

Chapter 16

REGULATION OF HOOKER LAKE

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16.01 INTENT.

The intent of this Chapter is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public needs on the waters of Hooker Lake.

16.02 APPLICABILITY AND ENFORCEMENT.

The provisions of this Chapter shall apply to Hooker Lake and shall be compatible with Chapter 29 of the Ordinances of the Town of Salem, passed the 13th day of July, 1978, as said Town Ordinances relates to the waters of Hooker Lake. This Chapter shall be enforced jointly by the Water Patrol officers of the Town of Salem and the Village of Paddock Lake.

16.03 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 by reference and made a part of this Chapter:

- 30.50 Definitions.
- 30.51 Operation of unnumbered boats prohibited; exemptions.
- 30.52 Certificates of number; applications; issuance; renewals; fees.
- 30.53 Identification number to be displayed on boats; certificate to be carried.
- 30.54 Transfer of ownership of numbered boat.
- 30.55 Notice of abandonment or destruction of boat or change of address.
- 30.60 Classification of motorboats.
- 30.61 Lighting equipment.
- 30.62 Other equipment.
- 30.635 Motorboat prohibition.
- 30.64 Patrol boats exempt from certain traffic regulations.

- 30.65 Traffic rules.
- 30.66 Speed restrictions.
- 30.67 Accidents and accident reports.
- 30.675 Distress signal flag.
- 30.68 Prohibited operation.
- 30.69 Water skiing.
- 30.70 Skin diving.
- 30.71 Boats equipped with toilets.

16.04 DEFINITIONS.

(a) "Shore Zone" shall mean the water area within 200 feet of the lake shore.

(b) "Swimming Zone" shall mean an authorized area marked by official buoys to designate a swimming area.

(c) "Moorage" shall mean an area where continuous mooring of boats for more than twenty-four (24) hours is permitted.

(d) "Public Access" shall mean a marina or landing facility and the adjoining public shoreline under the ownership of the state, county or municipality.

(e) "Slow No Wake Speed" shall mean the slowest possible speed needed to maintain steerage.

(f) "Traffic Lane" shall mean the area beyond two hundred feet (200') of the shoreline.

16.05 SPEED RESTRICTIONS.

In addition to speed restrictions set forth in Sec. 16.03 of this Chapter adopting Sec. 30.66, Wis. Stats., no person shall operate in excess of the "slow no wake speed":

(a) Within a defined shoreline zone, or

(b) Between sunset and 10:00 a.m. in either the shore zone or the traffic lane.

(c) In the event that the Village Board declares a state of emergency because of high water or other reason, such speed limit to remain in effect until such time as the emergency

situation no longer exists as determined by the Board of Trustees.

16.06 CAPACITY RESTRICTIONS.

No person shall operate, loan, rent or permit a boat to leave the place where it is customarily kept for operation on the waters covered by this Chapter with more passengers or cargo than shall be stated on the Capacity Information Plate as required by Sec. 30.501, Wis. Stats.

16.07 BUOYS, PIERS, AND RAFTS.

(a) The Village of Paddock Lake or the Town of Salem may remove all buoys, markers, piers and their supports, privately owned or placed, which are not removed by December 1st of each year, and charge the cost and expense of such removal to the riparian owner. If such charge is not paid within thirty (30) days after request therefore, a penalty of ten percent (10%) shall be added to such charge and the same shall constitute a lien on the property of the riparian owner and be inserted on the Village of Paddock Lake tax roll by the Village Clerk/Treasurer upon order of the Village Board and after notice to the riparian owner.

(b) All navigation aids must comply to Sec. 30.74(2), Wis. Stats., and shall also have affixed to them any numbers issued by their permit pursuant to subsection (f) below. Such number shall be located at least twelve inches (12") above the water line, and shall not be less than three inches (3") in height.

(c) No person shall erect nor maintain any wharf or pier contrary to the Statutes and regulations of the State of Wisconsin, nor which extends more than one hundred (100') from the shore unless prior written approval is obtained from the Village of Paddock Lake and the Town of Salem.

(d) No pier or mooring buoy shall be placed in the waters located within the boundary of a designated fire lane (extended into the water) unless so authorized in writing by the Village Board of the Village of Paddock Lake and by the Town Board of the Town of Salem.

(e) Rafts and Platforms. No person shall place or maintain any raft or platform more than one hundred feet (100') from the shore. Rafts and platforms shall be anchored, have at least eighteen inches (18") of free board above the water line, be painted white, and have attached thereto, not more than twelve inches (12") from each corner or projection a red reflector at least three inches (3") in diameter.

(f) Buoy Permits. No bathing beach marker, speed zone marker, information marker, mooring buoy, fishing buoy or other marker shall be anchored or placed on Hooker Lake, unless a written application is approved by both the Village Board of the Village of Paddock Lake and the Town Board of the Town of Salem. As to such markers and buoys located on Hooker Lake, an application must be made jointly to the Village of Paddock Lake and to the Town of Salem and approved by both bodies. The Town of Salem shall issue numbers for such markers and buoys.

(g) Placement of Authorized Markers. The Chief of Water Safety Patrol is authorized and directed to place authorized markers, navigation aids and signs in such water areas as shall be appropriate to advise the public of the provisions of this Chapter and to post and maintain a copy of this Chapter at all public access points within the jurisdiction of the Village of Paddock Lake.

16.08 SWIMMING REGULATIONS.

(a) Swimming from Boats Prohibited. No person shall swim from any unmanned boat unless such boat is anchored.

(b) Distance from Shore or Boats. No person shall swim beyond the shore zone or more than fifty feet (50') from any pier (unless within marked authorized areas) or more than twenty-five feet (25') from anchored rafts or boats unless he is accompanied by a boat manned by a competent person and having readily available a ring buoy. Such boat shall stay reasonably close to and guard such swimmer, and there must be at least one (1) boat for each two (2) swimmers.

(c) Hours Limited. No person shall swim more than two hundred feet (200') from the shoreline between the hours of 7:00 p.m. and 10:00 a.m.

16.09 WATER SKIING.

(a) Hours. No person shall operate a boat for the purpose of towing a water skier, aquaplane or similar device between the hours of 7:00 p.m. and 10:00 a.m. tats.

(b) Traffic Lane. Any boat engaged in towing a person on water skis, aquaplane or similar device must conform to all sections of this Chapter and in addition, must operate in a counter-clockwise pattern on the lake in the traffic lane. There shall be no water skiing, aquaplaning or similar activity within the shore zone.

(c) Towing. There shall be not more than two (2) persons being towed by one (1) boat and each shall have an individual tow line. Persons being towed must wear personal

flotation devices as defined in Sec. 30.62(3), Wis. Stats.

(d) Exceptions. The limitations of this section shall not apply to participants in ski meets or exhibitions authorized and conducted as provided in Section 16.11 of this Code.

16.10 LITTERING WATERWAYS PROHIBITED.

(a) Any boat or craft which is designed for living, sleeping or camping activities (commonly referred to as a "House Boat") shall be equipped with suitable sanitation facilities and comply with Sec. 30.71, Wis. Stats.

(b) No person shall leave, deposit, place or throw on the waterways, ice, shores or waterways or upon any other public or private property adjacent to waterways, any cans, bottles, debris, refuse or other solid waste materials of any kind.

16.11 RACES, REGATTAS, SPORTING EVENTS AND EXHIBITIONS.

(a) Permit Required. No person shall direct or participate in any boat race, regatta, waterski meet or other water sporting event or exhibitions on Hooker Lake unless such event has been authorized by the Village Board of the Village of Paddock Lake and the Town Board of the Town of Salem.

(b) Permit. A permit issued under this section shall specify the course or area of water to be used by participants and require the permittee to place markers, flags or buoys approved by the Chief of the Water Safety Patrol designating the specified area. Permits shall be issued only when the proposed use of the water can be carried out safely and without danger to or substantial obstruction of other watercraft or persons using the lake.

(c) Right-of-way of Participants. Boats and participants in any such permitted event shall have the right-of-way on the marked area and no other persons shall obstruct such area during the race or event or interfere therewith.

16.12 DRIVING AUTOMOBILES OR OTHER VEHICLES ON THE ICE.

(a) Speed. No person shall use or operate any automobile at a speed in excess of ten (10) miles per hour on the ice.

(b) Hours. No person shall use or operate any automobile on the ice after 9:00 p.m.

(c) Definitions.

(1) "Automobile" as used in this Chapter shall be construed to mean all motor vehicles of the type and kind permitted to be operated on the highways in the State of Wisconsin.

(2) "Other Vehicles" includes, but is not limited to, snowmobiles, go-carts, bicycles and motorcycles not permitted on state highways.

(d) Risk and Liability. All traffic on the icebound waters shall be at the risk of the travelers as set forth in Section 30.18(3) of the Wisconsin Statutes. Nothing in this Chapter shall be construed as rendering the Village of Paddock Lake or the Town of Salem liable for any accident to those engaged in permitted traffic.

16.13 PENALTIES.

Any person violating any provision of this Chapter shall, upon conviction, be subject to a forfeiture of not more than Fifty Dollars (\$50.00) for the first offense, and not more than One Hundred Dollars (\$100.00), for each subsequent offense with one (1) year. Any person violating Section 30.67(1) or (2), Wis. Stats., or 30.68(1) or (2), Wis. Stats., shall be referred to State authorities for prosecution.

Citations for violations of this Chapter shall be drafted on forms prepared by the Department of Natural Resources. Bonds may be posted for violations pursuant to Section 23.66, Wis. Stats.

16.14 JURISDICTION.

Recognizing the joint jurisdiction of the Village of Paddock Lake and the Town of Salem over the waters of Hooker Lake, it is the intent of this Chapter that the Village of Paddock Lake and the Town of Salem shall cooperate and coordinate ordinances, rules and regulations and shall have joint jurisdiction for enforcement purposes. However, violations occurring in the jurisdiction of the Town of Salem shall be brought before the Municipal Court of the Town of Salem and those violations under the jurisdiction of the Village of Paddock Lake shall be brought in the Municipal Court of the Village of Paddock Lake.

16.15 USE OF HOOKER LAKE BOAT LAUNCH.

(a) Policy. It is the declared policy of the Village to encourage the use of the facilities constructed by the Village for access to Hooker Lake in a fashion so as to allow equal access to all who wish to use this facility.

(b) Prohibitions. No operator of any vehicle shall park or stop or leave standing such vehicle on any street or highway or public way or in any parking space at or adjacent to the Hooker Lake boat launch, except in conformance with the permitting provisions of this ordinance. For purposes of this ordinance, vehicles shall include all motor vehicles as well as trailers, boats, motor homes or any other device which is defined as a vehicle under the Wisconsin Statutes, which are incorporated herein by reference.

(1) Presumption. Ownership of a vehicle is sufficiently related to causing, allowing, permitting or suffering a vehicle parked so as to require the owner to be responsible for the parking of said vehicle. It shall be presumed, upon a showing by the Village, that a parking violation occurred and upon a showing that the party charged pursuant to this ordinance, was the registered owner of the unlawfully parked vehicle on the date of the violation that said registered owner is responsible for and guilty of the violation charged.

(2) Overcoming Presumption. The presumption stated in the preceding subparagraph, when established as therein specified, shall constitute a prima facie case and a basis for judgment, except where the person or other legal entity to which the vehicle is registered overcomes said presumption by the submission of proof of any of the following:

(a) The vehicle is stolen at the time the violation occurred, and reported as such to law enforcement authorities within a reasonable time thereafter.

(b) The vehicle was lawfully parked.

(c) The ownership of the vehicle was lawfully transferred to another prior to the violation.

(c) Parking Passes. Parking passes are printed passes issued by the Village for a designated period of time, to an individual for the purpose of allowing such individual to legally park in a properly marked parking stall at the Hooker Lake boat launch for the period of time specified on the pass. Parking passes shall be of two (2) types as follows: Daily and seasonal.

(d) Fees. Fees for parking passes shall be as follows:

(1) Seasonal (May 1 through October 31)

(a) Wisconsin resident - \$35.00

(b) Non-resident - \$40.00

(2) Daily - \$7.00

(3) Seasonal (May 1 through October 31) good for both Paddock Lake and Hooker Lake

(a) Wisconsin resident - \$45.00

(b) Non-resident - \$55.00

(e) Properly Displayed Passes. A properly displayed parking pass means that the parking pass must be displayed in the inside lower left hand corner of the front windshield. Operators of vehicles lawfully possessing and displaying valid parking passes, shall be permitted the privilege of parking in a lawful and orderly manner in a properly marked parking stall at the Hooker Lake boat launch without incurring the issuance of legal process and the imposition of forfeiture or penalty for failure to pay said fee.

(f) Form. Parking passes shall be obtained from the office of the Village Clerk/Treasurer and shall contain the date(s) for which the pass is valid and the name and address of the parking pass holder.

(g) Fine. Violation of this section shall result in the imposition of a fine of Twenty-five (\$25.00) Dollars for a first offense and Fifty (\$50.00) Dollars for a second and any subsequent offense.