

ORDINANCE NO. 4

LAKE COMO USE ORDINANCE

The Town Board for the Town of Geneva, Walworth County, Wisconsin, does ordain that the Town of Geneva Ordinance No 4 is hereby repealed and that the following is hereby created.

Section 1. Intent.

The intent of this Ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource known as Lake Como.

Section 2. Applicability and Enforcement.

The provisions of this Ordinance shall apply to the waters of Lake Como within the jurisdiction of the Township of Geneva and shall be enforced by all duly appointed officers of the aforementioned Township and the Walworth County Sheriff's Department.

Section 3. State Boating and Safety Laws Adopted.

State boating laws as found in Sections 30.50 to 30.71 are adopted by reference.

Section 4. Definitions.

In addition to the definitions as set forth in Wisconsin Statutes Section 30.50, the following definitions are hereby adopted:

- A. "Shore Zone" means all surface water within 200 feet of the shoreline.
- B. "Swimming Zone" means an authorized area of water established by regulatory markers to designate a swimming area.
- C. "Designated Anchorage" means an area of water established and marked as an anchorage by lawful authority.
- D. "Public Access" means any access to the water by means of public property.
- E. "Navigation Lane" means an area designated by authorized aids to navigation.
- F. "Slow-No-Wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

Section 5. Wisconsin Administrative Code Regulations Adopted.

All rules and orders created by the Wisconsin 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 extent as if they are or were to be set out herein verbatim.

Section 6. Buoys and Markers.

- A. No person shall place a bathing beach marker, speed zone marker, information marker, mooring buoy, fishing buoy, or any other type of marker or buoy in the waters of Lake Como and within 150 feet from the ordinary high water mark of said lake without first making a written application and receiving a permit therefor.
- B. Any person desiring to place a marker or buoy described in Subparagraph A above in the waters of Lake Como shall first make a written application therefor to the Town of Geneva Police Department for examination, inspection, and approval or rejection, and if approved, a permit shall be issued by the Town Clerk. Before a Township permit can be issued, the proposed placement of said marker or buoy must first be inspected and approved by State of Wisconsin regulatory agencies as prescribed in Wisconsin Statutes Section 30.772 and Wisconsin Administrative Code Chapter NR 5.09.
- C. No person shall, without authority, remove, damage or destroy, or moor or attach any water craft to any buoy, beacon, or marker placed in the waters of Lake Como by any unit of government.
- D. Any marker or buoy placed in the aforesaid area shall be deemed to be an unlawful obstruction to navigation and as trespassing, and may be summarily removed by any duly constituted authority representing the Township, County or State, this in addition to the penalties set forth in Section 15 of this Ordinance.
- E. All buoys shall be removed from the water by November 1st of each year.
- F. Town of Geneva Police Department may remove all buoys, markers, or aids to navigation being privately owned or placed which are not removed before November 1st of each year, this in addition to the penalties set forth in Section 15 of this Ordinance.

Section 7. Littering of Beaches Prohibited.

No person shall place, deposit, or leave upon any public beach within the limits of the Township any paper, garbage, refuse, trash, or other discarded thing, substance, or article.

Section 8. Zones and Lanes Defined.

- A. Traffic lanes for boats shall be those areas designated as such by identifying buoys.
- B. Where the traffic lane is not so identified, a traffic lane is hereby established and shall be the greater distance between the shoreline and a line parallel to and 200 feet distant from it.
- C. A traffic lane is hereby established embracing the waters between the shore and a line

parallel to and 200 feet distant from the shore on both the north and south sides of the lake; also a slow no-wake area on the west end of the lake distinctly marked by a line of buoys. A slow no-wake area is also created in that area of Lake Como lying east of an extension of Acacia Road, which runs to the lake shore on the north side of Lake Como, and extending across the lake in a southerly direction to the west boundary line of the property of the American Brass Company of Kenosha, Wisconsin, which property bounds the south side of the lake.

D. Restrictions:

1. No person shall operate a boat outside the above-defined traffic lane in excess of the slow no-wake speed limit.

Section 9. Additional Safety Regulations and Rules.

A. Rafts and Platforms:

No person shall place or maintain any raft or platform more than 50 feet from the shore unless it is so anchored that it has at least 6 inches of free board above the water line, painted white, and has attached thereto not less than 12 inches from each corner or projection a red reflector not less than 3 inches in diameter.

B. Speed Restrictions:

No person shall operate a motorboat, or any other watercraft, on the waters of Lake Como between sunrise and sunset at a speed in excess of 35 miles per hour nor between sunset and sunrise at a speed in excess of 15 miles per hour. These speed restrictions shall not apply to a police boat engaged in an emergency or law enforcement, nor to boats participating in a race, regatta, or water ski meet duly authorized by issuance of a permit while operating in the area designated by said permit.

Section 10. Commercial Boats.

A. Definition:

The term "commercial boat" means any vessel carrying passengers for hire or which is rented for private use (e.g., ski rental boats).

B. Office of Marine Inspector:

The Office of Marine Inspector is hereby created. He shall be appointed by the Chairman of the Town Board and may be removed by him. The term of this office shall be one year from the date of appointment, or until a successor is appointed. It shall be the duty of the Marine Inspector to inspect all commercial boats operating upon the waters of Lake Como. Such inspection shall be made at intervals of not more than one year and at such shorter intervals as to any boat or class of boats as the Inspector shall deem necessary in the public interest. He shall also perform such other duties as may be delegated to him by the Town Board. He shall examine the boats for seaworthiness and for the safety of its passengers and the public. Immediately on completion of each such inspection and examination, the

Inspector shall issue to the Owner of such boat so inspected a certificate signed in his hand in his official capacity setting forth the date upon which such inspection was made, whether or not the boat was found to be seaworthy, safe for use as a commercial boat, and adequately equipped with the safety devices and equipment prescribed by this Ordinance. Such inspection report or certificate shall specify the defects, if any, in the condition or equipment of said boat which renders it unsafe for use as a commercial boat. Copies of reports shall be sent to the Town Board of the Town of Geneva as soon as possible after each inspection.

C. Inspection:

No person shall operate a commercial boat upon Lake Como unless he shall have in his possession a certificate of seaworthiness and passenger capacity from the Marine Inspector. Such certificate shall be obtained prior to operation of the boat in any year and shall be valid for one year unless sooner revoked by the Marine Inspector for the agency upon finding that such boat is unsafe, unsound, or unseaworthy. No certificate shall be issued for any commercial boat until the said Inspector finds it to be safe, sound, and seaworthy. Every owner of a commercial boat shall be responsible for its seaworthiness and its operation in a manner calculated to ensure the safety of the persons and property of others.

D. Regulations:

The following regulations and requirements shall apply to commercial boats in addition to those imposed on all boats.

1. Passengers. No owner or operator of a commercial boat shall accept or permit an intoxicated person as a passenger, or a number of passengers in excess of the capacity specified in the certificate issued by the Marine Inspector.
2. Fire Extinguishers. No person shall operate or permit the operation of a commercial boat carrying passengers for hire unless the same shall be equipped with built-in properly operating fire-extinguishing equipment approved by the Marine Inspector.

Section 11. Swimming Regulations.

A. Distance from Shore or Base:

No person shall swim more than 200 feet from the shore or more than 150 feet from any pier, anchored raft or boat unless he is accompanied by a competent person, having readily available a personal flotation device.

Section 12. Water-Skiing.

A. In addition to the rules set forth in Wisconsin Statutes Section 30.69, adopted under this

Ordinance, all water skiing is prohibited outside of the traffic lane as defined in Section 8 of this Ordinance.

Section 13. Motorboat Races, Regattas, and Water Ski Shows.

A. Permit Required:

No person shall direct or participate in any motorboat race, motor, sail, or other boat regatta, or water ski meet unless such event has been authorized and a permit issued by the Town Board.

Permit. A permit issued under this Section shall specify the course or area of water to be used by participants in such event, and the permittee shall be required to place markers, flags, or buoys approved by the Town Board designating the specified area. Permits shall be issued only if in the opinion of the Town Board the proposed use of the water can be carried out safely and without danger or substantial obstruction to other boats or persons using the lake. Permits shall be valid only for the hours and areas specified thereon.

B. Right-Of-Way of Participants:

Boats and participants in any such permitted event shall have the right-of-way in the marked area, and no other person shall obstruct such area during the race or event or interfere with the same.

Section 14. Littering or Polluting.

A. No person shall deposit, place, or throw 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.

B. The discharge of firearms is prohibited on the walkway in the dike and dam area directly east of Lake Como. The dumping of any refuse in this area is also prohibited.

Section 15. Penalties.

A. Wisconsin State boating penalties, as found in Section 30.80, are adopted by reference.

B. Any person violating any provision of this Ordinance for which a penalty is not provided shall forfeit not more than Two Hundred (\$200.00) Dollars for the first offense and shall forfeit not more than Five Hundred (\$500.00) Dollars upon conviction of the same offense a second or subsequent time within one year.

Section 16. Severability.

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or

more provision may be declared invalid and if any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 17. Effective Date.

This Ordinance shall be effective from and after its effective date and upon posting or publication thereof as provided by law.

Adopted this 13th day of March, 1995.

THE TOWN BOARD OF SUPERVISORS OF THE
TOWN OF GENEVA

Richard Ploch, Chairman (Signature on File)

Richard P. Behof, Supervisor (Signature on File)

Kenneth W. Piantino, Supervisor (Signature on File)

ATTEST:

Warren Schinke, Clerk (Signature on File)