20.01 TITLE/PURPOSE

This ordinance is entitled the "Water Use Ordinance". The purpose of this ordinance relating to the boating and water code is to provide for the public health, safety and general welfare of all people for the enjoyment of aquatic recreation consistent with statutes of the State of Wisconsin and the rights of the public in interest of Powers Lake, Lake Benedict, and Lake Tombeau.

20.02 AUTHORITY

The Town of Randall and the Village of Bloomfield have adopted this Water Use Ordinance under their specific statutory authority, powers and duties, pursuant to Chapter 30, (2013-2014) Wis. Stats., and the provisions of Chapters 60 and 61, respectively, (2013-2014) Wis. Stats.

20.03 APPLICABILITY AND ENFORCEMENT

(1) The provisions of this ordinance are adopted in the interest of public health and safety and shall apply to persons, boats, watercraft and objects upon, in and under the waters of Powers Lake, Lake Benedict, and Lake Tombeau within the jurisdiction of the Town of Randall (in Kenosha County) and the Village of Bloomfield (in Walworth County), respectively, which are all of the municipalities having jurisdiction over the waters of the said lakes.

(2) Any reference in this chapter made to the word "lake" or "water" shall be construed also in the plural and shall apply to all of the lakes and waters within the territorial jurisdiction of the respective municipalities described above. Any reference in this chapter to the "Town Board" shall mean the Town Board of the Town of Randall, and any reference in this chapter to the "Village Board" shall mean the Village Board of the Village of Bloomfield.

(3) The provisions of this chapter shall be enforced by the officers, employees and agents of the municipalities who are authorized to do so and they shall be properly designated as the Water Safety Patrol.

(4) The Village of Bloomfield authorizes the Town of Randall to act and exercise its discretion in all of the matters coming within the purview of this Water Use Ordinance, on behalf of both the Village of Bloomfield and the Town of Randall, no matter whether the matters in question would otherwise be within the jurisdiction of the Village of Bloomfield.

20.04 STATE STATUTES ADOPTED

(1) Except where more stringent provisions-of this chapter apply, the statutory provisions describing and defining regulations with respect to water traffic, boats, watercraft, boating and related activities in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein that are within the sole jurisdiction of the State of Wisconsin and/or its Department of Natural Resources, are hereby, adopted and by reference made a part of this chapter as if fully set forth herein:

Sec. 30.01 (Definitions)
Sec. 30.50 through Sec. 30.71 (All Included)
Sec. 30.80 (As described in 20.16)

(2) All rules and orders created by the Department of Natural Resources designated Chapter NR 5 of the Wisconsin Administrative Code, modifying or supplementing the foregoing provisions of the state law or which may be adopted or made in the future are hereby incorporated in and made a part of this ordinance by reference to the same as if they are or were to be set out herein verbatim.

(3) All deletions, additions and amendments which may be made to the sections of the State laws enumerated under subsection 20.04(1) above, are hereby adopted and incorporated herein by reference as of the time of their respective effective dates, as if they were to be set out herein verbatim.

20.05 GENERAL BOATING PROVISIONS

(1) **Traffic Lane**

A traffic lane is hereby established on Powers Lake embracing the waters of said lake in its entirety, excepting that area between the shore and a line two hundred (200) feet in distance from and parallel to the shoreline or as posted by navigation aids or identifying buoys. A traffic lane is hereby established on Lake Benedict embracing the waters of said lake in its entirety, excepting that area between the shore and a line one hundred fifty (150) feet in distance from and parallel to the shoreline or as posted by navigation aids or identifying buoys.

(2) **Speed Restriction**

(a) No motorboat or watercraft shall be operated within the traffic lane at a speed greater than "slow-no-wake" between the hours of sunset and 10 o'clock a.m.

(b) Outside the traffic lane, no motorboat or watercraft shall be operated at any time at a speed greater than "slow-no-wake".

(c) Slow No Wake

(i). No watercraft shall be operated at a speed greater than "slow-no-wake" at any time:

a. On Jefferson Bay when the water level of Powers Lake reaches the water-gauge elevation level of 1.3 feet or higher, as determined and calculated in accordance with subparagraph (ii)(a), below;

b. On Powers Lake when the water level on Powers Lake reaches the water-gauge elevation level of 1.5 feet or higher, as determined and calculated in accordance with subparagraph (ii)(a), below.

(ii) (a). There is a three-foot elevation gauge strip (the "Gauge") marked in one-tenth (1/10) of a foot increments, fixed to the Northeast corner of the concrete bridge structure located at Powers Lake Road outlet. This Gauge will be used to determine the water level of Powers Lake.

(b). There is a chiseled benchmark in the concrete Tombeau Road bridge edge, west side, midway between the length of the bridge span. For Lake Benedict and Lake Tombeau, slow no wake level is when the water rises to a level of 72" or less as measured from the benchmark, Tombeau Road surface level, to the top of the waterway.

(iii). When the lake level elevation is at or greater than the water elevation level set forth in this subparagraph (2)(c), such that the "slow-no-wake" restriction is in effect, the Town of Randall, in respect to Powers Lake and Lake Benedict, and the Village of Bloomfield, in respect to Lake Tombeau, shall cause a notice to be posted, at all public access points on the lake or lakes affected thereby stating that the "slow-no-wake" speed restriction is in effect. Notices shall be posted in conspicuous places at all public access points. Such notices shall be removed upon the lowering of the lake elevation level to a point below that in this subparagraph (2)(c).

(iv). Slow-No-Wake Defined

In this chapter, "slow-no-wake" means that speed at which a boat or watercraft moves as slowly as possible while still maintaining steerage control.

(d) No person may operate a boat at a speed in excess of slow-no-wake within 100 feet of any other boat. A "boat" is

defined as every description of watercraft used or capable of being used as means of transportation on water.

(3) **Mooring Lights**

No person shall moor or anchor any boat, watercraft, raft, buoy or other floating object or permit the same to drift in the traffic lane between sunset and sunrise, unless there is prominently displayed a white light of sufficient size and brightness to be visible from any direction for a distance of two (2) miles on a dark night with clear atmosphere and lights comply with Wis. Stats. § 30.61 (2013-2014). This provision shall not apply to authorized structures within the pier head line nor to boats, watercraft or objects moored or anchored in mooring areas approved by the Town Board when the entire area is marked by lights or other markers or otherwise exempt or in compliance with state statutes.

(4) **Mooring and Anchoring of Watercraft**

(a) No person shall operate or cause, allow or permit any person to operate a boat or watercraft on the waters where the boat or watercraft is moored or anchored on the shoreline of any private or public beach, park or landing, or to any pier, raft or wharf, without approval of the owner of the beach, park, landing, pier, raft or wharf. This provision shall not apply in an emergency situation where the public health and public safety of persons on the boat or watercraft is in jeopardy. A watercraft or boat may be moored or anchored as described above to landings, piers or wharves designated by the Town Board as public boat landing areas.

(b) No person may moor or anchor a boat or watercraft to, or otherwise use, any Town or Village owned pier unless said person is the Lessee. This provision shall not apply in an emergency situation where the public health and public safety of persons on the boat or watercraft is in jeopardy.

(5) **Public Landings**

The anchoring or mooring of any boat or watercraft in the waters within fifteen (15) feet of a public landing is prohibited except that boats may be tied to piers within such public landing areas upon approval of the Town Board.

(6) **Secure Anchoring**

No person shall anchor or cause, allow or permit any person to anchor any boat or watercraft on the water without causing such boat or watercraft to be at all times tied, secured and anchored with proper, care and with proper equipment and in a manner to prevent the boat or watercraft from escaping moor or anchor.

20.06 MISCELLANEOUS WATER PROVISIONS

(1) **Parasailing and Paragliding**

No person shall engage in the activity known as parasailing or paragliding except as a special activity for which a permit has been obtained.

(2) **Shooting of Projectiles Prohibited**

No person by use of a contrivance or device, or otherwise in any manner, shall throw, propel, send forth or shoot any missile, projectile or object toward or in the direction of a person, boat, watercraft or other property.

(3) **Ice Racing**

No person shall conduct or participate in a race, rally, endurance contest or other competitive event involving the use of any motor driven device, which shall include, but not be limited to, automobiles, motorcycles, mini-bikes and snowmobiles, upon the ice covering the surface of Powers Lake, Lake Benedict and Lake Tombeau, which lakes are located in the Town of Randall and Village of Bloomfield, except as a special activity for which a permit has been obtained from the Town of Randall.

(4) **Driving Automobiles or other Motor-driven Vehicle on the Ice**

(a) No person shall use or operate any automobile or other motor-driven vehicle in any manner so as to endanger persons engaged in skating or in any other winter sport or recreational activity upon the ice, nor shall any person, while using or operating an automobile or motor-driven vehicle, tow, pull or push any person or persons on skates, sled, skis, toboggan, or device or thing of any kind designed or utilized to carry or support one or more persons.

(b) No person shall use or operate any automobile at a speed in excess of twenty (20) miles per hour on the ice.

(c) No person shall operate any aerodynamic propeller-driven vehicle, device or thing, whether or not designed for the transportation of a person or persons, on the ice of the waters.

(d) "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 as defined in Sec. 340.01(4) and 340.01(35)
(2011-2012) Wis. Stats.

(e) All traffic on the ice bound waters of the lakes shall be at the risk of the traveler as set forth in Sec. 30.81(3) (2013-2014), Wis. Stats.

(5) **Lakeside Park**

(a) No watercraft or boat shall be placed or located on the shoreline of Powers Lake between Lakeside Park and the Town of Randall owned piers, except as provided in (b) below. The shoreline is defined as the intersection of the land surface abutting the water mark.

(b) No watercraft or boats, except rubber rafts under six (6) feet in length, may be placed on the land surface of Lakeside Park.

(6) **Fox Park**

(a) No watercraft or boat shall be placed or located at or on the shoreline of Benedict Lake, except as provided in (b) below. The shoreline is defined as (i) the intersection of the land surface abutting the water mark, and (ii) only that portion of the shoreline within the extended boundarylines of Fox Park.

(b) No watercraft or boat, except rubber rafts under six (6) feet in length, may be placed on the land surface of Fox Park.

20.07 SWIMMING REGULATIONS

(1) **Competent Persons; Personal Flotation Devices; Distances from Boat**

No operator of a boat or watercraft or any person within the boat or watercraft shall cause, allow or permit any person to swim, float, snorkel or engage in other swimming operations on the waters from any boat or watercraft on the waters except if the boat or watercraft is properly anchored and then only if the person remains within fifty (50) feet of the boat or watercraft during the swimming, floating, snorkeling or other swimming operations. Said boat or watercraft shall be manned by a competent person. In addition, no person shall cause, allow or permit any 'person to swim, float, snorkel or engage in other swimming operations on the waters from any boat or watercraft unless the boat or watercraft is fully equipped with the proper amount and type of U.S. Coast Guard approved personal flotation equipment or devices to be used in water rescue emergency.

Exceptions: A person is permitted to swim in the traffic lane on the waters if the person is accompanied by a competent person

in the boat or watercraft and swims within twenty five (25) feet of said boat or watercraft.

A person is permitted to swim in a traffic lane on the waters if within designated shoal areas and is further exempt from the requirement of maximum distance from a boat or watercraft if within such shoal areas.

(2) **Distances Allowed when Swimming**

Except as otherwise allowed in above Section 20.07(1), (i) no person shall swim on Powers Lake more than one hundred (100) feet from the shore or more than fifty (50) feet from any pier, raft or wharf, unless within marked authorized areas, and (ii) no person shall swim on Lake Benedict more than one hundred (100) feet from the shoreline inclusive of any pier, raft, or wharf, unless within marked authorized areas.

(3) **Time of Day for Swimming**

No person shall swim in the water traffic lane between sunset and sunrise.

(4) **Scuba Diving**

No person shall be engaged in scuba diving activities unless that person is certified or is under the direct supervision of a certified scuba diver. This section shall not apply to rescue, emergencies, or enforcement activities.

20.08 WATER SKIING

(1) **Operators and Observers; Towlines**

No person shall operate or cause, allow or permit any person to operate a boat or watercraft on the waters for the purpose of towing a person or persons on water skis, aquaplanes or similar water recreation devices unless there are at least two (2) persons present in the boat or watercraft at the time of the towing operation, with one (1) person to operate the boat or watercraft and with one (1) competent person to observe the towed person. In addition, no person shall permit himself or herself to be towed by a boat or watercraft unless there are at least two (2) persons in the boat or watercraft at the time of the towing operation with one (1) person to operate the boat or watercraft and with one (1) competent person to observe the towed person. This provision does not apply if the operation of the boat or watercraft is otherwise in compliance with Wis. Stat. § 30.69 (2011-2012).

(2) **Prohibition as to Time of Day**

No person shall operate a boat or watercraft for the purpose of towing a water skier or engage in water skiing between sunset and 10:00 a.m.

(3) **Towlines and Personal Flotation Devices**

No person shall operate a boat or watercraft with more than two (2) tow lines or allow more than one (1) person per tow line as a means of waterskiing or similar sport. An exception is allowed for two (2) persons on one tow line while on devices designed for two persons to be towed by a boat or watercraft. The persons being towed shall wear U. S. Coast Guard approved personal flotation devices, either of Type I, Type II, Type III or Type V while being towed.

(4) **Direction of Travel**

No operator of a boat or watercraft and no person shall engage in water skiing, aquaplaning, or similar sport or activity outside of the traffic lane as defined in this Ordinance, and said persons must operate in a counterclockwise pattern in the traffic lane, as well as conform to all sections of this Ordinance. A counterclockwise direction is determined by viewing the direction of the boat or watercraft as that direction is viewed from a bird's-eye view of the entire lake. The operator of a boat may, as an alternative and with reasonable caution and care, cut across the mouth of Jefferson Bay on Powers Lake.

(5) **Length of Tow Rope**

No person shall use any tow rope of more than one hundred (100) feet for purposes of water-skiing, aquaplaning, or similar activity. No operator of a boat or watercraft shall cause, allow or permit any person to be towed when the towed person is using a tow rope of more than one hundred (100) feet.

(6) **Conformity**

The operators of all boats or watercraft by means of which water skis, surfboards, aquaplanes or similar objects are being towed, and the riders of such objects, must conform to the same rules and clearances as provided in this chapter for motorboats or watercraft.

(7) **Careful and Prudent Operation of Person Towed**

No person shall water ski, aquaplane or engage in other similar water recreation operations on the waters in such an

improper, careless, negligent or willful and wanton manner that in any way may endanger the health or safety of persons or property.

(8) **Careful and Prudent Operation by Operator**

No person shall operate or cause, allow or permit any person to operate a motorboat or watercraft on the waters having in tow a person on water skis, aquaplane or similar water recreation device unless the person is operating the boat or watercraft in a careful and prudent manner and at a reasonable distance from person and property so as not to endanger the life or property of any person.

(9) **Exceptions**

The limitations of this section shall not apply to participants in ski meets or exhibitions authorized and conducted as provided in Section 20.09.

20.09 PERMIT FOR SPECIAL ACTIVITY

(1) **Required Permits**

No person shall conduct or participate in any motorboat race, motorboat regatta, water ski meet, sailboat race, sailboat regatta or other water sporting event or exhibition unless such event has been authorized by the Town Board or their authorized agent and a permit issued.

(2) **Issuance of Permits**

A permit issued under this section shall specify the course or area of water to be used by participants in such event. Permits shall be issued only when, in the opinion of the respective Town Board or its authorized agents, 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. Permits shall be valid only for the day or days and hours and areas specified thereon.

(3) **Rights of Participants**

Watercraft and participants in any such permitted event shall have the right-of-way in the marked area.

20.10 POLLUTION/LITTERING PROVISIONS

(1) **Solid Waste Pollution**

No person shall cause, allow or permit any person to discharge any solid waste or any other waste in any waters, on the

ice of any waters or upon other public or private property adjacent to waterways. This provision does not apply to a person who deposits or discharges solid waste or any other waste in conformance with Chapters 30, 31, 144, and 147, (2011-2012) Wis. Stats., or has a permit, license or other approval by the State Department of Natural Resources under these chapters.

(2) **Motor Vehicles and Watercraft Abandonment**

Any person who has placed or who has cause, allowed or permitted any person to place any motor vehicle, boat, watercraft or other vehicle into the waters shall remove said motor vehicle, boat, watercraft or other vehicle from the waters within ten (10) days of the discharge, deposit, placement or abandonment of the motor vehicle, boat, watercraft or other vehicle into the waters.

(3) **Solid Waste Discharge from Watercraft**

No person shall cause, allow or permit any person to deposit or discharge any solid waste or any other waste from any boat or watercraft into the waters, nor shall any person operating any boat or watercraft cause, allow or permit any such deposit or discharge into the waters.

(4) **Solid Waste from Adjoining Land**

No person shall cause, allow or permit any person to deposit or discharge or allow any such deposit or discharge of any solid waste or any other waste on land owned or occupied by that person wherein such solid waste or other waste will naturally flow or will, by aid of an artificial structure, flow into the waters or onto the ice of the waters.

(5) **Overboard Discharge Inactivation**

No boat or watercraft equipped with a means of discharging sewage directly from a toilet or holding tank into the water upon which the boat or watercraft is moored or is moved shall enter the lake until such means of discharge is inactivated. An owner or operator of a boat equipped with such means of discharge shall contact a representative of the Department of Natural Resources or a local law enforcement official with respect to inactivation before entering the lake. Overboard discharge inactivation shall include as a minimum either disconnection of the toilet piping, removal of the pumping device, securely plugging the discharge outlet, sealing the toilet bowl, with wax or other method approved by the official contacted. The inspecting official shall provide the boat or watercraft owner or operator with a signed written statement as to the method of inactivation accepted. The owner or operator shall give information as to the lake he or she plans to navigate and as to the time of stay on such waters. (Pursuant to Wisconsin Administrative Code Provisions, Ch. ILHR 86.07.)

(6) **Sanitation**

No person shall deposit, place or throwaway from the shore, boat, watercraft, raft, pier or platform or similar structure ,any cans, bottles, debris, refuse, garbage, solid or liquid waste, sewage or effluent into the waters of the lake or upon the ice when formed, or cause or permit the same to be done by any agent or employee.

20.11 GENERAL ARTIFICIAL STRUCTURE IN WATER PROVISIONS

(1) **Regulation of Artificial Structures, Rafts, Buoys, Platforms**

No person shall cause, allow or permit any person to maintain rafts, buoys, platforms or any other artificial structure (other than a wharf or pier) except in compliance with this ordinance and the regulations of the Department of Natural Resources under Chapter 30, (2013-2014) Wis. Stats.

(2) Regulation of Mooring Buoys

a. The mooring buoy, on Powers Lake shall not be more than one hundred and fifty (150) feet from the shoreline (ordinary high water mark) and the mooring buoy, on Lake Benedict and Lake Tombeau shall not be more than one hundred twenty-five (125) feet from the shoreline (ordinary high water mark) .

b. Such buoys shall be all white with a blue stripe midway between the top and the waterline. They will be spherical or ovate in shape with a minimum of eighteen (18) inches above the water-line.

c. There shall be only one mooring for the lake frontage of the riparian owner unless a variance is requested and subsequently granted by the Town Board.

d. There shall be no more than one boat or watercraft attached to a single mooring.

e. The mooring lines or chains shall not exceed in length more than three (3) times the depth of the water in which the boat or watercraft is moored.

(3) Regulation of Rafts or Platforms

a. The structure shall be so anchored so that at least twelve (12) inches of freeboard extends above the water line.

b. The structure shall be painted white or kept its original color if made of reflective aluminum. If not of either above mentioned configuration then a red reflector of not less than three (3) inches in diameter shall be attached thereto no more than twelve (12) inches from each corner or projection.

c. The structure shall be placed within the riparian lines of the riparian owner.

d. The structure shall not be greater than one hundred (100) feet from the shoreline (ordinary high water mark).

(4) **Regulation of Wharves and Piers**

No person shall cause, allow or permit any person to construct, place, extend or maintain any wharf or pier in the waters in the Town and/or Village unless in compliance with the Department of Natural Resources under Chapter 30, (2013-2014) Wis. Stats., and the provisions of this ordinance.

(a) Any person may seek and obtain a variance under these provisions.

(b) The applicant of a variance will submit the application to the Town Board, which will review the application within 15 days after receipt. The application will contain at least the following information:

1. The name of the applicant.
2. The address of the applicant
3. The business and residential telephone number of the applicant.
4. The age of the applicant.
5. The tax parcel number of the property.
6. The location of the proposed pier or wharf.
7. The design and dimension of the project with attached maps and diagrams, including the type and amount of construction material to be used. Such maps and drawings shall include a scale drawing indicating the survey stakes nearest the lake, if possible, and the distances from such stakes to the proposed structure.
8. The height of the project above the water line.
9. The estimated number of persons to use the pier or wharf at any one time.
10. The type and nature of the anchorage of the structure.
11. The safety equipment to be used in the structure, if any.

(c) The Town Board shall consider the following items in reaching its written determination and in reaching its decision to grant a variance, upon conditions or deny the variance:

1. The interference with the public right to navigate in navigable waters

2. The interference with the riparian rights of other riparian proprietors

3. The structure shall not interfere with the free movement of water underneath the pier or wharf

4. The structure shall be placed within the lot lines of the riparian owner.

5. Whether the structure will create a public nuisance.

(5) **Location of Wharves, Piers, Swimming Rafts and Structures Attached Thereto**

(a) No wharf, pier, swimming raft, or any structure attached thereto, shall be located, built, constructed or maintained on a lot or parcel within a distance of twelve and one-half (12-1/2) feet from a riparian proprietor's property line where such property line intersects the shoreline, nor shall the above be located, built, constructed or maintained within a distance of twelve and one-half (12-1/2) feet from a riparian proprietor's riparian line, as extended waterward from the shoreline. The maximum length of any wharf or pier shall be one hundred (100) feet from the shoreline. This restriction shall not apply to permissible preexisting wharves, piers, swimming rafts and structures attached thereto pursuant to the provisions in paragraph (3) (c) below.

(b) The provisions of Chapter NR 326 of the Wisconsin Administrative Code, as amended from time to time, shall apply in establishing the riparian proprietor's riparian lines as extended waterward from the shoreline.

(c) A wharf, pier, swimming raft or structure attached thereto is a permissible preexisting wharf, pier, swimming raft or structure attached thereto, if it existed prior to January 1, 1993, if it is not extended or expanded after that date, and if the ownership of the land to which it is attached did not change after that date, except that a wharf, pier, swimming raft or structure attached thereto continues its status as a permissible preexisting wharf, pier, swimming raft or structure attached thereto for one year after the

date of the change of ownership is recorded. The seasonal removal of a wharf, pier, swimming raft or structure attached thereto does not affect its status as a permissible preexisting wharf, pier, swimming raft or structure attached thereto if it is reestablished in substantially the same form. The owner of a wharf, pier, swimming raft or structure attached thereto may submit evidence to the Town Board that it is a permissible preexisting wharf, pier, swimming raft or structure attached thereto at any time after the effective date of this ordinance.

(6) **Fire Lane Obstructed**

No pier, wharf, raft, platform, mooring buoy, vehicle or other structure shall be placed in the waters located within the boundary of a designated fire lane unless so approved by the Town Board.

(7) **Removal of Piers and Shore Stations**

All piers, rafts, mooring buoys, and their supports and all shore stations shall either be completely removed from the water by December 1st of each year, or allowed to remain completely intact in the water through the winter months. If left in the water after December 1st, the pier or shore station shall be marked by readily visible red reflective flags, spaced at intervals of not less than ten (10) feet, at a height of at least thirty (30) inches above the deck in such a manner as to give a warning to other users of the Lake. All buoys shall be removed from the water by December 1st of each year. Any pier, shore station or buoy removed from the water pursuant to this section may be replaced in the next year after the ice is out of the waters.

(8) **Interference with Public Rights**

No person shall cause, allow or permit any person to construct or maintain any wharf, pier, beach, mooring or any other structure in the waters which interferes with the public right to navigate in navigable waters unless the person has a permit issued by the Department of Natural Resources under Sec. 30.12, (2013-2014) Wis. Stats.

(9) **Interference with Riparian Rights**

No person shall cause, allow, or permit any person to construct or maintain a wharf, pier, beach, mooring or any other structure which interferes with the riparian rights of other riparian proprietors on waters unless the person has a permit issued by the Department of Natural Resources under Sec. 30.12, (2013-2014) Wis. Stats.

(10) **Removal of wharves and Piers in Navigable Waters**

No person shall cause, allow or permit any person to maintain any wharf or pier in the waters if the wharf or pier is so old, dilapidated or is in such need of repair that it is dangerous, unsafe or unfit for use by the public. The Town Board and/or Village Board may proceed under Sec. 30.13(5m)(a)2 (2013-2014) Wis. Stats., or may proceed under Chapter 823, (2013-2014) Wis. Stats.

(11) **Pierhead Lines**

For the protection of public rights in the navigable waters, as allowed in Section 30.13(3)(b) of the Wisconsin Statutes, and pursuant to the provisions of Section 30.13(3)(a) of the Wisconsin Statutes, a pierhead line is established along a line on and into each of the lakes that is One Hundred Feet (100') from the adjacent shore. A map of the pierhead lines and related shores shall be shown on maps drawn in accordance with the provisions of Sections 30.13(a) and 30.11(3) of the Wisconsin Statutes, and upon the approval of the State of Wisconsin Department of Natural Resources of this present pierhead ordinance and related maps, this pierhead ordinance and related maps shall be recorded at the Office of the Register of Deeds for Kenosha County, Wisconsin, all as provided for in Sections 30.13(a) and 30.11(3) of the Wisconsin Statutes.

20.12 WATER SAFETY PATROL, MARKERS AND NAVIGATION AIDS

(1) **Duty of Chief of Water Safety Patrol**

(a) The Chief of Water Safety Patrol is authorized and directed to place and maintain suitable regulatory markers, navigation aids and signs, and waterway markers in such areas of the lake as shall be necessary under this ordinance, state law and state administrative code provisions, and to advise the public of the provisions of this ordinance and such state law and state administrative code provisions, and he or she shall post and maintain a copy of this ordinance at all public access points to the lake within the jurisdiction of the Town Board and/or Village Board, as applicable.

(b) Water Safety Patrol watercraft and authorized personnel of the Water Safety Patrol when on duty, are exempt from provision of this instant chapter when said watercraft and personnel are used and employed in the lawful execution of their duties and responsibilities during the enforcement of this instant chapter.

(2) **Standard Markers**

All buoys, regulatory markers, aids to navigation or waterway markers shall conform to requirements of NR 5.09 Wisconsin Administrative Code and may have affixed thereto such numbers as are assigned to them by the chief of the Water Safety Patrol; such numbers are to be located at least twelve (12) inches above the waterline.

(3) **Interference with Markers**

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 of the lake by the authority of the United States, the State, municipality or by any private person pursuant to the provisions of this chapter.

20.13 REPEAL OF CONFLICTING ORDINANCES

Any ordinance conflicting with the provisions of this ordinance or any part thereof is hereby repealed.

20.14 SEPARABILITY

If any section, subsection, sentence, portion of this ordinance is for any reason held unconstitutional, by reason of any decision made by a court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause, or phrase or portion thereof. The Town Board of Randall and the Village Board of Bloomfield, in adopting this ordinance declare that they would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

20.15 MONEY DEPOSITS

(1) If a person is cited or arrested, the person may deposit the amount of money the enforcing officer directs by mailing the deposit and a copy of the citation to the office of the municipal court having jurisdiction or by going to the municipal court or the office of the Water Safety Patrol.

(2) The person receiving the deposit shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the municipal court regarding the disposition of the deposit and notifying the defendant that if he or she fails to appear in court at the time fixed in the citation, he or she will be deemed to have

tendered a plea of no contest and submitted to a forfeiture and a penalty assessment plus costs not to exceed the amount of the deposit which the court may accept. The original of the receipt shall be delivered to the defendant in person or by mail. If the defendant pays by check, the check shall be considered a receipt.

(3) If the court does not accept the deposit as a forfeiture for the offense, a summons shall be issued. If the defendant fails to respond to the summons, an arrest warrant shall be issued.

20.16 PENALTIES

(1) The statutory provisions set forth in Sec. 30.80, (2013-2014) Wis. Stats., describing and defining forfeitures with respect to violations of the provisions of Sections 30.50 through 30.71, (2013-2014) Wis. Stats., as adopted by subsection 20.04(1) of this ordinance, are hereby adopted and by reference made a part of this chapter as if fully set forth herein.

(2) Any person who shall violate any provisions of this ordinance set forth in sections 20.01 through 20.12, inclusive, except as otherwise specified in paragraph 20.16(1) of this subsection, shall, upon conviction thereof, forfeit not more than Fifty Dollars ($50.00) for the first offense and not more than One Hundred Dollars ($100.00) upon the conviction of the same offense a second and subsequent time within one (1) year.

Adopted this 14th day of April, 2016, by the Town Board of the Town of Randall, Kenosha County, Wisconsin.

Robert M. Stoll
Town Chairman

Callie Rucker
Town Clerk