

Eagle Lake Use Regulations

Sections:

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12.08.020 Driving on ice.

12.08.030 Mooring buoys.

12.08.010 Regulations governing the use of Eagle Lake.

A. Boats and Boating.

1. Declaration of Intent. It is declared that the purpose of this section shall be to further the public interest, welfare and safety in the operation of water-crafts on the waters of Eagle Lake, lying wholly within the boundaries of the town.
2. Definition. The term "person" includes any individual, firm, partnership, corporation, company, association or body politic, except the United States, the state and duly authorized law enforcement officers, and includes any agent, trustee, executor, receiver, assignor or other similar representative thereof.
3. State Laws Adopted. Except as otherwise specifically provided, the statutory provisions in Sections 30.50 to 30.71 of the Wisconsin Statutes and rules of the Department of Natural Resources enacted pursuant to those statutory provisions, describing and defining regulations with respect to boating laws, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are adopted and by reference made a part of this chapter as if fully set forth. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the laws incorporated in this section are intended to be made part of this chapter in order to secure uniform statewide regulation of boating in the state.
4. Hours of Operation. No person shall operate any motorboat upon the waters of Eagle Lake in the town at more than idling speed during the hours from sunset or eight p.m., whichever is earlier, until ten a.m. of the next following day. This restriction shall not apply to duly authorized water ski tournaments, competitions, exhibitions or trials therefor, where adequate lighting is provided.

5. Waterskiing.
 - a. No person shall operate a motor boat towing a person on waterskis, aquaplane or similar device nor shall any person permit himself or herself to be towed by a motor boat while on such waterskis, aquaplane or similar device, unless the motor boat be occupied by at least two competent persons.
 - b. No person operating a motor boat shall tow more than two persons on waterskis, aquaplane or similar device.
 - c. No person shall operate a motor boat towing a person on waterskis, aquaplane or similar device, nor shall any person engage in waterskiing, aquaplaning or similar activity during the hours set forth in subsection (A)(4) of this section.
 - d. The provisions of subsections (A)(1), (A)(2) and (A)(3) of this section shall not apply to duly authorized waterski tournaments, competitions, exhibitions or trials therefor and, if such are scheduled to be conducted during the hours of darkness, where adequate lighting is provided.
6. Restricted Speed Areas. No person shall operate a motorboat at more than idling speed closer to the shoreline of Eagle Lake than a distance which may from time to time be marked by the placement of approved buoys or markers. In addition to complying with the foregoing, no person may operate a motorboat on Eagle Lake at a speed in excess of forty-five (45) miles per hour as posted by established regulatory markers.
7. Traffic Flow. No person shall operate a motor driven boat in other than a counter-clockwise direction on Eagle Lake except at idling speeds. All persons in control of boats entering Eagle Lake at public launch ramps shall depart in a counter-clockwise direction.
8. Racing. No person shall operate a motor boat on Eagle Lake in a contest of speed or maneuverability unless such contest or competition is duly authorized by the town board.
9. Procedure on Arrest. Whenever a person is arrested for a violation of any of the provisions of this section, the constables and the water patrol officers are authorized to receive from the accused a deposit in money or its equal in an amount not to exceed the amount of the maximum forfeiture which may be imposed after the accused is found guilty or such other amount as may be fixed by the municipal court in establishing a bail bond schedule. When the accused makes such money deposit, he or she may be released from arrest until the court having jurisdiction of the alleged violation opens, or the next succeeding day in which such court is in session, or until such other time as may be fixed for the hearing of the case.
10. Failure of Defendant to Appear. If the person so arrested and released fails to appear personally or by an authorized attorney or agent before the

court at the time fixed for hearing, the money deposited by the accused shall be retained and used for the payment of the forfeiture, which forfeiture may be imposed either with or without costs in the discretion of the court. The excess, if any, shall be returned to the person who makes the deposit upon his or her making application for the same. If the accused is found not guilty, the entire amount of the deposit shall be refunded to the depositor upon making application for the same.

11. Arrest for Violation. Any person violating any of the terms of this section shall be subject to arrest, and such arrest may be made on the waters of Eagle Lake or ashore and any constable or water patrol officer may pursue the offender ashore in order to enforce the terms hereof.
12. Enforcement. It shall be the duty of the town constable or any other person or persons subsequently empowered by special authorization of the town board to enforce the provisions of this section and of Section 12.08.030 pertaining to the placement of mooring buoys on Eagle Lake. Any person so authorized shall not carry or use any firearm or like weapon in the course of his or her duties unless such person has completed the requisite training program and obtained the certification required by Section 165.85(4) of the Wisconsin Statutes.

B. Piers to be Removed.

1. Removal of Piers and Other Structures and Devices. Every person maintaining a pier, wharf, boat lift or other structure or device in the waters of Eagle Lake shall remove the same on or before November 1st of each year and shall not again place it in the waters of Eagle Lake prior to March 1st of each year. This section shall not apply to piers exceeding nine tons in weight.
2. Placement of Obstacles on Ice. It is unlawful for any person to place upon the frozen waters of Eagle Lake any obstruction or obstacle interfering with the navigation thereof by snowmobiles and ice boats, with the exception of ice fishing shanties.
3. Removal by Town. In addition to the penalties hereinafter provided, in the event any owner of property having riparian rights to the waters of Eagle Lake maintains a pier from his or her land into the waters of Eagle Lake and fails to remove the same by November 1st of any year, the town may cause the same to be removed and assess the costs of such removal against the real estate as a special charge.

C. Boat Launch and Parking—Town Park.

1. Purpose. The purpose of this subsection C is to set hours for the users of the town park located on Lot B in Eagle Lake Terrace Subdivision (as per map recorded March 27, 1928 in Volume P of Plats at page 3 as document number 342179); to restrict the uses of the park from ten p.m.

each evening until six a.m. the following morning and to establish a schedule of fees therefor.

2. **Park Hours.** The park shall be open for general purposes from six a.m. until ten p.m. daily. Use of the park from ten p.m. until six a.m. the following day shall be restricted to boat launching and the parking of boat trailers and boat towing or hauling vehicles. No loitering or other use of the park shall be permitted between the hours of ten p.m. and six a.m.
 3. **Fee Requirement.** Residents of the town shall pay four dollars (\$4.00) daily or forty dollars (\$40.00) annually, and nonresidents shall pay five dollars (\$5.00) daily or fifty dollars (\$50.00) annually, for launching a boat and/or parking a vehicle on park premises. The town may construct and install at the launch a steel lockbox for the collection of the fee.
 4. **Penalty.** Violation of this section can and will result in the imposition of penalties according to Section 1.08.010.
- D. **Glass Containers Prohibited.** No person shall possess any glass container on or in the waters of Eagle Lake or within three feet of the shoreline of the lake.
- E. **Tires Prohibited on Piers and Wharfs.** No person shall cause, allow or permit any tire on any wharf or pier in the waters of Eagle or on any boat present in the waters of Eagle Lake.
- F. **Penalties.**
1. Any person, firm or corporation violating any of the provisions of subsections (A)(4) through (A)(8) of this section, inclusive, subsection B of this section or Section 12.08.030 pertaining to the placement of mooring buoys in Eagle Lake shall, upon conviction thereof, forfeit to the town the sum of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for each such offense.
 2. Any person, firm or corporation violating any of the provisions of subsection C of this section shall, upon conviction thereof, forfeit to the town the sum to be established, as from time to time may be deemed fit and proper, by resolution of the town board. The town clerk shall make such resolution available for public inspection upon request at all reasonable times and hours.
 3. Any person violating the provisions of subsection (A)(3) of this section incorporating Sections 30.50 through 30.71, inclusive, of the Wisconsin Statutes relating to intoxicated boating, shall, upon conviction thereof, forfeit to the town the sum of not less than one hundred fifty dollars (\$150.00) nor more than three hundred dollars (\$300.00) for the first such violation within a five-year period and shall be referred to state authorities

for prosecution for the second and subsequent violations within a five-year period.

4. Except as provided in subsection (F)(3) of this section, any person, firm or corporation violating any of the provisions of the Wisconsin Statutes incorporated in subsection (A)(3) of this section shall, upon conviction thereof, forfeit to the town the sum of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for each offense.
5. Any person who fails to pay any forfeiture and costs imposed pursuant to this section within sixty (60) days of the imposition thereof, shall be imprisoned in the county jail until such forfeitures and costs are paid, but not exceeding ten days, or shall have his or her driver's license suspended, but not for a period exceeding five years. (Ord. 2000-7; Ord. 2000-5; Ord. 99-12; Ord. 93-4 § 1; Ord. 92-31 § 1; Ord. 92-26 § 1; Ord. 91-23 § 1; Ord. 90-5 § 1; prior code § 6.09)

12.08.020 Driving on ice.

A. **Driving on Ice Prohibited.** It is unlawful for any person to operate a motor vehicle, except as provided in this section, upon the ice cover of Eagle Lake, which is wholly within the boundaries of the town. "Motor vehicle" is defined as any vehicle which is self-propelled.

B. **Exemptions.** Subject to the restrictions set out in this section, this section shall not apply to:

1. The operator of any authorized emergency vehicle when responding to an emergency call or when in pursuit of an actual or suspected violator of the law;
2. The operator of any vehicle who has been issued a permit by the town board to operate a vehicle upon an ice covered lake at the times and places specified in such permit issued in accordance with subsection D of this section.
3. Snowmobiles and all terrain vehicles as defined in Wisconsin Statutes Section 340.01(2g).

C. **Wisconsin Statutes Adopted.** Under the authority granted in Wisconsin Statutes Section 30.81, Chapter 350, pertaining to snowmobiles, and Section 23.33, pertaining to all terrain vehicles, and any amendments thereto are adopted and incorporated in this section by reference, and in addition to the restrictions therein contained:

1. No person shall operate a snowmobile or all terrain vehicle on the ice of Eagle Lake within one hundred fifty (150) feet of the shoreline at a speed greater than ten miles per hour.
 2. No person, group of persons or organization shall engage in races, time trials or other activities in which two or more snowmobiles or all terrain vehicles engage in contests of speed and/or maneuvering unless a permit to conduct such activity is first obtained from the town board.
- D. Permits. The town board may issue a permit or permits to operate a motor vehicle not otherwise permitted on the ice of Eagle Lake, or to persons, groups or organizations conducting a contest or other activity involving two or more snowmobiles or all terrain vehicles, subject to the following:
1. Any person, group of persons or organization desiring to operate a motor vehicle other than a snowmobile or all terrain vehicle on the ice of Eagle Lake, or to conduct contests of speed and/or maneuvering, shall file an application therefor with the town clerk. Such application shall contain the following information:
 - a. The name and address of the applicant or agent for an activity or group making application;
 - b. The type of motor vehicle or vehicles to be operated and, if applicable, the nature of the activity to be conducted;
 - c. The date and the hours thereof that such vehicle or vehicles will be operated or activity conducted;
 2. The town board shall consider the application at the next meeting following receipt thereof.
 3. In the event the board concludes that the issuance of a permit to operate the specified vehicle or vehicles or to conduct the proposed activity on the specified date during the specified times on Eagle Lake is not inimical to the safety of the operator or operators or to that of the public, the board may issue such permit to the applicant. Such permit shall be in writing and shall limit the operation of the specified motor vehicle or vehicles or the activity to the lake, the date or dates, and the hours indicated on the permit. Failure on the part of the operator to comply strictly with the terms of such permit shall cause the same to be null and void.
 4. The permit fee is ten dollars (\$10.00).
- E. Penalty. Any person violating the terms of this section shall, upon conviction thereof, forfeit not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) plus costs of prosecution or in default of payment thereof, by imprisonment in the county jail not more

than thirty (30) days or until such forfeiture and costs are paid, whichever occurs sooner. (Prior code § 8.06)

12.08.030 Mooring buoys.

- A. State Statutes Adopted. The provisions of Wisconsin Statutes Chapter 30, as it relates to the placement of buoys in the navigable waters in Wisconsin, and the provisions of Wisconsin Administrative Code NR 5.09, and any amendments thereto, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.
- B. Permit Required.
 - 1. When Required. No person shall place a mooring buoy in the waters of Eagle Lake without having first obtained a permit therefor as provided in this section nor without complying with all the provisions of this section and all applicable statutes, ordinances, and regulations of the state and town.
 - 2. Application. Application for the placement of a mooring buoy shall be made on Department of Natural Resources forms provided by the town clerk, and the issuance of permits shall be subject to prior approval of the Department of Natural Resources.
 - 3. Fee. A fee of ten dollars (\$10.00) shall accompany each application.
- C. Owner Permission Required. Mooring buoys can only be approved for placement if the applicant is a riparian owner or to a nonriparian who has obtained written permission from the riparian owner directly affected. Three copies of the authorization by the riparian affected must be attached before application for the placement of mooring buoys by non-riparians can be processed.
- D. Placement of Buoys. Buoys may be placed in only the place designated in the application, and under no circumstances shall be moved therefrom without prior approval of the town board and Department of Natural Resources. Placement shall not infringe upon the rights of other riparians or the public and shall be limited to the designated no wake zone of the lake. Buoys may not be placed before May 1st of the license year and shall be removed by November 1st.
- E. Buoy Construction. Mooring buoys shall extend eighteen (18) inches above the waterline, be white in color with a blue band clearly visible above the waterline, and they shall be spherical or ovate in shape.

Anchors shall be of such size and weight so as to prevent the movement of the buoy, and connecting lines or cables shall be neatly trimmed. All mooring buoys and anchoring devices shall be removed from the lake before November 1st of each year.

- F. Revocation and Suspension of Permit. Whenever the holder of a permit under this section violates any portion of this section, proceedings for the revocation or suspension of such permit may be instituted in accordance with Section 5.04.120.
- G. Penalties. Any person, firm or corporation violating the provisions of this section shall be punished in accordance with Section 12.08.010F. (Prior code § 8.09)