and bulkhead line if established, and with the distances to the property lines of the abutting neighboring riparian lands giving the details of the dimensions and kinds of materials together with drawings together with any additional details and specifications that the Town Board might require. It shall also state the name, residence and post office of the applicant.
 - 3. Referral to building inspector. Upon the filing of such application the Clerk shall refer it immediately to the building inspector of the Town of LaGrange for investigation and report at the next regular meeting of the Town Board or special meeting called for that purpose, which Board after considering the application and all evidence presented, and hearing all parties desiring to be heard, may grant or deny such application.
 - 4. Granting of Permit and Fee. No permit shall be granted by the Town Board unless they are satisfied that such construction will promote the best interests of the public and the owners of the abutting riparian property. The fee for such permit shall be Ten Dollars(\$10.00) for the pier, plus Five Dollars (\$5.00) for each boat slip attached thereto or separately built. Any permit so issued which is contrary to any law or ordinance, or rule or regulation or the Department of Natural Resources, or with which the applicant has not complied, shall be void and of no effect.

5. Revocation. In the event the wharf or pier for which a permit has been granted shall not be erected, constructed, placed, extended or maintained in accordance with the plans, specifications, details and drawings submitted or in the event such wharf or pier shall not be used or that it be used in a manner detrimental to the general public or interfere with the rights of the neighboring riparian owners, then in such event, the Board may cancel and revoke the permit provided it shall first hold a meeting after fixing a time and place of hearing and shall cause a written notice thereof to be issued and delivered or mailed to the holder of such permit, and also to the owners of the neighboring abutting riparian lands not less than five (5) days before the time fixed for hearing.

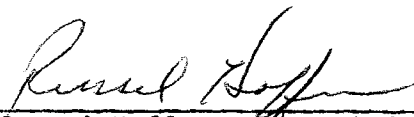
(c) General Requirements.

1. Such wharf or pier shall not interfere with public rights in the waters or with the rights of the neighboring riparian proprietors or occupants.
2. Any wharf or pier extending beyond the natural shore or established bulkhead line or pierhead shall be so constructed as to allow the free movement of water underneath and in such manner as will not cause the formation of land on the bed of Pleasant Lake.


SECTION XVII
EFFECTIVE DATE AND CLERK'S DUTY

- (a) This ordinance shall take effect and be in force from and after its passage and publication as provided by law.
- (b) The Clerk is directed to file a copy of this ordinance with the Wisconsin Department of Natural Resources in Madison, Wisconsin.

Adopted this 19th day of JANUARY, 1976.



Russel Hoffman, Town Chairman



William Lawton



Leonard Plucinski

Attest:



Allen Rockwell, Town Clerk