

Chapter 11.12

LOCAL BOATING AND WATER SAFETY REGULATIONS

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11.12.010 Swimming, snorkeling regulations.

A. No person shall swim or snorkel from any boat beyond the no-wake zone, unless such boat is anchored and attended by an observer inside the boat and the swimmers or snorkelers stay within twenty-five (25) feet of the boat.

B. No person shall swim or snorkel beyond the shore zone or within any zone designated for drop-off and pickup of water skiers, nor shall any person do any distance swimming or snorkeling unless he is accompanied by a boat containing a ring buoy and occupied by an observer.

C. No person shall swim or snorkel beyond the shore zone from sunset to sunrise. (Ord. dated 6/10/04; prior code § 20.06)

11.12.020 Water skiing.

A. No more than two persons shall be towed behind any one motor boat.

B. Any boat engaged in towing a person on water skis, aquaplane or similar device must conform to all sections of this title and, in addition, must operate in a counter-clockwise pattern. There shall be no water skiing, aquaplaning or similar sport in the shore zone.

C. Any boat engaged in towing a person on water skis, aquaplane or similar device on Browns Lake must also have a competent observer, in addition to the driver, to be present at all times during the activity. The obligation to have a second party observer in the boat is applicable even in situations when and if the boat is equipped with a large rearview mirror. The Town does not believe that the driver of a boat towing other parties can adequately and safely observe both the rearview mirror at the same time while operating the moving boat on traffic waters. Therefore, this ordinance is more restrictive than State statute. (Ord. dated 11/8/18)

D. No water skiing, aquaplaning or similar sport shall be permitted on the water of Browns Lake in the town between two p.m. and four p.m. on legal holidays recognized by the state and Sundays. This section shall apply only during the period from Memorial Day through Labor Day. (Prior code § 20.07)

11.12.030 Shore zone.

A. A shore zone is established for Browns Lake and Bohners Lake as follows: The shore zone for Browns Lake and Bohners Lake embraces all that surface water toward the inland side of the slow-no-wake buoys.

B. No person shall operate a motor powered boat at more than the “slow-no-wake” speed within the shore zone of Browns Lake or Bohners Lake. (Prior code § 20.05)

11.12.040 Speed limits and racing.

A. No person shall operate a motorboat on Browns Lake or Bohners Lake in a contest of speed or maneuverability unless such contest or competition is authorized by the town.

B. No person shall operate any boat powered by an engine, or any other boat in or upon the waters of Browns Lake at a speed in excess of fifty (50) miles per hour between the hours of ten a.m. and sunset on any day of the week or upon the waters of Bohners Lake at a speed in excess of forty (40) miles per hour between the hours of ten a.m. and seven p.m. on any day of the week.

C. The speed limits set forth in subsection B of this section shall not apply to police patrol boats in situations involving emergencies, or while engaged in law enforcement, or to boats participating in a duly authorized race, regatta or water ski meet duly authorized by permit while operating in the designated area authorized by the permit nor to water safety patrol boats in situations involving emergencies.

D. All motorboats being operated in excess of slow-no-wake speed, must be operated in a counter-clockwise direction on Bohners Lake around the perimeter of the lake. (Ord. dated 6/26/97: prior code § 20.08)

11.12.050 Hours of operation.

A. No person shall operate any motorboat upon the waters of Bohners Lake in the town between seven p.m. and ten a.m. on any day of the week at more than slow-no-wake speed.

B. No person shall operate any motorboat upon the waters of Browns Lake in the town between sunset and ten a.m. on any day of the week at more than slow-no-wake speed. (Prior code § 20.09)

11.12.060 Littering.

No person shall leave, deposit, place or throw in the waterways, ice, shores of waterways or upon any other public or private property adjacent to waterways, any cans, bottles, debris, refuse or other solid waste material of any kind. Leaves, lawn clippings, and other yard waste, shall not be intentionally deposited in the lake. (Prior code § 20.10)

**11.12.070 Underage operators--
Absolute sobriety required.**

A. If a person has not attained the age of twenty-one (21), the person may not drive or operate a motor boat while he or she has a blood alcohol concentration of more than 0.0 percent but not more than 0.1 percent by weight of alcohol in the person's blood or more than 0.0 grams but not more than 0.1 grams of alcohol in two hundred ten (210) liters of that person's breath.

B. In this section:

1. "Drive" means the exercise of physical control over the speed and direction of a motor boat while it is in motion.

2. "Operate" means the physical manipulation or activation of any of the controls of a motor boat necessary to put it in motion. (Ord. dated 5/14/90: prior code § 20.03(1))

**11.12.080 Underage persons--
Possession of intoxicants in boats.**

No "underaged person," as that term is defined in Section 125.02(20)(m) of the Wisconsin Statutes, may knowingly possess, transport, or have under his or her control, any alcohol beverage in any boat unless the person is employed by a brewer, an alcohol beverage licensee, wholesaler, retailer, distributor, manufacturer or rectifier and is possessing, transporting or having such beverage in a boat under his or her control during his or her working hours and in the course of employment, as provided under

Section 125.07(4)(b)(m), Wis. Stats. (Ord. dated 6/11/90: prior code § 20.03(2))

11.12.090 Boat launch fees.

A. Any person, firm or corporation launching a boat at the public boat launch on Bohners Lake shall pay a fee, as established below:

1. Daily launch fees:
 - a. Boats less than twenty (20) feet: \$ 4.00
 - b. Boats twenty (20) feet or greater: \$ 7.00
2. Annual fees:
 - a. Boats less than twenty (20) feet: \$40.00
 - b. Boats twenty (20) feet or greater: \$70.00

B. Residents of the Bohners Lake sanitary district shall be exempt from the launch fee requirements provided that a launch sticker is placed on the boat trailer winch upright beam in plain view. If the sticker is not placed in plain view, residents shall be subject to the above fees, or any penalty for failure to pay the same.

C. Any person who shall violate the provisions of this ordinance shall be subject to a fine of fifty dollars (\$50.00) plus court costs.

D. The revenues from the launch fees shall be distributed eighty (80) percent to the Bohners Lake sanitary district and twenty (20) percent to the town. In lieu of actual transfer of monies, the Town shall pay for a year-round portable toilet at the Lagoon boat launch. (Ord. dated 5/14/15)

E. The town shall install and maintain a secured collection box at the public launch to accept the daily fees, shall place the fee structure and fine schedule in a prominent place at the public launch, and shall provide envelopes for payment with a receipt for placement on a vehicle dashboard. In addition, the township shall provide annual

fee launch stickers and Bohners Lake sanitary district resident stickers at the Town Hall.

F. The town police department shall collect the launch fee revenues at the end of each day during regular boating season. The moneys shall be turned over to the town clerk for deposit. (Ord. dated 10/8/98: prior code § 20.30)

11.12.100 Marking of ice fishing shanties.

Every ice fishing shanty left standing unattended after sunset on the ice of Browns Lake or Bohners Lake shall be marked by red or orange reflectorized paint at least four inches wide and applied in a continuous strip on all sides not less than two feet nor more than four feet above the level of the ice. (Prior code § 20.13)

11.12.110 Aircraft.

A. Aircraft operating on the surface of any lake in the town shall be subject to all provisions of this title which apply to motor boats.

B. No person shall take off in an airplane from the waters of any lake in the town between eleven a.m. and four p.m. on any Sunday from May 1st to October 1st of each year or on Memorial Day, the Fourth of July or Labor Day. (Prior code § 20.16)

11.12.120 Slow-No-Wake Opt Out.

Wisconsin State Statute 30.66(3)(ag)(1) provides for a slow-no-wake zone within 100 feet of the shoreline of any lake. The Town of Burlington currently establishes its slow-no-wake zone at 150 feet from the shoreline of any lake. Therefore, the Town of Burlington does hereby opt out of said section pursuant to Wisconsin State Statute 30.66(3)(ag)(2).

11.12.130 Unauthorized Mooring on Piers, Wharfs or Shoreline Areas

A. No person shall moor, tie or otherwise attach a watercraft or vessel to any pier, wharf or shoreline area owned by another without the express consent of such pier, wharf or shoreline area.

B. Removal. The water safety patrol, the police of the town or the Racine County Sheriff's Department shall cause to be removed to a convenient and safe place any watercraft or vessel moored tied, or attached to any pier, wharf or shoreline area in violation of the provisions of this section after having made reasonable efforts to provide notice to the owner or to the person in charge thereof, if known, to so remove such watercraft or vessel.

C. Costs of removal. All costs, charges and expenses of such removal are a first lien on such watercraft or vessel, which lien may be enforced in the manner provided by law. The owner of any such watercraft or vessel is also personally liable for such costs, charges and expenses, to be recovered by the municipality by a personal action.

D. Applicability. The provisions of this section shall apply to the waters of Browns Lake and Bohners Lake, lying wholly within the boundaries of the town. The provisions of this section shall be enforced by the officers of the water patrol, the police of the town or the Racine County Sheriff's Department.

E. Penalty. Any person violating any provisions of this section shall upon conviction, be subject to a forfeiture of not more than three hundred fifty dollars (\$350.00) for the first offense and not more than five hundred dollars (\$500.00) upon conviction of the same offense a second or subsequent time within twelve months.