

## Chapter 13

### BOATING REGULATIONS

**[HISTORY: Adopted by the Town Board of the Town of Linn 11-13-1995 (Ch. 13 of the 1995 Code). Amendments noted where applicable.]**

#### GENERAL REFERENCES

Driving onto lake — See § 9-10.

#### **§ 13-1. Applicability and enforcement.** [Amended 5-9-2005]

- A. Applicability. The provisions of this chapter are adopted in the interest of health and safety and shall apply to persons, boats and other objects upon, in and under the waters and ice of Geneva Lake.
- B. Enforcement.
  - (1) Pursuant to § 30.79, Wis. Stats., a water safety patrol unit known as the "Geneva Lake Law Enforcement Agency" is recognized as the law enforcement agency charged with enforcing §§ 30.50 to 30.80, Wis. Stats., and the Uniform Geneva Lake Boating Regulations upon the waters of Geneva Lake.
  - (2) The Geneva Lake Law Enforcement Agency shall be governed by a Board of Administrators to consist of the respective Town Board Chairman, Village President and Mayor from each of the municipalities. The Board of Administrators shall have the power to hire any personnel necessary for the operation of the unit. It shall also have the power to establish any staff to directly supervise the operation of this unit. Such staff shall be directly responsible to the Board of Administrators.

#### **§ 13-2. Adoption of state laws; speed limits.**

- A. The statutory provisions describing and defining regulations with respect to water and ice traffic, boats, boating and related water and ice 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 violation of said statutes, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any statute incorporated by reference herein is required or prohibited by this chapter.

30.50 Definitions

30.501 Capacity plates on boats

- 30.51 Certificate of number and registration; requirements; exemptions
- 30.52 Certificate of number and registration; application; certificate and registration period; fees; issuance
- 30.523 Certification or registration card to be on board; display of decals and identification number
- 30.53 Certificate of origin; requirements; contents
- 30.531 Certificate of title; requirements; exemptions
- 30.533 Application for certificate of title; hull and engine identification numbers
- 30.539 Contents of certificate of title
- 30.54 Lost, stolen or mutilated certificates
- 30.541 Transfers of boat titles
- 30.543 Report of stolen or abandoned boats
- 30.544 Inspection of boats purchased out-of-state
- 30.549 Transfer of ownership of boats with a certificate of title, certificate of number or registration
- 30.55 Notice of abandonment or destruction of boat or change of address
- 30.60 Classification of motor boats
- 30.61 Lighting equipment
- 30.62 Other equipment
- 30.63 Sale and use of certain outboard motors restricted
- 30.64 Patrol boats
- 30.65 Traffic rules
- 30.66 Speed restrictions
- 30.67 Accidents and accident reports
- 30.675 Distress signal flag
- 30.68 Prohibited operation
- 30.681 Intoxicated boating
- 30.682 Preliminary breath screening test
- 30.683 Implied consent
- 30.684 Chemical tests
- 30.686 Report arrest to department
- 30.687 Officer's action after arrest for violating intoxicated boating law

- 30.69 Waterskiing
- 30.70 Skin diving
- 30.71 Disposal of waste from boats equipped with toilets

- B. All rules and orders created by the Wisconsin Department of Natural Resources designated Ch. NR 5, Wis. Adm. 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 chapter by reference to the same as if they are or were to be set out herein verbatim.
- C. All deletions, additions and amendments which may be made to the sections of the state laws enumerated under Subsection A 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.
- D. Speed limits.
  - (1) No person shall operate any boat powered by an engine, or any other boat, in or upon the waters of Geneva Lake at a speed in excess of 35 miles per hour between sunrise and sunset nor at a speed in excess of 15 miles per hour between sunset and sunrise, from 12:01 p.m. Friday to 12:00 midnight Sunday, from May 15 to September 30 of each year, and from 12:01 a.m. to 12:00 midnight on Memorial Day, the Fourth of July, and Labor Day of each year. At all other times during the year, no person shall operate any boat powered by an engine, or any other boat, in or upon the waters of Geneva Lake at a speed in excess of 45 miles per hour between sunrise and sunset nor at a speed in excess of 15 miles per hour between sunset and sunrise.
  - (2) The speed limit set forth in Subsection D(1) shall not apply to police patrol boats in situations involving emergencies, or while engaged in law enforcement, nor to boats participating in a duly authorized race, regatta or water-ski meet in the designated area authorized by said permit. The speed limit set forth in Subsection D(1) shall not apply to Water Safety Patrol boats in situations involving emergencies.

**§ 13-3. Zones, lanes and restrictions.**

- A. Zones and lanes defined.
  - (1) All areas marked by buoys and/or regulatory markers as swimming zones are so designated as swimming zones.
  - (2) Traffic lanes for boats shall be those areas designated as such by identifying buoys or other aids to navigation.
  - (3) 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, and 100 feet from any dock, raft, pier, structure, mooring area or buoyed restricted area.

B. Restrictions.

- (1) Traffic lights. Any municipality may install and operate boat traffic lights and when so installed and operating they must be obeyed by all boat or other watercraft operators using such traffic lane.
- (2) No water traffic outside the traffic lane shall exceed the slow-no-wake speed limit.

**§ 13-4. Additional safety regulations and rules.**

- A. Right-of-way at docks, piers and wharves. Boats leaving or departing from a pier, dock or wharf shall have the right-of-way over all other boats approaching such dock, pier or wharf.
- B. Right-of-way of sailboats over rowboats. Boats propelled entirely by muscular power shall yield the right-of-way to sailboats when necessary to avoid risk of collision.
- C. Mooring lights. 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 two miles on a dark night with clear atmosphere. This provision shall not apply to authorized structures within the pierhead line nor to boats or objects moored or anchored in mooring areas.
- D. 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 six inches of freeboard above the water line and has attached thereto not less than 12 inches from each corner or projection a red reflector not less than three inches in diameter.
- E. Swimming regulations.
  - (1) Swimming from boats. No person shall swim from any boat unless such boat is anchored or the boat is manned by a competent person.
  - (2) Swimming in traffic lane. No person shall swim in the traffic lane unless accompanied by a boat manned by a competent person. Such boat shall stay within 50 feet of and guard such swimmer. This subsection is subject to the provisions set forth in Subsection E(3) below.
  - (3) Hours limited. No person shall swim in the traffic lane from sunset to sunrise.
- F. Waterskiing.
  - (1) All waterskiing is forbidden outside the traffic lane.
  - (2) No watercraft which shall have in tow a person or persons on water skis,

surfboards, or similar devices shall be operated upon Geneva Lake unless such watercraft shall be occupied by at least two competent persons. One person shall operate the boat and observe boat traffic at all times and the second shall observe the towed person.

- (3) The drivers or operators of all watercraft by means of which aquaplanes, water skis, or similar devices are being towed, and the riders of such devices, must conform to the same rules and clearance as provided in this chapter for motorboats.
  - (4) Any person using water skis, an aquaplane or a similar device, or any person who is towed in any manner by a watercraft or other means, shall wear or have on his or her person a United States Coast Guard approved personal flotation device.
- G. 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, watercraft or other property.
- H. Buoys to be out by the first day of winter.
- (1) All buoys shall be removed from the water by the first day of winter of each year.
  - (2) Every municipality, the Water Safety Patrol and the Geneva Lake Law Enforcement Agency may remove all buoys, regulatory markers or aids to navigation being privately owned or placed which are not removed before the first day of winter of each year.

**§ 13-5. 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. Overboard discharge inactivation. No boat equipped with a means of discharging sewage directly from a toilet or holding tank into the water upon which the boat is moored or is moved shall enter inland or outlying waters of the state 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 state waters. 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 of the toilet bowl with wax or other method approved by the official contacted. The inspecting official shall provide the boat 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 inland or outlying waters he plans to navigate and as to the time of stay on such waters. (Pursuant to § Comm 86.07, Wis. Adm. Code.)

**§ 13-6. Markers and navigation aids.**

- A. Duty of director-manager. The Director of the Water Safety Patrol and the Manager of the Geneva Lake Law Enforcement Agency are 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 chapter, state law and State Administrative Code provisions and to advise the public of the provisions of this chapter and such state law and State Administrative Code provisions, and they shall post and maintain a copy of this chapter at all public access points to the lake.
- B. Standard markers. All regulatory markers, navigation aids and other waterway markers placed upon the waters of the lake shall comply with the regulations of the Department of Natural Resources.

**§ 13-7. Skin diving and swimming; scuba diving and swimming; skin fishing.**

- A. In the interest and protection of the public health, safety and general welfare, the Board of Trustees of Williams Bay deems the area comprising Geneva Lake north of a line drawn from the most southerly point of Conference Point on the west and the most southerly point of Cedar Point on the east, and the Board of Trustees of Fontana on Geneva Lake deems the area comprising said lake west of a line drawn from the north line of Belvidere Park on the north shore and the eastern edge of the public road east of Club Unique Subdivision on the south shore in the village, and the Common Council of Lake Geneva deems the area of Geneva Bay from Geneva Bay Estates east to the lakefront of the Somerset Condominium Association, as being highly congested and hazardous for all kinds of water traffic, especially motor-powered watercraft of all kinds, sailboats, water-skiers and fishermen, and that subsurface activities are especially dangerous in said areas because persons engaged in such activities cannot be seen by observers on the surface of the water. Therefore, said Boards deem it expedient, proper and necessary to ordain as follows: All skin and other underwater diving and swimming used or performed with self-contained underwater breathing apparatus (SCUBA diving) or similar devices are hereby forbidden during the period from May 20 to September 15 of each year within the above-described areas, except to recover personal property and bodies and to examine the bottom of the lake from some public authority, and then only after making application for and receiving permission from the Water Safety Patrol in writing.
- B. No person shall engage in underwater diving and swimming with self-contained underwater breathing apparatus without first having registered and been issued a permit card provided by the Water Safety Patrol.
- C. It shall be unlawful to SCUBA dive underwater when unassisted. When assisted it must be so done that each diver shall have another with him who is a competent, properly equipped SCUBA diver.
- D. A SCUBA diver shall be accompanied when in the water by a boat equipped with an approved dive flag as provided in § 30.70, Stats. The boat must be anchored and

must be manned by a competent person.

- E. There shall be no SCUBA diving at any of the public beaches, nor shall SCUBA diving be done in such a way as to interfere with fishermen and their lines, or with boats and their anchors.
- F. Restricted areas on the lake other than those above designated may be out of bounds for SCUBA divers as determined by the Water Safety Patrol. These areas shall be properly marked and designated.
- G. All SCUBA divers and all other users of Geneva Lake who find articles of any value on the bottom of the lake shall deliver them to the Water Safety Patrol for return to their proper owners, and if such owners cannot be found, then for disposal according to law.
- H. SCUBA diving is forbidden between the hours of sunset and sunrise unless for some emergency and then only if properly authorized as above provided.

**§ 13-8. Violations and penalties.**

- A. Any person who shall violate the provisions adopted by § 13-2A of this chapter as described and defined in § 30.67(1) or (2) or 30.68(2), Wis. Stats., shall, upon conviction thereof, forfeit not more than \$200, together with the costs of prosecution and penalty assessment, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail not exceeding six months. Any person who shall violate the provisions adopted by § 13-2A of this chapter as described and defined in § 30.68, Wis. Stats., shall, in addition to the penalties set forth in this subsection, be required to obtain a certificate of satisfactory completion of a safety course pursuant to § 30.74(1), Wis. Stats.
- B. Any person who shall violate the provisions adopted by § 13-2A of this chapter as described and defined in § 30.681(1) or 30.684(5), Wis. Stats., shall, upon conviction thereof, forfeit not less than \$150 nor more than \$300, together with the costs of prosecution and penalty assessment, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail not exceeding six months. Any person who shall violate the provisions adopted by § 13-2A of this chapter as defined in § 30.681(1) or 30.684(5), Wis. Stats., shall, in addition to the penalties set forth in this subsection, be required to obtain a certificate of satisfactory completion of a safety course pursuant to § 30.74(1), Wis. Stats.
- C. In addition to any other forfeiture order, a person who violates the provisions adopted by § 13-2A this chapter as described and defined in § 30.681(1) or 30.684(5), Wis. Stats., shall, upon conviction thereof, be ordered by the court to submit to and comply with an assessment by an approved public treatment facility for an examination of the person's use of alcohol or controlled substances. Intentional failure to comply with an assessment ordered under this subsection constitutes contempt of court, punishable under Ch. 785, Wis. Stats.
- D. Any person who shall violate the provisions adopted by § 13-2A of this chapter as described and defined in § 30.71, Wis. Stats., or any rule promulgated under that

section shall, upon conviction thereof, forfeit not more than \$100 for the first offense and not more than \$200 upon conviction of the same offense a second and subsequent time within one year, together with the costs of prosecution and penalty assessment, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail not exceeding six months.

- E. Any person who shall violate any provisions of this chapter set forth in §§ 13-2 through 13-7 of this chapter, except as specified in Subsections A through D of this section, shall, upon conviction thereof, forfeit not more than \$50 for the first offense and not more than \$100 upon the conviction of the same offense a second and subsequent time within one year.

**§ 13-9. Noise level.**

- A. No person shall operate any boat powered by an engine in or upon the waters of Geneva Lake in such a manner so as to exceed the following noise levels:
  - (1) For boats powered by an engine which said engine was manufactured before August 1, 1975, at a noise level of 86 dbA measured at a distance of 50 feet or greater from the motorboat.
  - (2) For boats powered by an engine which said engine was manufactured on or after August 1, 1975, and before August 1, 1978, at a noise level of 86 dbA measured at a distance of 50 feet or greater from the motorboat.
  - (3) For boats powered by an engine which said engine was manufactured on or after August 1, 1978, and before August 1, 1982, at a noise level of 84 dbA measured at a distance of 50 feet or greater from the motorboat.
  - (4) For boats powered by an engine which said engine was manufactured on or after August 1, 1982, at a noise level of 82 dbA measured at a distance of 50 feet or greater from the motorboat.
- B. No person shall remove or alter any part of a marine engine, its propulsion unit, or its enclosure or modify the mounting of a marine engine in or upon a boat in such a manner as to exceed the noise levels prescribed above.
- C. The provisions of Subsection A of this section shall not apply to motorboats competing in a regatta, boat race, or ski meet, duly authorized by the issuance of a permit, while operating in the designated area authorized by said permit.<sup>1</sup>

**§ 13-10. Motorboat races, regattas and water-ski meets.**

No person shall direct or participate in any motorboat race, motorboat regatta, or water-ski meet unless such event has been authorized and a permit issued by the Water Safety Patrol.

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<sup>1</sup>. Editor's Note: Original § 13.12, Commercial boats, which immediately followed this section, was deleted at time of adoption of Code (see Code Adoption Ordinance).



**§ 13-11. Wharves, piers, slips and buoys.**

- A. Definitions. The definitions as set forth in § 30.01, Wis. Stats., are hereby adopted and incorporated herein by reference the same as if they were set out at length herein.
- B. Pierhead line established. Pursuant to §§ 30.13(3) and 30.11, Wis. Stats., and in the interest of the preservation and protection of the public's rights in the waters of Geneva Lake, the Town of Linn, Village of Fontana on Geneva Lake, City of Lake Geneva and Village of Williams Bay, within their respective boundaries, do hereby establish a pierhead line on Geneva Lake which shall be at a distance of 100 feet waterward from the shoreline. Said shoreline, for the purpose of this section, shall be at the elevation of 864.3 feet mean sea level datum, which is the elevation of the spillway crest on the Geneva Lake dam. The pierhead shall run parallel to the shoreline.<sup>2</sup>
- C. Location of wharves, piers and slips regulated. No person shall erect, construct, place, extend or maintain any wharf, pier, boat slip, swimming raft or any structure attached thereto so that it is less than 12 1/2 feet from a riparian proprietor's property line where such property line intersects the shoreline, nor shall the above be erected, constructed, placed, extended or maintained within a distance of 12 1/2 feet from a riparian proprietor's property line, as extended waterward from the shoreline, which said property line shall be determined as follows:
- (1) Where the course of the lake shore approximates a straight line and the onshore property division lines are at right angles with the shore, the coterminous riparian rights lines are determined by extending the onshore property division lines into the lake.
  - (2) When the boundary lines on lake shore property are not at right angles with the shore but approach the shore at obtuse or acute angles, the coterminous riparian rights line shall be drawn in a straight line at a right angle to the shoreline without respect to the onshore boundaries.
  - (3) When the shoreline of the lake is irregular and it is impossible to draw lines at right angles to the shore to accomplish a just apportionment of the riparian rights lines, the coterminous riparian rights lines shall be drawn in such a way as to divide the total navigable waterfront in proportion to the actual shoreline of each owner taken according to the general trend of the shore.
  - (4) The setback restriction of 12 1/2 feet shall not apply to a wharf, pier, boat slip, swimming raft or any structure attached thereto if it existed prior to the effective date of this chapter and if it is not extended or expanded after the effective date of this chapter.
- D. Wharf, pier and boat slip permit required.
- (1) Riparian proprietors who shall construct or place a wharf, pier or boat slip, or

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2. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

cause the same to be done, shall prior thereto obtain a permit therefor from the municipality within which such wharf, pier or boat slip is located. Once a permit is issued by the governing body, no future permit is required so long as the structure remains in substantially the same form and location and does not violate any of the regulations of this section or applicable statutes of the State of Wisconsin, or orders or rules of the Wisconsin Department of Natural Resources. This subsection shall not apply to a preexisting wharf, pier or boat slip if it existed prior to the establishment of the pierhead line pursuant to Subsection B of this section and if a permit for said structure was previously obtained from the governing body of the municipality in which said structure is located. Any extension or modification to a wharf, pier or boat slip shall, however, require a permit for the same as provided in this subsection, but the seasonal removal of a wharf, pier or boat slip does not affect its status as a preexisting wharf, pier or boat slip if it is reestablished in substantially the same form and location.

- (2) Application and plans. The application for said permit shall describe the real estate and the location of the wharf, pier or boat slip, or extension or modification thereof, in detail with regard to said real estate, shoreline and pierhead line, and setting forth the distances of the structure to the property lines of the abutting neighboring riparian lands, giving the details of the dimensions and kinds of materials to be used in the construction of the same, together with any additional details and specifications which the governing body of the municipality may require. Said application shall also state the name and permanent residence and post office address of the applicant.
- (3) Referral to Building Inspector or other designated authority. Upon filing of such application, the Clerk of the municipality shall refer the same immediately to the Building Inspector, or such other person as may be designated by the municipality, for investigation and determination that all of the requirements of this section and applicable laws of the State of Wisconsin and rules and orders of the Wisconsin Department of Natural Resources are being complied with. The Building Inspector or other designated official shall thereafter file with the municipality a report of his findings, which such report shall also include a recommendation as to whether such permit should be granted or denied and the reasons therefor.
- (4) Issuance of permits and fees.
  - (a) After the filing and review of the application by the Building Inspector or other designated person, as provided in Subsection D(3) of this section, the governing body of the municipality shall act on the application. No permit shall be granted until the governing body determines all requirements of this section and all applicable laws of the State of Wisconsin and rules and orders of the Wisconsin Department of Natural Resources are complied with. The reasons for the granting or denial of said permit shall be stated in the minutes of the meeting of the governing body.

- (b) Fees. The governing body of each municipality may provide for the payment of a reasonable fee for the issuance of a permit under this subsection.
- (5) Revocation of permit. In the event that the wharf, pier or boat slip for which a permit has been granted is not erected, constructed, placed, extended or maintained in accordance with the application, plans, specifications, details and drawings submitted by the applicant thereof, or in the event that such wharf, pier or boat slip is erected, constructed, placed, extended or maintained in violation of any of the provisions of this section or any applicable laws of the State of Wisconsin or rules or orders of the Wisconsin Department of Natural Resources, the governing body of the municipality in which such structure is located may revoke said permit after holding an evidentiary hearing on the alleged violation. A written notice of the time, date and place of said evidentiary hearing, together with a summary of the alleged violation, shall be mailed, by certified mail, to the holder of said permit at least 10 days prior to the date of the hearing thereon. If the permit is revoked, the reasons therefor shall be stated in the minutes of the meeting of the governing body.

E. General regulation of wharves, piers and boat slips.

- (1) No person shall erect, construct, place, extend or maintain any wharf, pier or boat slip so that it interferes with the public rights in the navigable waters of Geneva Lake or the rights of other riparian proprietors or constitutes an unlawful obstruction as defined in § 30.13(4), Wis. Stats.
- (2) No person shall erect, construct, place, extend or maintain any wharf, pier or boat slip so that it prevents the free movement of water underneath and in such a manner as will cause the formation of land upon the bed of the water.
- (3) No person shall erect, construct, place, extend or maintain any wharf, pier or boat slip so that it violates any of the provisions of this section or any applicable laws of the State of Wisconsin or any rule, order or regulation of the Wisconsin Department of Natural Resources. Any permit granted to a riparian owner by the Wisconsin Department of Natural Resources pursuant to § 30.12(1), Wis. Stats., authorizing the building and maintenance, for his own use, of a structure otherwise prohibited by statute shall deem said structure to be in compliance with this section, but only to the extent of the statute or ordinance varied by said permit.
- (4) The use and rental of wharves or piers shall be in accordance with any and all zoning and land use regulations applicable in the municipality in which the wharf or pier is located.
- (5) No lagoon or marina shall be constructed or expanded unless a permit to do so is first obtained from the Wisconsin Department of Natural Resources according to law. At the time an application is filed with the Department of Natural Resources for said permit, a copy of said application shall be filed with the Clerk of the municipality in which the lagoon or marina is or will be

located.

F. Removal of wharves, piers, structures and unlawful obstructions in navigable waters.

- (1) Unlawful obstructions in navigable waters. The governing body of any municipality herein may remove a wharf or pier located within such municipality which constitutes an unlawful obstruction of navigable waters pursuant to § 30.13(4), Wis. Stats., in the manner as provided by § 30.13(5m), Wis. Stats.
- (2) Dilapidated structures in navigable waters. Any wharf, pier, boathouse, fixed boathouse or other structure in navigable waters which is so old, dilapidated, or in need of repair that it is dangerous, unsafe or unfit for use may be proceeded against by any municipality herein, within which such structure is located, in the manner provided by § 30.13(5m), Wis. Stats., requiring the same to be repaired or removed as provided in said section.

G. Mooring permit required within 200 feet from the ordinary high-water mark.

- (1) Intent. The intent of this Subsection G is to provide safe conditions for the mooring of boats within 200 feet from the ordinary high-water mark consistent with the requirements of § 30.772(3), Wis. Stats.
- (2) State mooring and safety laws adopted. State mooring regulations and regulations applicable to moorings as found in the following sections of the Wisconsin Statutes are hereby adopted by reference:

30.15 Penalty for unlawful obstruction of navigable waters

30.16 Removal of obstructions to navigation

30.772 Placement and use of moorings; restrictions; permits

30.773 Designated mooring areas

30.74(2) Uniform navigation aids

- (3) Applicability. No person shall place or use a mooring within navigable waters under the jurisdiction of the Town without first obtaining a permit issued by the Town Clerk/Treasurer of the Town.
  - (a) The application for a mooring permit for moorings 200 feet or less from shore is subject to the regulations of this section and is not required to be submitted to the DNR for approval. Placement of a mooring buoy requires a permit from the Town.
  - (b) Applications for a mooring permit for a mooring greater than 200 feet from shore require the permit to be acted on by the Town and the Department of Natural Resources (DNR). Applications for a mooring permit for a mooring over 200 feet from shore will first be acted on by

the Town to determine if a permit will be issued independent of the DNR investigation. If a permit will be allowed, the permit will be completed and then submitted to the local warden for the Wisconsin DNR investigation and approval.

- (c) The application for said permit shall describe the real estate and the approximate location of the mooring in detail with regard to said real estate, shoreline and pierhead line, and setting forth the distances of the mooring to the property lines of the abutting neighboring riparian lands, together with any additional details and specifications which the Town Board may require. Said application shall also state the name and permanent residence and post office address of the applicant.
- (4) Referral to appropriate Town of Linn official. Upon filing of such application, the Clerk shall refer the same immediately to the Building Inspector or such other person as may be designated by the Town for investigation and determination that all of the requirements of this section and applicable laws of the State of Wisconsin and rules and orders of the Wisconsin Department of Natural Resources are being complied with. The Building Inspector or such other person as may be designated by the Town shall thereafter file with the Town a report of his findings, which such report shall also include a recommendation as to whether such permit should be granted or denied and the reasons therefor.
  - (5) Considerations of appropriate Town official. In determining whether or not to recommend a mooring permit, the Building Inspector or other designated official of the Town shall take into consideration the following:
    - (a) The number of moorings for a specific distance of frontage or within a specified area.
    - (b) The number of boats per mooring buoy shall be limited to one.
    - (c) The distance between moorings.
    - (d) The safe distance of moored boats from any other moored boats, properly marked and established traffic lines, properly marked swimming or bathing areas, or structures, including piers, rafts, docks and wharves.
    - (e) Whether or not the applicant is a riparian owner.
  - (6) Mooring restrictions. Under no circumstances may a mooring be placed or used in any navigable waters under the jurisdiction of the Town if any of the following conditions exist:
    - (a) The mooring obstructs or interferes with public rights or interest in the navigable waters.
    - (b) The riparian owner does not give written permission to a nonriparian owner for the placement and use of the mooring.

- (c) The mooring or use of the mooring interferes with the rights of other riparian owners.
  - (d) The mooring or use of the mooring adversely affects critical or significant fish or wildlife habitat.
- (7) Issuance of permits and fees.
  - (a) After the filing and review of the application by the Building Inspector or other designated official as provided in Subsection G(4) and (5) of this section, the Town Board shall act on the application. No permit shall be granted until the Town Board determines all requirements of this section and all applicable laws of the State of Wisconsin and rules and orders of the Wisconsin Department of Natural Resources are complied with. The reasons for the granting or denial of said permit shall be stated in the minutes of the meeting of the Town Board.
  - (b) The Town Board may provide for the payment of a reasonable fee for the issuance of a permit under this subsection.
- (8) Revocation of permit. All mooring permits under the jurisdiction of the Town are subject to revocation if:
  - (a) The mooring is not in conformity with the permit.
  - (b) The mooring for which a permit has been granted is not erected, constructed, placed, or maintained in accordance with the application, plans, specifications, details and drawings submitted by the applicant thereof.
  - (c) The mooring is in violation of any provisions of this Subsection G.
  - (d) The mooring violates any applicable laws of the State of Wisconsin or rules or orders of the Wisconsin Department of Natural Resources.
  - (e) The mooring is deemed a hazard or obstruction to navigation by the Town.
- (9) Notice and hearing. In the event the Town Board decides to revoke a mooring permit, an evidentiary hearing will be held by the Town Board on the alleged violation. A written notice of the time, date and place of said evidentiary hearing, together with a summary of the alleged violation, shall be mailed, by certified mail, to the holder of said permit at least 10 days prior to the date of the hearing thereon. If the permit is revoked, the reasons therefor shall be stated in the minutes of the meeting of the governing body.
- (10) Continuance of permit. Once a permit is issued by the Town Board, no future permit is required so long as the mooring remains in substantially the same form and location and it does not violate any of the regulations of this Subsection G or applicable statutes of the State of Wisconsin or orders or rules of the Department of Natural Resources.

(11) Enforcement.

- (a) The provisions of this Subsection G shall be enforced by officers of the Water Safety Patrol of Lake Geneva on behalf of the Town and/or police officers of the Town.
- (b) Moorings will be inspected to ensure each mooring placed is in accordance with this regulation.
- (c) A mooring in violation of this Subsection G may be cited, according to the penalties in this Subsection G; each day during which a violation exists is a separate offense.
- (d) If the Wisconsin Department of Natural Resources or the Town revokes a mooring permit, the mooring shall be subject to removal as stated in § 30.16, Wis. Stats.
- (e) Nonapproved moorings may be removed as stated in § 30.16, Wis. Stats.

(12) Penalty. Any mooring, mooring anchor or mooring buoy which is placed or used in the Town waters in violation of this Subsection G constitutes a public nuisance subject to § 30.15, Wis. Stats. Pursuant to § 30.15, Wis. Stats., any person who violates this Subsection G shall be subject to a forfeiture not to exceed \$500 for each such violation.<sup>3</sup>

H. Mooring permit required more than 200 feet from the ordinary high-water mark .

- (1) Intent. The intent of this Subsection H is to provide safe and healthful conditions for the mooring of boats located more than 200 feet from the ordinary high-water mark of Geneva Lake consistent with the requirements of § 30.773, Wis. Stats.
- (2) State mooring and safety laws adopted. State mooring regulations and regulations applicable to moorings as found in the following sections of the Wisconsin Statutes are hereby adopted by reference:

30.15 Penalty for unlawful obstruction of navigable waters

30.16 Removal of obstructions to navigation

30.772 Placement and use of moorings; restrictions; permits

30.773 Designated mooring areas

30.74(2) Uniform navigation aids

- (3) Definitions. The definitions as set forth in § 30.01, Wis. Stats., are hereby adopted and incorporated herein by reference as if the same were set forth at length herein. Any future amendment, revision or modification of the statutes

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3. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

incorporated herein is intended to be made a part of this subsection.

(4) Applicability. No person shall place or use a mooring located more than 200 feet from the ordinary high-water mark of Geneva Lake within navigable waters under the jurisdiction of the Town without first complying with the provisions of this Subsection H.

(a) Mooring buoys not within an approved designated mooring area.

[1] Pursuant to § 30.74, Wis. Stats., and the pertinent provisions of the Wisconsin Administrative Code pertaining thereto, no mooring buoy shall be installed or placed more than 200 feet from the ordinary high-water mark unless a permit is issued for the placement and use of the mooring buoy by the Town Board and such permit is approved by the Wisconsin Department of Natural Resources. No mooring buoy shall be placed in navigable waters under the jurisdiction of the Town, in accordance with an application for a permit described herein, if said application has been disapproved by the Wisconsin Department of Natural Resources.

[2] Applications pursuant to Subsection H(4)(a)[1] of this section shall be on forms prescribed and approved by the Wisconsin Department of Natural Resources.

[3] Such applications shall be filed with the Town Clerk/Treasurer and acted upon by the Town Board in accordance with the procedure set forth in Subsection G(3) through (7) of this section.

(b) Mooring buoys located within a designated mooring area. Designated mooring areas may be established in accordance with the provisions of §§ 30.773 and 30.11, Wis. Stats., and other applicable provisions of the Wisconsin Statutes and pertinent provisions of the Wisconsin Administrative Code pertaining thereto. No designated mooring area shall be established unless and until the same is approved by the Wisconsin Department of Natural Resources.

(c) Regulations within designated mooring areas.

[1] Permits. Notwithstanding the provisions of Subsection H(4)(a) of this section, permits for mooring buoys within a designated mooring area are not required as each designated mooring area shall show the number and location of each mooring located therein. Each mooring buoy, however, shall be located in the same location as shown on said map so long as the same is placed in the water and shall not be moved, relocated, or otherwise altered without the approval of the Town Board, except that any mooring buoy may be removed from the lake without said approval.

[2] The area and location of each designated mooring area, as



described above, shall not be changed, altered or modified without the permission of the Town Board and the Wisconsin Department of Natural Resources.

[3] The regulations set forth in Subsection G of this section are incorporated herein.

(5) Penalties.

- (a) Any mooring, mooring anchor or mooring buoy which is placed or used in the navigable waters of the jurisdiction of the Town in violation of this Subsection H constitutes a public nuisance. Any person who violates any of the provisions of this Subsection H shall be subject to a forfeiture not to exceed \$500 for each such violation. Each day during which a violation exists shall be deemed a separate offense.<sup>4</sup>
- (b) In addition to, or as an alternative to, the penalties specified above, the Town Board may remove said mooring as provided under and pursuant to the provisions of §§ 30.772(3)(f) and 30.13(5m), Wis. Stats.

I. Town-designated mooring areas.

(1) Town-designated mooring area established.

- (a) Pursuant to the applicable provisions of the Wisconsin Statutes, including §§ 30.773 and 30.11 Stats., and the applicable provisions of the Town Code, and the applicable provisions of the Wisconsin Administrative Code, the Town Board hereby establishes and creates a Town-designated mooring area in those waters of Geneva Lake which are adjacent to riparian property owned by Cisco Beach Association, Inc., and located within the Town, which such designated mooring area is more particularly described as follows:

The park area of Cisco Beach Subdivision, located in Section 5, T1N, R17E, Town of Linn, Walworth County, Wisconsin and described as follows: Commencing at the northeast corner of Lot 10, Block "A" of said Cisco Beach Subdivision, thence S5°03'05"E 169.80 feet to the shore of Geneva Lake and the place of beginning; thence continue S5°03'05"E 494.00 feet; thence S64°33'12"W 178.71 feet; thence N27°42'35"W 336 feet to the shore of Geneva Lake; thence northeasterly along the shore of Geneva Lake to the place of beginning.

- (b) The location of the Town-designated mooring area described above and the number of mooring buoys authorized and the location of each mooring within the Town-designated mooring shall be in accordance with the final decision in Walworth County Circuit Court, Case No. 93 CV 140.
- (c) The Town-designated mooring area described above shall be governed

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4. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

by the provisions of the Town Code and the applicable provisions of the Wisconsin Statutes and Wisconsin Administrative Code.

- (2) Town-designated mooring area established. [Added 5-13-1996]
- (a) Pursuant to the applicable provisions of the Wisconsin Statutes, including §§ 30.773 and 30.11, Wis. Stats., and the applicable provisions of the Town Code, and the applicable provisions of the Wisconsin Administrative Code, the Town Board hereby establishes and creates a Town-designated mooring area in those waters of Geneva Lake which are adjacent to riparian property owned by Michael Lazzaroni and located within the Town, which such designated mooring area is more particularly described as follows:

Commencing at a point along the north-south 1/4 section line of Section 12; thence S 00°24' E, along the 1/4 section line, 148.54 feet; thence N 89°36' W 732.05 feet to an iron stake; thence continue N 89°36' W 260.11 feet to an iron pipe stake; thence continue 89°36' W, 33.78 feet to a point in the center line of State Trunk Highway "120"; thence along said center line, N 09°26' E, 24.75 feet; thence N 89°36' W, 54.2 feet more or less to the shore of Lake Geneva and the point of beginning; thence S 73°46' 43" W 250 feet; thence N 16°6' E 121 feet; thence S 77°1' 6" E 250 feet more or less to the shore of Lake Geneva and the corner of the boundary of record; thence southwesterly along the shore of Lake Geneva, 129 feet more or less to the point of beginning.

- (b) The location of the Town-designated mooring area described above is further shown and depicted on that survey map dated April 25, 1996, prepared by Walworth County Surveying & Mapping, Registered Land Surveyor, Lake Geneva, Wisconsin as Map No. 2030NB96, which such map is made a part hereof and incorporated herein by reference, and shall be filed in the office of the Town Clerk/Treasurer for review and inspection any time during normal business hours.
- (c) The number of mooring buoys authorized and the location of each mooring buoy within the Town-designated mooring area are hereby established as shown on the survey map referred to above in Subsection I(2)(b).
- (d) The Town-designated mooring area described above shall be governed by the provisions of the Town Code and the applicable provisions of the Wisconsin Statutes and Wisconsin Administrative Code.
- (e) This Subsection I(2) shall be in full force and effect upon and from its passage, approval and publication by the Town Board and approval by the Wisconsin Department of Natural Resources, as required by law.

**§ 13-12. Docking facility rental.**

- A. Seasonal rental. The boat docking facilities at property owned by the Town of Linn located on the shore of Geneva Lake at the north end of Hillside Road shall be

leased to individual boat owners from April 15 to October 15 of each year and such facilities shall be identified by number and location. There shall be leased only one docking facility per individual boat owner.

- B. Fees. The rental fee for each year shall be set by the Town Board at the regular March meeting, and payment for such facilities shall be made on or before May 1 of each year and no refund shall be made, except as otherwise provided.
- C. Eligibility. All renters must be a Town of Linn resident or Town of Linn property owner. All renters shall be the owners of a boat and shall give evidence of such ownership to the Clerk/Treasurer for the Town of Linn. All boats requiring registration shall be registered with the Department of Natural Resources and proof of Wisconsin registration shall be provided at the time of application. The rental shall be a personal privilege running to the renter so long as he or she retains ownership of a boat and uses the rental facility assigned to him or her for purposes of docking his or her own boat. If the renter sells or otherwise disposes of the boat he or she owned at the time of application for rental facility and does not replace his or her former boat with another one, the rental of the facility shall terminate and the Town may re-rent the space for the balance of the season. In the event of re-rental, the full season rate for new rental shall apply to and including July 15 of each year. After July 15, 50% of the rental fee shall be charged for the balance of the rental season. Boat docking facilities may not be sublet and are not assignable or transferable and may not be transferred upon the sale of a renter's real estate.
- D. Use of facilities. Only renters of such facilities may use and occupy such facilities. If any facility is unoccupied for 25% of the season by the renter of said space, the renter shall be notified that unless good cause is shown, the rental facility shall be deemed abandoned and, after one week from the mailing of such notice, the Town may rent the facility for the balance of the season. Any renter whose boat is 18 feet in length or greater shall be required to have his or her boat secured on a boat lift or shore station and it shall be done so at the renter's expense. Any renter required to utilize a boat lift or shore station shall remove it by October 15 of each year.
- E. Unauthorized use. If an unauthorized boat is found in a docking facility or on other property of the Town without specific permission of the Town, or in the event that a renter fails to remove his boat lift or shore station by October 15, the Town may take possession of the boat, boat lift or shore station, remove the same and store it. The Town may contract with a private entrepreneur for such services and charge the owner of the boat, boat lift or shore station for such services and any other expenses incidental to the removal and storage incurred by the Town.
- F. Rental authority. The Town hereby appoints the Town Clerk/Treasurer as the rental authority for the purposes of carrying out this section. The Town Clerk/Treasurer shall maintain a list of those persons eligible that desire a boat docking facility which said Clerk/Treasurer shall update on an annual basis.

**§ 13-13. Boat launchings.**

- A. Launch site. The Town hereby establishes separate boat launching facilities located

on the shore of Geneva Lake at the north end of Linn Pier Road and at the north end of Hillside Road.

- B. Fees. The fees charged for launching boats shall be determined by the Town at the regular March meeting.
- C. Rules. Reasonable rules and regulations with regard to use and maintenance of such launching facilities shall be made from time to time by the Town Board.<sup>5</sup>
- D. Nonresident boat passes.<sup>6</sup>
  - (1) Nonresident boat launch passes shall be issued with all applications having to be in person and all passes personally picked up at the Town Clerk/Treasurer's office.
  - (2) A nonresident applying for a season pass must show proof at the time of application that the address on his driver's license is identical to that on his boat registration. Additionally, only boat owners may apply for and receive nonresident boat launching passes.
- E. Launch and pier attendant. There shall be created an office known as the "Launch and Pier Attendant." Said attendant shall be appointed by the Town Board for a term to be determined by it. Compensation for the Launch and Pier Attendant shall be set by the Town Board from time to time. The Launch and Pier Attendant shall be responsible for the enforcement of this section, including the issuance of launch citations.
- F. Commercial use of launch area regulated. [Added 11-11-2002]
  - (1) "Commercial use" means a person using the Town municipal launches, parking areas and ramps as a bulk handling area for the loading or unloading of construction materials from or onto watercraft from or to locations on Geneva Lake. Such construction materials include, but are not limited to, building materials, earth, stone, timbers and pier lumber.
  - (2) The commercial use of the Town of Linn municipal launches, parking areas and ramps is prohibited without a permit. Every person shall obtain an annual permit prior to the commercial use of the Town of Linn municipal launches, parking areas and ramps. The permit shall be issued by the Town Clerk/Treasurer upon the filing of an application and the payment of the required fee. The application shall contain the name, address, telephone number and gross vehicle weight of the loads proposed to be handled by the commercial user at the municipal launch parking area and ramp. The exact nature, including the weight thereof, of the construction materials to be handled and the equipment proposed for handling must be stated in the application. The applicant is responsible for all damage to the Town-owned

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<sup>5</sup>. Editor's Note: Original § 13.16(d), which immediately followed this subsection, was deleted at time of adoption of Code (see Code Adoption Ordinance).

<sup>6</sup>. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

launch facilities, including the piers, parking lots and ramp areas, and will promptly reimburse the Town for any such damages. Any violation of this provision will result in the immediate revocation of the permit, the commencement of an action for the imposition of the standard penalties of this Code and/or action for money damages. The cost of such permit shall be established by the Town Board at its March regular meeting every year.

**§ 13-14. Water circulators and ice openings.**

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

ICE OPENING — Any opening in the ice caused by cutting or sawing or by use of a water circulator to remove the ice or prevent it from forming in order to reach and use the water in Geneva Lake for the purpose of fishing, obtaining minnows or other bait, scuba diving, or to protect a boat, pier, wharf, seawall or other structure from possible ice damage.

WATER CIRCULATOR — A motor, pump or other device which rotates a propeller or other apparatus which causes the circulation of water used to keep the ice from forming around a boat, pier or other structure.

- B. No person shall operate a water circulator in the waters of Geneva Lake without first obtaining a permit therefor from the municipal authority within which the area where the circulator is to be used is located.
- C. No such circulator shall be used unless the owner or operator places around the margin of the opening made by such circulator and maintains at a place where the ice is sufficiently thick to hold at least 300 pounds per square foot a snow fence or its equivalent, with closely spaced slats extending not less than 3 1/2 feet above the surface of the ice, and shall place signs on the same at intervals of not less than 25 feet with the word "Danger" in red letters at least one foot high.
- D. Ice openings caused by methods other than the use of a water circulator, when not covered by a building enclosure, shelter, tent, shanty, or similar structure, shall be protected against accidents by a notice and warning by using fencing, wooden horses, "Danger" signs, warning flags or similar devices to alert the general public of the opening until such time as the water in the opening has frozen to a thickness sufficient to hold 300 pounds per square foot, at which time such notice and warning shall be removed to prevent accidents by collision. Such warning devices shall have on them the name of the person who caused the opening.

**§ 13-15. Snowmobiles; right-of-way.<sup>7</sup>**

In the interest of public health and safety the following laws and regulations are adopted:

- A. Restricted use of snowmobiles on lake. No person shall operate or ride upon a

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<sup>7</sup>. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance). See also Ch. 9, Traffic Code, § 9-9, Snowmobiles.

snowmobile on Geneva Lake at any time or place when the ice is unsafe.

- B. Right-of-way. Every pedestrian, skater, ice-boater and operator of a vehicle which is not motor driven shall have the right-of-way over a snowmobile and other motor vehicles. The operator of a snowmobile or other motor vehicle shall yield the right-of-way to all pedestrians, skaters, ice-boaters and operators and occupants of vehicles which are not motor driven. Every pedestrian shall have the right-of-way over a skater or ice-boater. Every skater shall have the right-of-way over an ice-boater.
- C. Penalties. Any person who shall violate any of the provisions of this section shall, upon conviction thereof, except where otherwise provided herein, forfeit not less than \$50 nor more than \$500, together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 30 days.

**§ 13-16. Fishing tournament rules and regulations.** [Added 3-13-2000]

- A. Fishing tournament or contest definitions. Any event held at a Town facility in which caught fish are scored, weighted, tabulated or calculated on site and/or a prize of any kind (monetary, merchandise or recognition by plaque or trophy) is given to a person or persons, and use of the facility requires any arrangements above and beyond the normal function of the facility (tent construction, extra electricity, etc.) shall be considered a fishing contest or tournament. This is independent of whether a Department of Natural Resources (DNR) permit is required or not. Tournaments or outings with a minimum number of 50 boats must also receive a permit from the Town even if no special arrangements are required as described above. All contests or tournaments held at any Town facility shall abide by rules set by the Park and Recreation Department of the Town of Linn.
- B. Department of Natural Resources permit. All individuals or groups wishing to hold a fishing tournament at a facility owned by the Town of Linn must receive a permit from the DNR (if required by DNR rules) and follow all DNR regulations.
- C. Town permit. All individuals or groups wishing to hold a fishing tournament at a facility owned by the Town of Linn must receive a permit from the Town of Linn and submit required insurance and indemnification and pay a permit fee of \$250. Tournament officials must contact the Piers and Lakefront Committee Chairperson 90 days prior to the tournament. Tournaments affecting the normal operations of the Town facility as determined by the Chairperson may require approval by the Piers and Lakefront Committee.
- D. Walk through. Tournament officials are required to do a walk through of tournament activities with the Piers and Lakefront Committee Chairperson or its representative during normal working hours (Monday through Friday, 7:00 a.m. to 3:30 p.m.) a minimum of 24 hours prior to the tournament.
- E. Contact person. A responsible contact person for the tournament must be identified to the Piers and Lakefront Committee prior to the tournament during normal

working hours.

- F. Map of tournament. A map or sketch of the layout of the tournament activities must be provided to the Piers and Lakefront Committee prior to the tournament.
- G. Change in arrangements. Any changes from the map or pretournament arrangements must be cleared through the Piers and Lakefront Committee Chairperson prior to the start of the tournament during normal working hours.
- H. Parking. Parking and weigh-in at no time shall hinder the public's use of the launch site.
- I. Restrictions on tournaments. No tournaments or contests shall be held and no permits issued between the first Saturday in May and June 25 of any year. Additionally, no tournaments or contests shall be held and no permits will be issued for the Fourth of July holiday or the Labor Day holiday weekend.
- J. Facility costs. There will be a fee of \$1 per boat for use of the facility, payable one week prior to the start of the tournament. This fee is over and above the daily launch fee for the facility.