

TOWN OF RHINE MUNICIPAL CODE

CHAPTER 5: BOAT CODE

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5.01 BOAT CODE - INTENT. The intent of this Ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource, and all regulations herein apply to the use of waters under the jurisdiction of the Town of Rhine.

5.02 STATE STATUTES ADOPTED. The following statutory provisions describing and defining regulations with respect to water traffic, boats, boating, and related water activities and safety in the following enumerated Sections of the Wisconsin Statutes are hereby adopted and by reference made a part of this Ordinance to be enforced upon all waters of the Town of Rhine, Sheboygan County, Wisconsin.

- (1) 30.07 Transportation of Aquatic Plants and animals; Placement of Objects in Navigable Waters [*Created 8/5/14, Ord 2014-4 (Renum (1)-(16))*]
- (2) 30.50 Definitions
- (3) 30.51 Operation of Unnumbered Motor Boats Prohibited; Exemptions
- (4) 30.52 Certificates of Number; Applications, Issuance, Renewals, Fees
- (5) 30.53 Identification Number to be Displayed on Boats; Certificates to be Carried
- (6) 30.54 Transfer of Ownership of Numbered Boat
- (7) 30.55 Notice of Abandonment or Destruction of Boat or Change of Address
- (8) 30.60 Classification of Motor Boat
- (9) 30.61 Lighting Equipment
- (10) 30.62 Other Equipment
- (11) 30.64 Patrol Boats Exempt from Certain Regulations
- (12) 30.65 Traffic Rules
- (13) 30.66 Speed Restrictions (Reasonable & Prudent)
- (14) 30.67 Accidents and Accident Reports
- (15) 30.68 Prohibited Operation
- (16) 30.69(1b-2) Water Skiing
- (17) 30.70 Skin Diving

5.03 LOCAL REGULATIONS OF PROHIBITED OPERATION.

(1) That no person may operate a motor boat towing a person on water skis, aquaplane, or similar device and that no person may engage in water skiing, aquaplaning, or similar activity at any time from 7:30 p.m. to 10:00 a.m. except to the extent that such activities are prohibited by Wis. Stat. § 30.69(1)(a).

(2) A speed of "slow-no wake" speed is established at all hours for all boats operating on Big Elkhart Lake to the shore side of no-wake buoys designated as follows:

(a) Buoy Number One is located off the eastern shore at Camp Brosius and it is currently placed at one hundred sixty-five feet (175') from the eastern shore of the camp.

(b) Buoy Number Two is located two hundred feet (200') off the stone steps at Jack Van Der Vaart residence.

(c) Buoy Number Three is located seventy-five feet (75') west of Hayssen's Boathouse and two hundred ten feet (210') out from that point.

(d) Buoy Number Four is one hundred and sixty feet (165') off of the Dempsey Boathouse or off of the point the structure was originally built on.

(e) Buoy Number Five is a current buoy located two hundred feet (200') from shore at the point located northwest of the Freudenfeld property.

(f) Buoy Number Six is located two hundred feet (200') off of the Freudenfeld structure that currently is a boathouse.

(g) Buoy Number Seven is located two hundred feet (200') off of the structure used to mount the pier at the Robert McIntyre cottage.

(h) Buoy Number Eight is a new buoy that will be located approximately three hundred fifty feet (350') off of the John Linnehan cottage.

(i) Buoy Number Nine is located east of Dr. Sellinger's deck area approximately one hundred fifty feet (150') to the east and to be located two hundred fifty-two feet (252') from that location.

(j) Buoy Number Ten is located two hundred feet (200') directly in front of the Leonard Gentine pier.

(k) Buoy Number Eleven is located approximately one hundred seventy-five feet (175') feet off the William Thieman residence.

(l) Buoy Number Twelve is located two hundred feet (200') off of the shore of Lehey's cottage.

(m) Buoy Number Thirteen is located off of the Ann McComis cottage at a distance of three hundred feet (300') directly in line with the Gary Dulmes cottage located on the southern shore of Sheboygan Bay.

- (n) Buoy Number Fourteen is located directly off of the Ballhorn cottage almost directly in line with the Imig cottage directly across the Lake.
- (o) Buoy Number Fifteen is located two hundred fifty feet (250') off of the Worm cottage.
- (p) Buoy Number Sixteen is located two hundred feet (200') off of Sharpe's point.
- (q) Buoy Number Seventeen is located three hundred feet (300') off of the Gottsacker residence on the east shore of Elkhart Lake.
- (r) Buoy Number Eighteen is a new buoy placed three hundred feet (300') from the Point Elkhart Beach area.
- (s) Buoy Number Nineteen is located three hundred feet (300') off of the Point Elkhart Condominium Point.
- (t) Buoy Number Twenty is located in a direct line equidistant between Nineteen and Twenty-one.
- (u) Buoy Number Twenty-one is placed four hundred twenty-five feet (425') off of the location where the Camp Harand Pier is attached to shore.
- (v) Buoy Number Twenty-two is located three hundred feet (300') off of Siebken's beach.
- (w) Buoy Number Twenty-three is located two hundred fifty feet (250') from the swimming pier located at Barefoot Bay Resort.
- (x) Buoy Number Twenty-four will be in a direct line with Twenty-three through Twenty-seven based upon the location of these buoys as stated.
- (y) Buoy Number Twenty-five will be in line with Buoy Numbers Twenty-four, Twenty-six, and Twenty-seven. There will be a direct line between these buoys.
- (z) Buoy Number Twenty-six will be in direct line with buoys Twenty-three through Twenty-seven based upon the placement of buoy Twenty-seven.
- (aa) Buoy Number Twenty-seven is located one hundred twenty feet (120') off of Imig point.
- (bb) Buoy Number Twenty-eight will be located one hundred sixty feet (160') off of the Lee Verhulst shoreline. This distance is measured from the shore area where the pier meets the land.
- (cc) Buoy Number Twenty-nine is located two hundred feet (200') off of Bray's point.
- (dd) Buoy Number Thirty is located two hundred feet (200') off of the Dallanbach home located on Lakeshore Drive.

(ee) Buoy Number Thirty-one is located two hundred feet (200') off of the Frank Rieder lake frontage.

(ff) Buoy Number Thirty-two will be located three hundred ten feet (310') off the Harry Bremer boathouse.

(gg) Buoy Number Thirty-three will be located three hundred and thirty feet (330') off of the octagon house located on the point of Camp Brosius. This buoy is to be lined up with the flagpole on the Walter Vollrath residence which is located on the North shore of Elkhart Lake.

Buoys are numbered in conjunction with their location beginning at the outlet in a counterclockwise direction.

(3) A speed limit of "slow-no wake" speed is established on all Town of Rhine waters between the hours of 7:30 p.m. and 10:00 a.m. except as prohibited by Wis. Stat. § 30.68.

(4) No person may operate a motorboat towing a person on water skis, aquaplane, or similar device unless there is in the boat a competent person as required by Wis. Stat. § 30.69(1). The operator of such motorboat shall meet all of the requirements of Wis. Stat. ch. 30.

5.04 SUNDAY OPERATION PROHIBITED.

(1) There shall be no power boating on Elkhart Lake, Little Elkhart Lake, or Crystal Lake during the hours of 12:01 A.M. to midnight on Sundays beginning the second Sunday in June through and including the second Sunday in September of any year except as is provided in Subsection (2). Power boating is defined as any craft propelled by an electrical, gasoline, diesel, or other type of motor.

(2) Commencing the second Sunday in June and ending the third Sunday in September, craft propelled by electric motors and operated at "slow-no wake" speeds shall be allowed on Elkhart Lake, Little Elkhart Lake, and Crystal Lake at all times.

5.05 ENFORCEMENT. The Village of Elkhart Lake Police Department, pursuant to contract with the Town of Rhine, will provide law enforcement services and will patrol Elkhart Lake and Little Elkhart Lake and enforce all Sections relating to boating and boating activities. Enforcement of this Ordinance on Crystal Lake will also be provided by the Village of Elkhart Lake Police Department pursuant to said contract with the Town of Rhine. Said contract provides for an annual sum to be paid by the Town of Rhine to the Village of Elkhart Lake for said services. The officers patrolling and enforcing these Sections shall be hired and under the control of the Elkhart Lake Chief of Police and Village Board of Elkhart Lake.

5.06 PENALTY. Any person who shall violate any of the provisions of this Ordinance shall be subject to the penalties of Wis. Stat. § 30.80 which is hereby adopted by reference.

5.07 JURISDICTION. It is expressly understood that the jurisdiction over the waters of Big Elkhart Lake is jointly held by the Town of Rhine and the Village of Elkhart Lake. It is also expressly understood that jurisdiction over the waters of Little Elkhart Lake is also held by the Town of Rhine. It is further understood that jurisdiction over the waters of Crystal Lake is jointly held by the Town of Rhine and Town of Plymouth.

5.08 MARKERS AND NAVIGATION AIDS. The police officer employed pursuant to Section 5.05 or anyone he directs shall have authority to place and remove markers and navigation aids as shall best carry out the intent of Chapter 5 of this Code and the public interest as authorized and in compliance with the regulations of the Wisconsin Department of Natural Resources. No other person shall place, remove, damage, destroy, moor, or attach any watercraft to the same.

5.09 STATE STATUTE ADOPTED-INTOXICATED BOATING. Wis. Stat. § 30.681 relating to intoxicated boating is hereby adopted by reference thereto and made a part of this Ordinance to be enforced upon the waters of Elkhart Lake, Little Elkhart Lake, and Crystal Lake, all in the County of Sheboygan, State of Wisconsin.

5.10 SPEED LIMIT. In addition to complying with the speed restrictions imposed by Section 5.03(2), no person shall operate a boat or vessel at a speed in excess of thirty-five (35) miles per hour on Elkhart Lake, Crystal Lake, or Little Elkhart Lake. (Rev. 08/99)

5.11 REGULATION OF MOORING BUOYS.

(1) No person shall place or use a mooring buoy within two hundred feet (200') from shore in the waters of Elkhart Lake without first obtaining a permit. Permits to place mooring buoys shall be issued by the Chief of Police for the Village of Elkhart Lake. Applicants for the placement of mooring buoys shall demonstrate compliance with the provisions of this Ordinance and the requirements of Wis. Stat. § 30.772 and Wis. Admin. Code Ch. NR 5.09. No person shall place a mooring buoy in the waters of Elkhart Lake beyond two hundred feet (200') from shore without first obtaining a permit from the Town Board for the Town of Rhine and the Wisconsin Department of Natural Resources.

(2) The application for any such permit issued by the Town Board or the Chief of Police shall describe the real estate and approximate location of the mooring buoy, setting forth the distancing of the mooring buoy to the property lines of abutting neighboring riparian lands together with any additional details and specifications which the Town Board or Chief of Police may require. Said application shall also state the name and permanent address of the applicant.

(3) Upon the filing of such application, the issuing authority shall make proper investigation and determine that the applicant is in compliance with 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.

(4) In determining whether or not to recommend a mooring buoy permit, the issuing authority 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 to be attached to any mooring buoy.
- (c) The distance between mooring buoys.
- (d) The safe distance of moored boats from any other moored boats, properly marked and established traffic lanes, properly marked swimming or bathing areas, or structures, including piers, rafts, docks, and wharves.
- (e) Whether or not the applicant is a riparian owner.

(5) Under no circumstances may a mooring buoy be placed or used on Elkhart Lake if any of the following conditions exist:

- (a) The mooring buoy obstructs or interferes with public rights or interest in the navigable waters of Elkhart Lake.
- (b) The riparian owner does not give written permission to a non-riparian owner for the placement and use of the mooring buoy.
- (c) The mooring buoy or use of the mooring buoy interferes with the rights of other riparian owners.
- (d) The mooring buoy or use of the mooring buoy adversely affects critical or significant fish or wildlife habitat.
- (e) The mooring anchor is placed more than two hundred feet (200') from the ordinary high water mark of Elkhart Lake.

(6) In the event that the mooring buoy 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 or in the event such mooring is erected, constructed, or maintained in violation of any of the provisions of this Ordinance or any of the applicable laws of the State of Wisconsin, the Town Board for the Town of Rhine 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 ten (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.

(7) A mooring buoy which is placed or used in violation of this Section constitutes a public nuisance and any person who violates this Ordinance shall be subject to a forfeiture not to exceed Fifty Dollars (\$50.00) for each such violation. Each day during which a violation exists is a separate offense. Any mooring buoys placed without a permit or otherwise illegally placed may be removed by the Town Board at the expense of the owner of the mooring buoy.