

## **CHAPTER 19 PARKS AND PUBLIC WATERS**

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### **Chapter 19 Board Action**

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Adopted December 20, 2011 as part of Village Incorporation  
Repealed & Recreated on June 27, 2016, Ordinance No. 2016-O-06

## **19.01 PUBLIC WATERS BOATING ORDER.**

The Village Board of the Village of Bloomfield, Walworth County, as municipality as defined in Wis. Stats. Ch. 30, having jurisdiction of the waters of Pell Lake and any other public water ways, except for the waters under joint jurisdiction with the Township of Randall for Lake Benedict and Lake Tombeau as provided in Chapter 20 and Powers Lake under the jurisdiction of Powers Lake Lake District, do order inconformity with Wis. Stats. 30.77, as follows:

1) **APPLICABILITY AND ENFORCEMENT.** These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes. Therefore, the Village Board of Trustees of the Village of Bloomfield, Wisconsin, do ordain as follows:

- a) The provisions of this order are adopted in the interest of public health and safety and shall apply to persons, boats and objects upon, in and under waters of any lake as provided in Section 19.01 under the Village's jurisdiction, not operating any marine development adjacent to such lake.
- b) The provisions of this order shall be enforced by the officers, employees and agents of the municipality who are authorized to do so, and they shall be properly designated as the Water Safety Patrol, operated by the Town of Randall for Powers Lake, and the Bloomfield Water Safety Patrol, operated by the Bloomfield Police Department, or the Bloomfield Police Department and the Department of Natural Resources for all other water ways in the Village.

2) **STATE BOATING AND WATER SAFETY LAWS ADOPTED.**

- a) The statutory provisions describing and defining regulations with the 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 violations, are hereby adopted and by reference made a part of this order as if fully set forth herein:

- 30.50.....Definitions
- 30.51.....Operation of Unnumbered Motorboats Prohibited; Exemptions
- 30.52.....Certificate of Number; Applications; Issuance; Renewals; Fees
- 30.53.....Identification Number to be Displayed on Boat; 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.
- 30.64.....Patrol Boats Exempt from Certain Traffic Regulations.
- 30.65.....Traffic Rules.
- 30.66.....Speed Restrictions.
- 30.67.....Accidents and Accident Reports.
- 30.69.....Water Skiing.
- 30.70.....Skin Diving.
- 30.71.....Boats Equipped with Toilets.

- b) All rules adopted by the State Department of Natural Resources modifying or supplementing the foregoing provisions of the State law, or which may be adopted in the future, are hereby incorporated and made a part of this order by reference, the same as if they were set out herein verbatim.
- c) All deletions, additions and amendments since 1983 to the sections of the State law enumerated under sub.(a) above are hereby adopted and incorporated herein by reference as to the time of their respective effective dates, as if they were to be set out herein verbatim.
- d) Any act required to be performed or prohibited by the statutes enumerated in sub. (a) or by any statute, rule or regulation incorporated by reference herein, is hereby required to be performed or prohibited by this order, as the case may be.

### 3) LOCAL LAWS.

#### a) Boating, Swimming and Zone Restrictions.

- i. Areas Defined. All water surfaces within 50' of the shoreline and all areas marked for public swimming are hereby designated as swimming zones. All other areas of the waters covered by this order are defined to be within the boating and traffic zones.
- ii. Traffic Lane. A traffic lane is hereby established embracing the waters of the lake in its entirety, excepting therefrom the area between the shore and a line parallel to and 200' distant from the shoreline.
- iii. Zone Restrictions. No person shall operate a motorboat within 50' of the shoreline, except for the purpose of loading or unloading passengers, docking or departing from a pier or dock.
- iv. Speed Restrictions. No motorboat shall be operated in the traffic lane in excess of 10 mph between the hours of sunrise and 10 a.m. No motorboat shall be operated outside the traffic lane in excess of 5 mph at any time.
- v. Passing. No person shall operate a motorboat in the traffic lane within 200' of any swimmer, motorboat not under power, anchored boat or boat propelled by muscular power, at a speed in excess of 10 mph.
- vi. Age Limitation. To qualify for the operation of a motorboat of more than 10 h.p., O.B.C. rating or equivalent, such operator must have attained the age of 16 years, although any person who has not attained the minimum age may operate such boat if accompanied by a person over the age of 21 years.

b) Traffic Rules. Rights-of-way: Boats leaving or departing from pier, dock or wharf shall have the right-of-way over all other boats, approaching such dock, pier or wharf. Boats propelled entirely by muscular power shall yield the right-of-way to sailboats, when necessary to avoid risk of collision.

c) Mooring Lights Required. No person shall moor or anchor any boat, raft, buoy or other

floating object, or permit the same to drift in the traffic lane above described, between sunset and sunrise, unless there is prominently displayed thereon a white light of sufficient size and brightness to be visible from any direction for a distance of one mile on a dark night and clear atmosphere. This provision shall not apply to authorized structures within the pierhead line, nor the boats or objects moored or anchored in mooring areas approved by the Water Safety Patrol, or other authority as provided in Sec. 19.01(1)(b), when the entire area is marked by lights or other markers approved by the authority.

- d) Rafts, Buoys and Platforms. No person shall place or maintain any raft, buoy or platform more than 50' from the shore unless it is so anchored that it has at least 6" of free board above the water line, painted white, and has attached thereto not less than 12" from each corner or projection, a red reflector not less than 3" in diameter. All buoys shall extend to at least 6" above the water and be conspicuous.
- e) Swimming.
  - i. From Boats. No person shall swim from any boat unless such boat is anchored.
  - ii. Distance from Shore or Base. No person shall swim more than 100' from shore or more than 50' from any pier (unless within marked authorized areas), anchored raft or boat, unless he is accompanied by a boat manned by a competent person and having readily available a ring buoy and a person trained in life saving techniques. Such boat shall stay reasonably close to and guard such swimmer. If there is more than one swimmer, each shall be accompanied by a separate boat, as above described.
  - iii. Hours. No person shall swim in the traffic lane from sunset to sunrise.
  - iv. Snorkel Restrictions. No person under 16 years of age shall swim with a snorkel.
- f) Water Skiing.
  - i. Area. All water skiing is forbidden outside the traffic lane.
  - ii. Tow Lines. There shall be no more than 2 tow lines per boat, and no more than 2 persons using such tow lines as a means of water skiing or similar sport.
  - iii. Boat Operation. No watercraft which shall have in tow a person or persons on water skis, surfboard, aquaplane or similar contrivance, shall be operated unless such watercraft shall be occupied by at least 2 competent persons 16 years of age or older. One such person shall operate the boat and observe boat traffic at all times, and the second such person shall observe the person or persons being towed.
  - iv. Safety Device. Any person or persons being towed on water skis, surfboard, aquaplane or similar contrivance, must wear a life saving device approved by the United States Coast Guard.
  - v. Direction of Travel. The boats 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 order for motorboats.

g) Races, Regattas, Sporting Events and Exhibitions.

- i. Permits. No person shall direct or participate in any motorboat race, motorboat regatta or water ski meet or similar event unless such event has been authorized and a permit issued by the Village President of the Village Board or their authorized agents. A permit issued under this subsection shall specify the course of 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 Village President of their authorized agents designating the specified area. Permits shall be issued only if in the opinion of the Village President of the Village Board, or their authorized agents, 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 day or days and the hours and areas specified thereon.
- ii. Rights of Participants. Boats and participants in any such permitted events 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.

h) Sanitation.

- i. Littering Waters and Ice. No person shall deposit, place or throw from the shore, boat, raft, pier, platform or liquid waste, sewage or effluent into the waters of the lake or upon the ice when formed.
- ii. Toilets. The toilet of any boat must be plugged from the outside of the hull in such manner that the plug cannot be removed from the inside of the boat.

i) Safety Patrol, Markers and Navigation Aids.

- i. Duty of the Director. The Director of the Water Safety Patrol or other authority as provided in Sec. 19.01(1)(b) is authorized and directed to place and maintain suitable markers, navigation aids and signs in such areas of the lake as shall be necessary under this order and appropriate to advise the public of the provisions of this order, and to post and maintain a copy of this order at all public access points to the lake.
- ii. Standard Markers. All markers placed upon the waters of the lake shall comply with the regulations of the State Department of Natural Resources.
- iii. 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 or a municipality or by any private person pursuant to the provisions of this order.

j) Penalties and Deposits.

- i. Major Violations. Any person who shall violate the provisions adopted by subsection (2) of this order, as described and defined in Wis. Stat. 30.67(1) or 30.68(1) or (2),

shall upon conviction thereof, forfeit not more than \$200 nor less than \$25, with the costs of prosecution thereof, and in default of payment of such forfeiture and costs, shall be imprisoned in the County jail until full payment is made but not to exceed 30 days.

- ii. **Minor Violations.** Any person who shall violate any provision of this order, except as specified in subpar. 1. above, shall upon conviction thereof, forfeit not more than \$100 nor less than one dollar, with the costs of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until full payment is made, but not to exceed 30 days.
- iii. **Money Deposits.** Any officer arresting a person for violation of a provision of this order, who is unable to bring the person arrested before the appropriate court without necessary delay, shall permit such person to make a money deposit as provided by law. Such deposit shall be made to the municipal judge or circuit judge, whichever is appropriate, for the municipality where the violation occurred.

## **19.02 PUBLIC BEACHES.**

- 1) **SOAPS OR DETERGENT PROHIBITED.** No soaps or detergents of any kind or for any reason shall be used upon any public beach, waters or lakes in the Village.
- 2) **ANIMALS PROHIBITED.** No animals of any kind shall be allowed upon any public beach or in any public access waters in the Village.
- 3) **REFUSE PROHIBITED.** No glass, metal, plastic, paper or any other type of refuse shall be disposed of upon any public beach or waters in the Village except in containers provided for the disposal of same.
- 4) **CONDUCT REGULATED.** Baseball, football or any other sports, except beach volleyball as provided by the municipality or lake association in a designated area, indecent exposure, loud music, violet or abusive language or any type of a disturbance to the annoyance of others upon any public beach in the Village shall be considered an act of disorderly conduct.
- 5) **FIRES REGULATED.**
  - a) Open fires shall not be allowed on any part of a public beach in the Village.
  - b) Fires for cooking purposes shall be allowed in designated areas only and must be in suitable containers.
  - c) Fire remains shall be put out completely and disposed of in refuse containers. Burning embers shall not be dumped on the ground or put in refuse containers.
- 6) **ALCOHOL BEVERAGES PROHIBITED.**
  - a) No beer, wine or intoxicating liquors shall be opened or consumed on public beaches in the Village at any time, except when a permit for a Temporary Class “B” Picnic License

is granted provided the area of serving, selling, and consuming is designated and roped off per plan and license is approved by the Village Board.

- b) Tavern owners or bartenders allowing patrons to take open intoxicants off their premises to be consumed in the public are subject to prosecution and revocation of license under Chapter 11 of this Municipal Code.

7) **BOAT LAUNCHING.**

- a) No person shall launch a boat from the beach areas in the Village, except as provided by a Special Events Permit authorized by the Village Board.
- b) A launching site is provided for small boats on Lakeshore Drive, ½ block east of Clover Road at Bernice Road. Boat trailers shall be parked near this site as posted.

- 8) **HOURS.** Public beaches in the Village shall be closed to any public use or occupancy between the hours of 11:30 p.m. and 4:00 a.m.

**19.03 MOTOR VEHICLE RACING ON PELL LAKE.**

- 1) **PURPOSE.** The purpose of this Section is to promote the public health, safety and general welfare.
- 2) **DEFINITIONS.** The following terms shall have the same meaning as contained in the designated sections of the Wisconsin Statutes:
  - a) Motor Vehicle. Sec. 340.01(35).
  - b) Motorcycle. Sec. 340.01(32).
- 3) **RACING PROHIBITED.** No operator of a motor vehicle or motorcycle shall participate in any race or speed endurance contest upon the ice on any public waters in the Village except by special permission of the Village Board of the Village of Bloomfield.

**19.04 SLOW-NO-WAKE SPEED RESTRICTIONS.**

- 1) **SPEED RESTRICTIONS.** No motorboat shall be operated within the traffic lane at a speed greater than “slow-no-wake” between the hours of sunset and 10:00 a.m. Outside the traffic lane, no motorist shall be operated at any time at a speed greater than “slow-no-wake”, and it being further provided that no person shall operate a motorboat on the waters of said lakes at a speed greater than is reasonable and prudent under the conditions, and having regard for the actual and potential hazards then existing.
- 2) **SLOW NO WAKE.**
  - a) No watercraft shall be operated at a speed greater than “slow-no-wake” at any time:

- i. On Jefferson Bay when the water level of Powers Lake reaches a water elevation level of 24 inches as determined and calculated in accordance with (2b), below;
    - ii. On Powers Lake, within 400 feet of the shore, when the water level on Powers Lake reaches a water elevation level of 20 inches as determined and calculated in accordance with (2b), below.
  - b) There is a benchmark “x” chiseled square in the center of the east side of the bridge outlet on Powers Lake Road (County Trunk FF) which is at an assumed elevation of 100.00 according to the records on file with the Wisconsin Department of Natural Resources and specifically as designated on the lake survey map of Powers Lake dated May 1960, revised July 1967. The water elevation level referred to in (2a) above, shall mean that the water elevation level in relation to and measured from the benchmark “x” referred to herein. That, for illustration purposes, attached hereto and incorporated herein is a diagram of said benchmark.
- 3) NOTICE TO BE POSTED. When the water level elevation is at or greater than the water elevation level set forth in Section 19.04(2), above, the Town of Randall, in respect to Powers Lake, 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. Said notices shall be posted in conspicuous places at all public access points. Said notices shall be removed upon the lowering of the lake elevation level to a point below that set forth in Section 19.04(2), above.

#### **19.05 PENALTY.**

Unless otherwise provided in this Chapter, any person found to be in violation of any provision of this Chapter or any rule or regulation issued hereunder shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.