

STATE OF WISCONSIN - TOWN OF EAGLE - WAUKESHA COUNTY

**ORDINANCE NO. 09-02**  
**AN ORDINANCE TO REPEAL AND RECREATE ORDINANCE 93-02**  
**AN ORDINANCE TO PROVIDE FOR SAFETY AND WELFARE**  
**ON AND AROUND EAGLE SPRING LAKE AND ORDINANCE 97-04**  
**AN ORDINANCE REGARDING THE OPERATION OF MOTOR VEHICLES**

WHEREAS, Eagle Spring Lake is heavily used by the residents of the Town of Eagle and visitors to the lake; and

WHEREAS, Eagle Spring Lake provides a home and habitat to natural wildlife,

NOW, THEREFORE, the Town Board of the Town of Eagle repeals and recreates Chapter 12 of the Code of Ordinances containing regulations and procedures for enforcement effective on, in and around Eagle Spring Lake:

**12.01 STATUTORY PROVISIONS INCORPORATED**

State boating laws as found in Secs. 30.50 to 30.71, and 30.99 Statutes, as amended from time to time, are adopted by reference.

**12.02 ADDITIONAL REGULATIONS**

1. No person shall swim more than 100 feet from shore without being accompanied by an escort boat.
2. No person shall water ski or surf board from 7:30 p.m. or sunset, whichever is sooner, until 8:30 a.m., the following day.
3. No person shall tow more than three persons at one time whether on skis or surf board and not more than three persons at one time shall be towed behind one boat.
4. No person shall operate a motorboat or watercraft in excess of slow-no-wake between 7:30 p.m. or sunset, whichever is earlier, and sunrise the following day or 8:30 a.m., whichever is later. "Slow-no-wake" means - that speed at which a boat moves as slowly as possible while still maintaining steerage control.
5. All piers and rafts shall be marked by red reflectors of not less than 3 inches in diameter placed not more than 3 feet from the outer limits of any pier.
6. No person shall tow or be towed behind a motorboat unless the person being towed is wearing a life jacket approved by U.S.C.G.
7. Interference with markers prohibited. No person shall, without authority, remove, damage, destroy, moor, or attach any watercraft to any buoy, beacon or marker placed in or on Eagle Spring Lake by the authority of the State of Wisconsin, or the Town of Eagle.
8. No person shall throw or deposit any metal cans, glass bottles, wood, paper or other litter or debris in or on Eagle Spring Lake or the surrounding shoreline.
9. No person shall operate a motor vehicle, defined as every motorized device weighing in excess of 1,000 lbs., upon icebound Eagle Spring Lake, except for the exclusive purpose of shoreline or lake property maintenance or repair.
10. No person shall drive a car recklessly or imprudently on the ice.
11. No person shall operate a motor boat or personal water craft in a clockwise direction around the lake during skiing hours.
12. No person shall obstruct the channel or channel access during skiing hours. The

channel is the area between Powers Island and Tuohy's Resort.

13. No person shall operate a motor boat or water craft of any kind with a speed exceeding that which is reasonable and prudent with regard to the conditions. In addition, a maximum speed limit of 50mph has been established for Saturdays, Sundays, and Holidays.

### **12.03 RISK AND LIABILITY**

All traffic on the ice bound waters of the lake shall be at the risk of the traveler as set forth in §30.81(3) Statutes. Nothing in this chapter shall be construed as rendering the enacting authority liable for any accident to those engaged in permitted traffic while this chapter is in effect.

### **12.04 SPECIFIC AREAS DESIGNATED**

The areas shown on the attached map incorporated by reference marked by buoys are designated as areas reserved for that activity at that speed and none other:

Slow-no-wake boating: S	Swimming: W
Navigation: N	In: I      Out: O

### **12.05 BUOY PLACEMENT**

The Lake Management District shall be responsible for placing, maintaining and removing authorized buoys. The buoys shall consist of those shown on the attached map incorporated by reference as follows:

Slow-no-wake boating: S	<i>Informational:</i>
Swimming: W	In: I
Navigation: N	Out: O

*Hazard Warning Buoys:*

Stump: T
Shallow: H

### **12.06 PENALTIES**

#### **A. STATE BOATING AND WATER SAFETY LAWS.**

Wisconsin boating penalties as found in s. 30.80, Wis. Stats., and deposits as established in the Uniform Deposit and Bail Schedule are hereby adopted by reference with all references to fines are amended to forfeitures and all references to imprisonment are deleted.

#### **B. LOCAL BOATING LAWS. GENERAL PROVISIONS.**

Any person violating the provisions of this ordinance which is not an adopted state statute shall be subject to a forfeiture of not less than \$25.00 nor more than \$50.00 for the first offense within a year and not less than \$50 nor more than \$100 for any subsequent violations within the year. Each motor vehicle violation shall carry a forfeiture of a minimum of \$50 to a maximum of \$1,000 plus assessments and costs as allowed by law. Failure to pay the forfeiture shall subject the violator to up to ninety (90) days in the county jail. The violator shall pay, in addition to the forfeiture, court costs, jail assessment and penalty assessments imposed by law. Each day a violation continues shall constitute a separate offense.

**C. DEPOSITS REQUIRED.**

1. For all offenses listed in the Uniform Wisconsin Deposit and Bail Schedule for Conservation, Boating, Snowmobile and ATV Violations, the arresting officer shall require the alleged offender to deposit the amount set forth in the schedule **SCHEDULED DEPOSIT.**

**a. NON-SCHEDULED DEPOSIT.**

If a deposit schedule has not been established for a specific violation, the arresting officer shall require the alleged offender to deposit the maximum forfeiture permitted by this ordinance plus the penalty assessment, jail assessment fee and court costs, as amended from time to time.

2. If you have been issued a Citation by a Town of Eagle Lake Patrol Officer, you have these choices to handle this Citation:

A. **PAY** the fine amount on the Citation. You may mail your payment to the Joint Municipal court System or pay the fine at the Joint Municipal Court System before the Court Date.

B. **APPEAR** in court on the Court Date if you wish a Trial. **MUST APPEAR** in Court if the Citation is marked "Must Appear". If you do not appear in Court an Arrest Warrant or Driver's License Suspension may be ordered by the Judge.

The back of the pink Citation also explains your choices.

**Fines may be paid at:**

Joint Municipal Court System  
North Prairie Village Hall  
North Harrison Street  
North Prairie, WI 53153-0098

**Fines may be mailed to:**

Joint Municipal Court System  
PO Box 98 130  
North Prairie, WI 53153-0098

Wednesdays 5 pm – 8 pm

Make checks payable to: **Joint Municipal Court System.**

Questions regarding Court please call Clerk of Courts (262) 392-2265, Wednesdays 5:00 pm – 8:00 pm.

**12.07 ENFORCEMENT**

**A. ENFORCEMENT PROCEDURE**

§§66.14.114, 66.115, 66.119 and 66.12, Wis. Stats. as amended from time to time are 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 any statute incorporated by reference is required or prohibited by Ordinance. The Town of Eagle elects to use the citation method of enforcement.

**B. ISSUANCE OF CITATIONS**

All sections of this Ordinance shall be enforced by the Lake Patrol Officer or the Town Board's appointed representatives.

**12.08 OTHER REMEDIES**

Neither this ordinance nor the issuance of a citation shall preclude the Town Board or any Authorized officer from other proceedings.

Enacted this 2<sup>nd</sup> day of March, 2009, on motion of Supervisor Davis, Seconded by Supervisor Malek.

Approved:

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Town of Eagle Robert Kwiatkowski, Town Chairman

Attest:

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Lynn M. Pepper, Clerk

Ayes 4 Nays 0 Absent 1