

Town of Lyndon, Sheboygan County, Wisconsin

**AN ORDINANCE REPEALING AND RECREATING
CHAPTER 8 OF THE TOWN OF LYNDON MUNICIPAL CODE
REGARDING BOATING REGULATIONS**

WHEREAS, there exists entirely within the boundaries of the Town of Lyndon an inland lake known as Lake Ellen, which is entirely within the jurisdiction of the Town of Lyndon; and

WHEREAS, in the interest of public health, safety, or welfare, including the public's interest in preserving the state's natural resources, the Town of Lyndon has the authority to enact ordinances applicable to waters within its jurisdiction if the ordinances are not contrary to or inconsistent with Chapter 30, Wis. Stats., and they relate to the equipment, use, or operation of boats or to any activity regulated by ss. 30.60 to 30.71, Wis. Stats.; and

WHEREAS, the Town of Lyndon submitted a draft of this ordinance to the Wisconsin Department of Natural Resources for its advisory review at least 60 days prior to passage, pursuant to s. 30.77(3)(d), Wis. Stats.; and

WHEREAS, the Town Board, after taking into consideration public comments and any suggested changes of the DNR, determines that adopting the following boating regulations would promote the public health, safety and welfare, including the public's interest in preserving the state's natural resources;

NOW, THEREFORE, the Board of Supervisors of the Town of Lyndon, Sheboygan County, Wisconsin, does hereby ordain as follows:

Section 1. Repealing and Recreating Code. Chapter 8 (“Boating Regulations”) of the Town of Lyndon Municipal Code (and any conflicting or inconsistent ordinances or regulations) is repealed in its entirety and recreated to read as set forth on the attachment.

Section 2. Severability. Should any portion of this Ordinance or the affected Code Sections be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Effective Date. Upon adoption, this Ordinance shall take effect the day after publication or posting.

Enacted: _____, 2022

TOWN OF LYNDON

By: _____
David Roll, Town Chair

CLERK'S CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town of Lyndon Board of Supervisors on the date indicated above.

Dated: _____, 2022

Rhonda J. Klatt, Clerk/Treasurer

Published/Posted on _____, 2022 by _____.

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**TOWN OF LYNDON
CODE OF ORDINANCES**

CHAPTER 8: BOATING REGULATIONS

8.01 Applicability and Enforcement. The provisions of this Chapter apply to the waters of Lake Ellen and shall be enforced by the Town’s contracted law enforcement (currently the Village of Cascade Police Department).

8.02 Intent. The intent of this Chapter is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with the public rights and interests and the capability of the water resources.

8.03 State Boating and Safety Laws Adopted. State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., (as may be amended) are adopted herein by reference.

8.04 Penalties. 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 that all references to fines amended to forfeitures and all references to imprisonment are deleted.

8.05 Definitions.

(1) “Waterski” means a boat towing a person using water skis, aquaplane, innertube or similar device.

(2) “High Water” is a water level at or exceeding the definition currently set by the Town of Lyndon Sanitary District No. 1.

(3) “Transition speed” is the speed at which a boat is operating at greater than slow – no wake speed, but not fast enough so that the boat is planing.

8.06 Slow-No-Wake Operation Required. No person shall operate a motorboat at a speed of greater than slow-no-wake during the following periods:

(1) Daily. Between the hours of 6:00 PM and 10:00 AM daily.

(2) Sundays. Between the hours of 12:00 noon and 3:00 PM on Sundays.

(3) High Water. When the water level exceeds the high water bench mark located at the public boat landing on Ellen View Road. The slow-no-wake high water restriction will be posted with signage and flags at the kiosk which is the public access point at Ellen View Road.

8.07 Water Skiing, Fast Boating, Towing. The traffic pattern for fast boating (over 10 mph), water skiing and towing on Lake Ellen shall be counterclockwise and shall be conducted in the

center of the lake, within the confines of the buoys.

8.08 Personal Watercraft. No person shall operate a personal watercraft faster than slow-no-wake speed.

8.09 Enhanced Wakes – Prohibited Equipment and Prohibited Operation.

(1) No person may use or employ water sacks, ballast tanks, submersible wings or any other device which causes a boat to operate in a bow-high manner, or which increases or enhances a boat's wake.

(2) No person may operate a boat in an artificially bow-high manner in order to increase or enhance the boat's wake. Such prohibited operation shall include wake enhancement by use of ballast, mechanical hydrofoils, uneven loading or operation at transition speed (the speed at which the boat is operating at greater than slow-no-wake speed, but not fast enough so that the boat is planing).

8.10 Posting Requirements. The Town Board of the Town of Lyndon shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the Town pursuant to the requirements on NR 5.15, Wis. Adm. Code.

[Include standard Severability, Effective Date and Repeal of Conflicting Provisions in the adopting ordinance.]