

## CHAPTER 11

### BOATING REGULATIONS

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## **BOATING REGULATIONS 11.01**

**11.01 GENERAL PROVISIONS.** (1) **APPLICABILITY.** The provisions of this chapter shall apply to the waters of the Town of Newbold, Oneida County, Wisconsin.

(2) **PURPOSE.** The purpose of this chapter is to promote the public health, safety and general welfare of the Town.

(3) **AUTHORITY.** This chapter is adopted pursuant to §30.77(3)(am)l., Wis. Stats.

**11.02 INTERPRETATION.** The sections of this chapter pertaining to the use, operation or equipment of boats and other vehicles as well as the activities which are regulated by §§30.50 to 30.71 and 30.80, Wis. Stats., and rules and regulations of the Department of Natural Resources established pursuant thereto are hereby adopted by reference and shall be construed and interpreted, if possible, to be consistent with and not contrary to said statute sections, rules, and regulations, nothing to the contrary herein notwithstanding.

**11.03 ENFORCEMENT.** The provisions of this chapter shall be enforced by the Oneida County Sheriff's Department or State game wardens.

**11.04 DEFINITIONS.** (1) **BOAT OR VESSEL.** Every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water or a fishing raft. A boat or vessel includes a personal watercraft.

(2) **PERSON.** Includes individual, firm, partnership or any other association of individuals organized together for any purpose whatsoever.

(3) **PERSONAL WATERCRAFT.** A motorboat that uses an inboard motor powering a water jet pump or a caged propeller as its primary source of motive power and that is designed to be operated by a person standing on, kneeling on or sitting astride the watercraft.

(4) **SHORE ZONE.** The surface of the lake that is within 150 feet from and parallel to the shore. Provided, however, that on any part of said lake where the distance between the opposite shores is such that the foregoing formula is impossible or impracticable in application, then shore zone shall be as indicated by buoys placed for the specific purpose.

(5) **SLOW-NO-WAKE SPEED.** When used herein, slow-no-wake speed means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

## **BOATING REGULATIONS 11.04 (6)**

(6) **WATER SKIING AND WATER SKIER.** A person being towed by a motor boat, on water skis, aquaplane, wake boards or similar device.

(7) **WATER TRAFFIC.** All moving objects controlled by a person or agent of a person on the surface of the lake.

**11.05 WATER TRAFFIC LANES.** (1) **DEFINED.** The surface of the main lake basin that is beyond 150 feet distant from and parallel to the shore or 100 feet distant from the projecting extremities of any pier, wharf or other structure build in or over the water, or the greater thereof, provided, however, that any part of said lake where the distance between the opposite shores is such that the foregoing formula is impossible to impracticable in application, then the traffic lane shall be as indicated by buoys placed for that specific purpose.

(2) **DIRECTION OF TRAVEL.** All motor boats, as defined in §30.50(6), Wis. Stats., or personal watercraft as defined in §30.50(9d), Wis. Stats., traveling over a slow-no-wake speed in the traffic lane shall travel in a counterclockwise rotation.

**11.06 TRAFFIC RULES.** The traffic rules set forth in §30.65, Wis. Stats., are incorporated herein by reference.

**11.07 GENERAL SPEED RESTRICTIONS.** (1) **SPEED IN SHORE ZONE.** When moving in waters that have been designated as the shore zone, the operating speed shall be slow-no-wake speed.

(2) **REDUCED SPEED IN TRAFFIC LANES.** When moving in waters that have heretofore been classified as the traffic lane and it is necessary to approach a moored boat, a slow moving boat, a flag or marker warning of subsurface activity, or a swimmer closer than the prescribed distances set forth in this chapter, the operating speed shall be slow-no-wake.

(3) **REDUCED SPPED NEAR BOATS IN SHORE ZONE.** No person may operate a personal watercraft at a speed in excess of slow-no-wake within 100 feet of any other boat or within 200 feet of a shoreline of any lake.

**11.08 PROHIBITED BOAT OPERATION, DISTANCES.** No person shall operate a motorboat within 100 feet of a moored boat or swimmer unless existing circumstances require it. In such event, such passing shall be at a speed and in a manner so as not to interfere with or endanger the occupants of such moored boat or swimmer.

## **BOATING REGULATIONS 11.09**

### **11.09 CHAPTER 11.09, BOATING REGULATIONS RESTRICTING CERTAIN ARTIFICIAL ENHANCED WAKES**

**(1) Applicability and Enforcement:** The provisions of this ordinance shall apply to all waters within the Town of Newbold, Oneida County, Wisconsin that are under 1500 acres, including the following lakes spanning town boundaries but with over 60% of their shoreline in Newbold: Mildred Lake, Pickerel Lake (61-acre border lake), Townline Lake, and Paradise Lake. This ordinance shall be enforced by a certified law enforcement officer pursuant to definition 164.01, Wis. Stats., "law enforcement officer" means any person employed by the state or by a city, village, town, or county for the purpose of detecting and preventing crime and enforcing laws or ordinances, who is authorized to make arrests for violations of the laws or ordinances which he or she is employed to enforce.

**(2) Certain Artificial Wake Enhancement Prohibited.**

- a) **Prohibited Equipment.** No person may use or employ water sacks, fins, ballast tanks, ballast bags, mechanical fins, and similar devices to cause a boat to operate in a bow-high manner, or which increases or enhances a boat's wake.
- b) **Prohibited Operation.** No person may operate a boat in an artificially bow-high manner, having the effect of increasing the boat's wake. Such prohibited operation shall include wake enhancement by use of water sacks, fins, ballast tanks, ballast bags, mechanical fins, and similar devices, or continuous operation at transition speed (the speed below planing speed in which a boat is operating in plowing mode).
- c) **Certain Operations Excluded.** In no event shall any of the following operations be deemed a violation of this Ordinance, provided such operations do not use or employ water sacks, fins, ballast tanks, ballast bags, mechanical fins, and similar devices: i) water skiing, ii) tubing, iii) wake boarding employing a tow rope; iv) brief transition operation to empty a boat of water, or v) brief transition operation of a boat accelerating into a planing condition.

**(3) Penalty.**

- a) Wisconsin state boating penalties as found in s. 30.80, Wis. Stats., and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conferences, are hereby adopted by reference, except all references to fines are amended to forfeitures and all references to imprisonment are deleted.

### **BOATING REGULATIONS 11.09 (3)**

- b) To the extent that the penalty for any violation of this Ordinance is not provided under Wisconsin state boating penalties as found in s. 30.80, Wis. Stats., any person violating this Ordinance shall forfeit \$500 for the first offense and shall forfeit \$1000 for the second offense within one year. Deposits established in the WISCONSIN CIRCUIT COURT FEE, FORFEITURE, FINE AND SURCHARGE TABLES shall also apply to any violation.

**(4) Severability.** Should any portion of this Ordinance or the affected Code Section(s) be held invalid by a court of competent jurisdiction, the remainder shall not be affected.

**(5) Effective Date.** Upon adoption, this Ordinance shall take effect the day after publication or posting.

**(6) Sunset Clause.** The Town Board placed a sunset clause stipulating that this ordinance will be reviewed by a data analysis on complaints, violations, citations, and public safety concerns two years after the date of enactment. Unless further legislative action is taken this ordinance will remain in effect as written.

*11.09 was adopted on May 9, 2024 and went into effect May 18, 2024*

**11.10 SWIMMING REGULATIONS.** (1) **TRAFFIC LANE.** No person shall swim in the traffic lane unless accompanied by a manned boat with a U.S. Coast Guard approved flotation device for each swimmer.

(2) **HOURS.** No person shall swim in the traffic lane from sunset to sunrise unless the accompanying manned boat, as provided in sub. (1) above, is properly lighted.

### **11.11 MARKERS AND NAVIGATION AIDS, POSTING ORDINANCE.**

(1) **PLACEMENT.** The Town Chairperson may authorize and direct the placement and maintenance of suitable markers, navigation aids and signs in such water areas as shall be appropriate to advise the public of the provisions of this chapter at all public points within the jurisdiction of the Town.

(2) **STANDARD MARKERS.** All markers placed upon the waters of the Town shall comply with the Department of Natural Resources rules and regulations.

(3) **INTERFERENCE WITH MARKERS PROHIBITED.** No person shall, without authority, move, remove, damage, destroy or moor or attach any watercraft to any buoy, beacon or marker placed in the waters of the Town by the authority of this State, pursuant to the provisions of this chapter.

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### 11.12 STATE BOATING AND WATER SAFETY LAWS ADOPTED.

The statutory provisions describing and defining regulation with respect to water traffic, boats, boating and related water activities in §§30.50 through 30.71 and 30.80, Wis. Stats., and the rules and regulations of the Department of Natural Resources established subsequent to the enactment of this chapter, for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, that have not been specifically incorporated by reference in the foregoing sections hereof, 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 said statute, rule or regulation incorporated by reference herein is required or prohibited by this chapter.

### 11.13 INDIVIDUAL LAKE REGULATIONS.

~~(1) BASS LAKE.~~

~~(a) No person shall operate a boat faster than slow no wake in the waters of Bass Lake when the water level exceeds elevation 1589' MSL as based on the bench mark located at the public boat landing and consisting of a wooden piling affixed to the lake bed and clearly marked to indicate the 1589' MSL elevation (above mean sea level). This slow no wake restriction will be posted at all public access points when in effect.~~

~~(b) Posting Requirements: The Town of Newbold shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the town pursuant to the requirements of NR 5.15, Wis. Adm. Code.~~

~~(c) Effective Date: This section will become effective upon its passage.~~

REPEALED 06-26-21

(2) COON LAKE.

(a) Applicability and Enforcement. The provisions of this subsection apply to the waters of Coon Lake, a lake of less than 40 acres, lying with Sections 18 and 19, T37N, R8E in the Town of Newbold.

(b) Internal Combustion Engines Prohibited. The use of internal combustion engines on motorboats are prohibited on Coon Lake. However, the use of electric motors is permitted.

(3) SOO LAKE.

(a) Applicability and Enforcement. The provisions of this subsections shall apply to the waters of Soo Lake lying within the boundaries of Sections 30 and 31 of T37N-R8E in the Town of Newbold.

### BOATING REGULATIONS 11.13 (3)

(b) Controlled Area of Slow-No-Wake Speed Limit. No person shall operate a boat faster than slow-no-wake on Soo Lake.

(c) Placement and Maintenance of Markers. There are no public landings on Soo Lake at the time of the adoption of this subsection. In the event a public landing is established, the Soo Lake property owners shall purchase and place markers in the controlled area, in accordance with instructions by the Town Chairperson, and, further, the property owners shall maintain the markers in a manner sufficient to meet State requirements.

(d) Posting Requirements. In the event a public landing is established on Soo Lake, the property owners in the controlled area, under the direction of the Town, shall place and maintain a copy of this section at all public access points in the Town within the controlled area in accordance with Wis. Adm. Code NR 5.15.

(4) REDPINE LAKE.

(a) Applicability and Enforcement. The provisions of this subsection shall apply to the waters of Redpine Lake, a lake of less than 25 acres, lying within Section 26, T37N, R8E in the Town of Newbold.

(b) Internal Combustion Engines Prohibited. The use of internal combustion engines on motorboats are prohibited on Redpine Lake. However, the use of electric motors is permitted.

(5) TWO SISTERS LAKE.

(a) Applicability and Enforcement. The provisions of this subsection shall apply to the waters of Two Sisters Lake in the Town of Newbold.

(b) Personal Watercraft Operation Limited. The operation of personal watercraft on Two Sisters Lake shall be limited to the hours between 10:00AM and 6:00PM

(c) Controlled Areas; Slow-No-Wake Speed Limit. No person shall operate a watercraft faster than slow-no-wake in the following controlled areas:

1. Tamarack Bay. Northwest of a line from the south east lot line of the parcel described as the East 538 feet of the West 860.5 feet of Govt. Lot 7, Sec. 17-T38N-R8E (tax number NE 644.5) to the eastern lot line of the property described as Parcels 9 and 10 of Genisot Plat 7267, part of the SE SE, Sec. 18-T38N-R8E (tax number NE 661.2).

2. Spring Bay. South of a line from the eastern lot line of the parcel described as the East 200 feet of Govt. Lot 4, Sec. 17-T38N-R8E (tax number NE 647.2) due south to the south shore of the Bay.

## BOATING REGULATIONS 11.13 (5)

3. Eagle Bay. Located in the SE NW and NE SW parts of Sec. 19-T38N-R8E.

4. Hazard Rock. A buoy shall be placed at the hazard rock which is located near the emerging weed bed south of the north shore of the large portion of Two Sisters Lake.

(d) Placement and Maintenance of Markers. The Two Sisters Lake Property Owners Association, Inc. shall purchase, place and maintain markers in the controlled areas designated in par. (c) above in accordance with instructions by the Town Chairperson in a manner sufficient to meet State requirements.

(e) Posting Requirements. The Town shall place and maintain a copy of this section at all public access points on Two Sisters Lake.

### (6) SILVERBASS LAKE.

(a) Applicability and Enforcement. The provisions of this subsection shall apply to the waters of Silverbass Lake, a lake of less than 40 acres, lying within Sec. 22, T37N, R8E in the Town.

(b) Internal Combustion Engines Prohibited. The use of internal combustion engines on motor boats are prohibited on Silverbass Lake. However, the use of electric motors is permitted.

### (7) RHINELANDER FLOWAGE AS PART OF THE WISCONSIN RIVER

(a) Applicability and Enforcement. The provisions of this subsection shall apply to the waters of the Wisconsin River lying within the boundaries of Section 8, Section 9, and the north half of Section 16, T37N-R8E in the Town of Newbold.

(b) Slow-No-Wake Speed Limit. No person shall operate a boat faster than slow-no-wake on the Wisconsin River within the area described in par. (a) above.

**11.14 SEVERABILITY.** The provisions of these regulations shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of these regulations irrespective of whether or not one or more provisions may be declared invalid. If any provision of these regulations or the application to any person or circumstances is held invalid, the remainder of these regulations and the application of such provisions to other persons or circumstances shall not be affected.

**11.15 UNIFORM CITATION METHOD ADOPTED.** The Town Board adopts and authorizes the use of a citation to be issued for violations of this chapter, including ordinances for which a statutory counterpart exists. The form of a citation shall provide for those items listed in §66.0113, Wis. Stats.



## **BOATING REGULATIONS 11.20(1)**

**11.20 PENALTIES AND DEPOSITS.** (1) **STATE UNIFORM DEPOSIT AND BAIL SCHEDULE ADOPTED BY REFERENCE.** The schedule of cash deposits for violations of State boating and water safety regulations adopted pursuant to this chapter shall be as provided by the State Revised Uniform Deposit and Bail Schedule for Conservation, Environmental Protection, Boating and DNR rules and regulations that are adopted therein by reference.

(2) **OTHER VIOLATIONS.** (a) The cash deposit for violations of local boating regulations in sec. 11.05 to 11.11 of this chapter and §30.77, Wis. Stats., not provided for in sub. (1) above shall be \$100.

(b) In addition to the deposit required in subs. (1) and (2)(a) above, the deposit shall include a penalty assessment if required by §165.87, Wis. Stats., a jail assessment if required by §53.46, Wis. Stats., and any applicable fees and court costs prescribed in Ch. 814, Wis. Stats.

(c) Cash deposits are to be made with the Clerk of Circuit Court for Oneida County and the Clerk shall give a receipt for any cash deposits that are made in person unless the deposit amount is mailed in and, in that case, the canceled check shall serve as the receipt.

(3) **ISSUANCE OF CITATIONS.** Citations issued under this chapter may be issued by State certified peace officers.