AN ORDINANCE REGULATING THE USE AND OPERATION OF MOTOR BOATS ON THE WATERS OF THE FOLLOWING DESCRIBED LAKES IN THE TOWN OF SUMMIT

WHEREAS, the Town Board of the Town of Summit, Waukesha County, Wisconsin deems it necessary to regulate the use and operation of motor operated boats for the protection of life, person and property on the following lakes: Upper Nemahbin, Lower Nemahbin, Lower Genesee, Middle Genesee, Crooked Lake, Duck Lake, Waterville Lake, Lake Laura, Bowron Lake and Egg Lake; and
WHEREAS, the Town Board of the Town of Summit, Waukesha County, Wisconsin intends by this ordinance to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resource,

NOW, THEREFORE, the Town Board of the Town of Summit, Waukesha County, Wisconsin DOES ORDAIN AS FOLLOWS:

SECTION 1: An ordinance to regulate the use and operation of motor boats, and to regulate water sports upon and under the water of the aforementioned lakes is hereby created to read as follows:

1. APPLICATION: The provisions of this ordinance shall apply to the waters of Upper Nemahbin, Lower Nemahbin, Lower Genesee, Middle Genesee, Crooked Lake, Duck Lake, Waterville Lake, Lake Laura, Bowron Lake and Egg Lake, within the jurisdiction of the Town of Summit. The provisions of this ordinance shall be enforced by the officers of the Water Safety Patrol Unit and police of the jurisdiction of the Town of Summit.

2. STATE BOATING AND WATER SAFETY LAWS ADOPTED:
A. Except as otherwise specifically provided in this ordinance, the current and future statutory provisions describing and defining regulations with respect to water traffic, boats, boating, and relating water activities in §§30.50 up to and including 30.71, 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 any current or future statute incorporated herein by reference is required or prohibited by this ordinance. Any further additions, amendments, revisions or modifications of the statute incorporated herein are intended to be made part of this ordinance in order to secure uniform state-wide regulation of the waterways of the State.
B. All rules and orders created by the Wisconsin Department of Natural Resources, modifying or supplementing the foregoing provisions of State Law or which may be adopted or made in the future, are hereby incorporated in and made a part of this ordinance by deferring to the same as if they are or were to be set out herein verbatim.

3. OPERATION OF MOTOR BOATS:
A. No motor boat shall be operated on Lake Laura, Egg Lake, or Duck Lake at any time at a speed in excess of slow no wake.
B. No motor boat shall be operated on Upper Nemahbin, Lower Nemahbin, Lower Genesee, Middle Genesee, Crooked Lake, Waterville Lake or Bowron Lake from sunset until sunrise at a speed in excess of slow no wake.

4. SWIMMING REGULATIONS: No person, unless said person is engaging in activities and subject to the provisions of §30.70, Wisconsin Statutes, entitled Skin Diving, shall:
A. Swim from any unmanned boat, unless such boat is anchored, or
B. Swim more than 150 feet from the shoreline unless is a designated swimming zone or unless accompanied by a competent person in a boat, or
C. Swim more than 150 feet from the shoreline between sunset and sunrise.

5. LOCAL REGULATION ON ICEBOUND INLAND WATERS.
A. No person shall operate or park or permit, authorize, direct or control the operation or parking of or ride as a passenger on any motorized vehicle or motor-driven vehicle, including but not limited to motor vehicles, snowmobiles, or all-terrain vehicles on the ice on any portion of the aforementioned lakes.

B. The Chief of Police of the Town of Summit, upon application to him and payment of a license fee established by the Town Board, being satisfied that ice conditions do and will permit operation of a motorized vehicle or motor-driven vehicle upon a designated portion of the lake without material risk or hazard, may issue a written permit expiring within 24 hours after issuance authorizing operation of a motorized vehicle or motor-driven vehicle on the lake for particular purposes to be specified in such permit. Said particular purposes shall be limited to: snowplowing of a portion of the lake for an ice skating rink, transporting of property to an island or conducting official lake studies. No such permit shall authorize speed or acrobatic contests, exhibitions or performances; racing; fishing; nor shall any such permit authorize joyriding, sightseeing or any other activity not deemed necessary by the Chief of Police.

6. PENALTY:
A. STATE BOATING AND WATER SAFETY LAWS AND ALL OTHER VIOLATIONS AS SET FORTH IN §2 OF THIS ORDINANCE.
Any forfeiture for violation of the State statute, rule or order adopted by reference in §2 of this ordinance shall conform to the forfeiture permitted to be imposed for violation of such statutes as set forth in the Uniform Wisconsin Deposit and Bail Schedule for Conservation, Boating, Snowmobile, and ATV Violations, including any variations or increases for subsequent offenses, which schedule is adopted by reference.
B. LOCAL BOATING LAWS AS SET FORTH IN §§3, 4, AND 5 OF THIS ORDINANCE.
Any person 16 years or older violating the provisions of this ordinance shall be subject to a forfeiture of not more than $500 plus court costs and penalty assessment. Failure to pay any forfeiture hereunder shall subject the violator to imprisonment in the County Jail or loss of license. Any person 14 or 15 years of age shall be subject to a forfeiture of not less than $10 nor more than $25 plus court costs and penalty assessment per each offense or referred to the proper authorities as provided in Chapter 48, Wisconsin Statutes. Failure to pay any forfeiture hereunder shall subject the violator to the provisions of §48.17(2), Wisconsin Statutes. Any person under the age of 14 shall be referred to the proper authorities as provided in Chapter 48, Wisconsin Statutes.

7. ENFORCEMENT.
A. ENFORCEMENT PROCEDURE. The statutory provisions of §§66.115, 66.119, 66.12, 30.29, 30.50 to 30.71, and Chapter 799, Wisconsin Statutes, are adopted and by reference made a part of this ordinance as if fully set
herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Any future additions, amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this ordinance in order to secure uniform state-wide regulation and enforcement of boating ordinance violations. Further, the Town of Summit specifically elects to use the citation method of enforcement.
B. DEPOSITS.
1. Schedule of Deposits. The schedule of cash deposits shall be as follows:
§2: Applicable sections of Uniform Wisconsin Deposit and Bail Schedule for Conservation, Boating, Snowmobile and ATV Violations plus current assessment fees and current court costs if applicable.
§§3, 4 and 5: $50 plus court costs and assessments plus current assessment fees and current court costs if applicable.
2. Deposit for Repeat Offenses. Any person found guilty of violating this ordinance or any part thereof who was previously convicted of the same section within the last year shall forfeit twice the deposit delineated above plus court costs and penalty assessment.
3. 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 not less than the maximum forfeiture permitted hereunder.
4. Depository. Deposits should be made in cash, money order, or certified check to the Clerk of Municipal Court, who shall issue a receipt therefore as required by Wisconsin Statute. If the deposit is mailed, the signed statement required by Wisconsin Statute shall be mailed with the deposit.
C. NONEXCLUSIVITY.
1. Other Ordinances. Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement
of any other law or ordinance relating to the same or other matter.

2. Other Remedies. The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceedings under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation or order.

SECTION 2: SEVERABILITY.
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3. EFFECTIVE DATE.
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.
This ordinance passed this 3rd day of Dec, 1992.