

STATE OF WISCONSIN:

TOWN OF OAKLAND:

JEFFERSON COUNTY:

Ord. No. 2023-02

**ORDINANCE REPEALING AND RECREATING ORDINANCE NO. 2 OF THE
MUNICIPAL CODE OF THE TOWN OF OAKLAND**

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

SECTION 1: Ordinance No. 2 is repealed in its entirety and recreated to read as follows:

2.0. 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.

2.1. Applicability and Enforcement. This Ordinance shall apply to the waters of Lake Ripley within the jurisdiction of the Town of Oakland. This Ordinance may be enforced by the officers of the Water Safety Patrol or local enforcement officers in the Town of Oakland.

2.2. State Boating and Water Safety Laws Adopted. The regulations of Wis. Stat. §§ 30.50 to 30.71, except for any provision relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted by reference and made part of this Ordinance.

2.3. Definitions. The following terms have the meaning set forth below:

- A. “Boat” means every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water and a fishing raft.
- B. “DNR” means the Wisconsin Department of Natural Resources.

- C. "East/Milwaukee Bay Buoyed Restricted Area" (formerly referred to in Town Ordinances as "Buoyed Restricted Area A") means the surface waters in the Southeast corner of Lake Ripley lying southerly of the boundary line and depicted by white buoys 1–8 on the map in Section 2.18, the GPS coordinates of which are as follows:

White Buoy 1:	42.9964, -88.9857
White Buoy 2:	42.9965, -88.9852
White Buoy 3:	42.9966, -88.9844
White Buoy 4:	42.9967, -88.9837
White Buoy 5:	42.9969, -88.9831
White Buoy 6:	42.9969, -88.9824
White Buoy 7:	42.9970, -88.9817
White Buoy 8:	42.9972, -88.9809

- D. "Houseboat" means a motorboat on which a toilet or food preparation exists or on which persons are living, sleeping, or camping.
- E. "Motorboat" means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion.
- F. "Public Launching Area" means an area of land at which the general public may gain legal access to Lake Ripley by the process of launching a boat or motor vehicle access to ice-bound waters.
- G. "Slow-No-Wake Speed" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.
- H. "South/Marina Bay Buoyed Restricted Area" (formerly referred to in Town Ordinances as "Buoyed Restricted Area C") means the surface waters in the south bay of Lake Ripley lying southerly of the boundary line and depicted by red buoys 1–6 on the map in Section 2.18, the GPS coordinates of which are as follows:

Red Buoy 1:	42.9959, -88.9961
Red Buoy 2:	42.9959, -88.9953
Red Buoy 3:	42.9959, -88.9945
Red Buoy 4:	42.9959, -88.9937
Red Buoy 5:	42.9958, -88.9930
Red Buoy 6:	42.9958, -88.9922

- I. "Swimming Raft" means a floating platform without railings, roof or walls that is adequately anchored to the bed of navigable waters and is designed for swimming, diving and related activities.
- J. "Swimming Zone" means an area marked by regulatory markers to permit swimming.

2.4. Speed Restrictions.

- A. No person shall operate a motorboat in a buoyed restricted area at a speed faster than slow-no-wake speed.
- B. No person shall operate a motorboat faster than slow-no-wake speed between 7:30 p.m. and 11:00 a.m. This provision shall not apply to boats participating in authorized events under Section 2.11.
- C. No person shall operate a motorboat within 200 feet of the shoreline of Lake Ripley at a speed in excess of slow-no-wake speed. The 200-foot limit is depicted by the yellow buoys 1–6 on the map in Section 2.18, the GPS coordinates of which are as follows:

Yellow Buoy 1:	42.9984, -88.9879
Yellow Buoy 2:	42.9986, -88.9982
Yellow Buoy 3:	43.0073, -88.9994
Yellow Buoy 4:	43.0062, -88.9908
Yellow Buoy 5:	43.0020, -88.9866
Yellow Buoy 6:	42.9996, -88.9828

- D. During periods of high water that cause conditions threatening the public health, safety, welfare, or property in the Town, the Town Chair, or its designee, may declare the entire surface area of Lake Ripley as a slow-no-wake zone. Such declaration is advised when water levels reach an elevation of 836.78 feet above mean sea level, which is 1.7 on the permanent gauge located at W9073 Ripley Road, or otherwise at the Town chair's discretion. The emergency declaration shall remain in effect for such time as necessary, and shall be lifted by declaration of the Town Chair, or its designee, as soon as the threatening conditions cease to exist. The declarations under this Section shall be effective upon the posting at the public launching areas on Lake Ripley.

2.5. Wake Enhancement Prohibited: No person shall operate a motorboat in a manner that is designed to increase the size of the sustained wake trailing the motorboat through the use of ballast tanks, mechanical hydrofoils, or uneven loading.

Certain Operations Excluded: In no event shall any of the following operations be deemed a violation this Ordinance, provided such operations do not use or employ ballast tanks, water sacks or wake enhancing fins; i) water skiing, ii) tubing, iii) boarding employing a tow rope at all times, iv) transition operation to empty a boat of water, or v) operation of a boat to accelerating to a planing condition.

2.6. Water Skiing Hours. Except as provided in Wis. Stat. § 30.69(b), no person may engage in water skiing, aquaplane, or similar activity between 7:30 p.m. to 11:00 a.m. A person engaged in water skiing, aquaplaning, or similar activity shall wear a personal flotation device at all times.

2.7. Swimming Regulations.

- A. No person shall swim from an unmanned boat.
- B. No person shall swim more than 200 feet from the shoreline, except in a designated swimming zone or when accompanied by a competent person in a boat.
- C. No person shall swim more than 200 feet from the shoreline between sunset and sunrise.
- D. No person shall swim with a snorkel, except in a designated swimming zone or when complying with Wis. Stat. § 30.70.

2.8. Public Launching Area.

- A. Launch fees. Pursuant to Wis. Stat. § 30.77(3)(e), no person shall use a public boat launching area from May 1 through September 30 without paying the below launching and removal fee:

Daily permit fee:	\$7.00
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Yearly permit fees:

Town Property Owner or Resident	\$25.00
Age 65 or Older	\$20.00
Non-Resident	\$40.00
Replacement Permit	\$15.00

- B. Permit. Daily permits shall be displayed on the dashboard of the motor vehicle that launched the boat. Yearly permits shall be placed on the motor vehicle's rearview mirror. Permits shall be available at locations designated by the Town Board from time to time. Any person failing to display a valid permit shall pay a forfeiture in the amount of \$25.00.
- C. Power-Loading. No person shall use a boat's motor while loading or unloading a boat or raft from a trailer at a public launching area.
- D. Restrictions. No person shall use a public launching area to fish, swim, or loiter.

2.9. Houseboats. At any time between 12:00 midnight and sunrise, anchoring, drifting, or mooring of houseboats is prohibited, unless a houseboat is moored to shore with written permission of the property owner.

2.10. Swimming Rafts. No person shall place or maintain a swimming raft more than 150 feet from the shoreline. No person shall place or maintain a swimming raft within 150 feet of the shoreline, unless the swimming raft is anchored, painted white, has at least six inches of free board above the waterline, and a red reflector of three or more inches in diameter is attached to the swimming raft in an area that is at least 12 inches from each corner or projection of the swimming raft.

2.11. Races, Regattas, Sporting Events, or Exhibitions.

- A. Permit Required. No person shall direct or participate in any boat race, regatta, water ski meet, or other water sporting event or exhibition unless such event has been authorized by the Town Board.
- B. Town Board Approval. A permit issued under this Section shall specify the course or area of water to be used by participants for such event and the permitholder shall place markers, flags, or buoys designating such specified areas. Permits shall be issued upon the Town Board's review that the proposed use of the water can be carried out safely and without danger to, or substantial obstruction of, other boats or persons.
- C. Right-of-Way Participants. Boats and participants in any permitted event under this Section shall have the right-of-way on the marked area and no other person shall obstruct such area or interfere with the event.

2.12. Placement and Number of Buoys.

- A. No person shall place a buoy in Lake Ripley without prior approval from the Town Board.
- B. All buoys placed in the Lake Ripley shall conform to the DNR's Uniform Marking System.
- C. No person shall in any way interfere with posted buoys marking any areas.

2.13. Operation of Aircraft Prohibited. Pursuant Wis. Stat. § 30.78, no person shall operate an aircraft on, or from the surface of, Lake Ripley, except in cases of emergency or prior approval from the Town Board. Such permission shall not be given for commercial purposes, such as where a charge is made to provide passengers leisure or sightseeing rides.

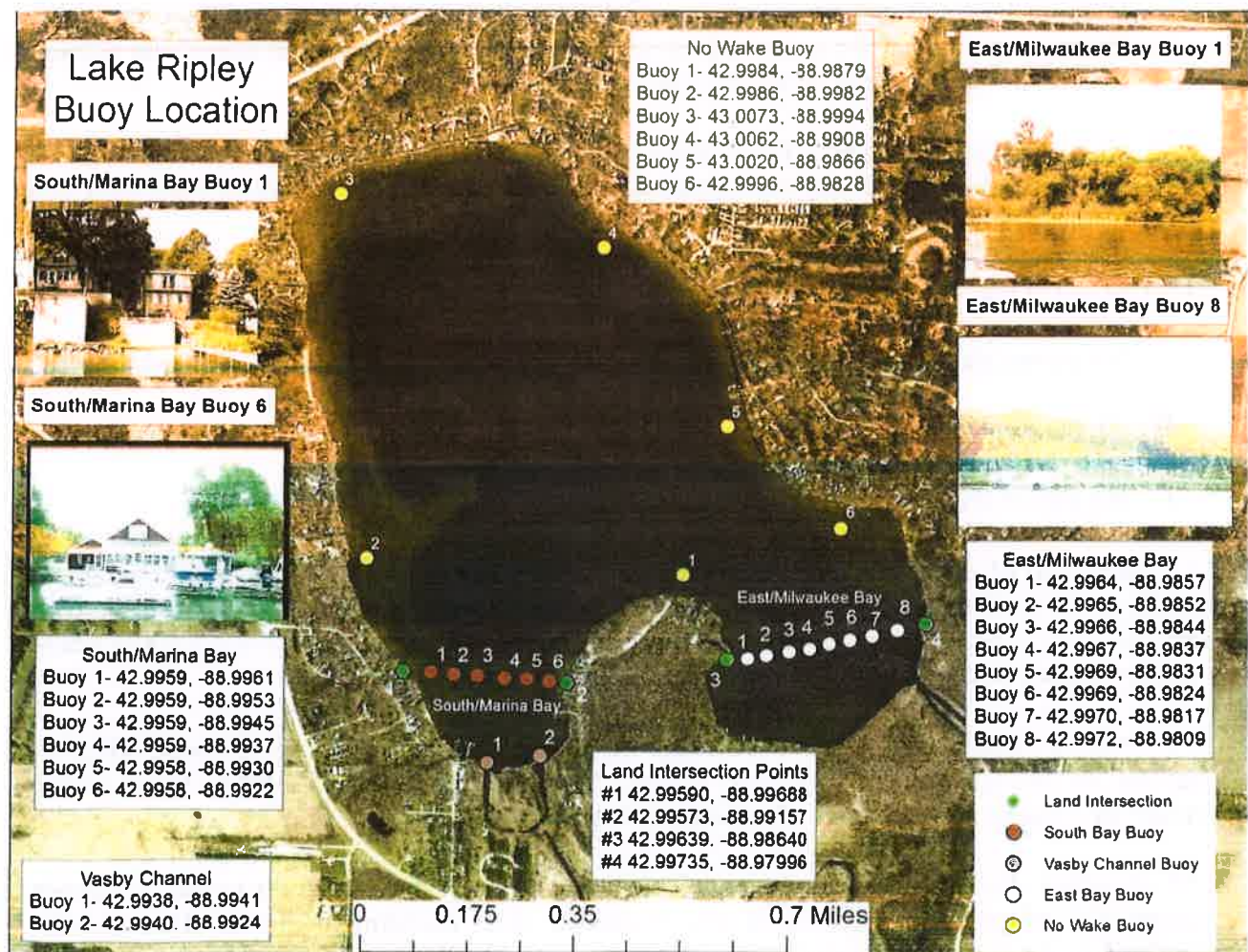
2.14. Littering Prohibited. No person shall deposit, place, or throw from shore, any boat, raft, pier, platform, or similar structure any cans, bottles, debris, refuse, garbage, solid or liquid waste, sewage, or effluent into the water of Lake Ripley or upon the ice when formed.

2.15. Penalties. Forfeitures for violations of any boating regulation set forth in the Wisconsin Statutes and adopted by reference in this Ordinance shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses. This Section shall not be construed to permit prosecution under this Ordinance for any offense described in Wis. Stat. §§ 30.50 to 30.71 for which an imprisonment penalty or fine is required to be imposed upon the defendant. In default of payment of the forfeiture and costs of prosecution, the defendant who is 18 years of age or older may, upon order of the court, be confined to the county jail until such forfeiture and costs are paid, but not to exceed 90 days.

2.16. Each Day Separate Violation. Each day that a violation of this Ordinance exists shall constitute a separate offense. The imposition of any penalty shall not exempt the offender from compliance with this Ordinance.

2.17. Money Deposits. Any officer arresting a person for violating this Ordinance who is unable to bring the person arrested before the Municipal Court or a Circuit Court without unnecessary delay shall permit such person to make a money deposit as provided in Wis. Stat. § 800.02. Such deposits shall be made to the Town of Oakland Police Department or other designated office.

2.18. Lake Ripley Buoy Map. The below Lake Ripley Buoy Map is incorporated by reference and made part of this Ordinance:



SECTION 2: If any portion of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected. All ordinances or parts of this Ordinance conflicting or contravening the provisions of this Ordinance are hereby repealed.

SECTION 3: Upon adoption, this Ordinance shall take effect 30 days after the Public Hearing was held on this Ordinance, and upon publication or posting.

TOWN BOARD, By:

Teddy F. Vratny
Teddy F. Vratny, Town Chairman

Attest:

Susan Dascenzo
Susan Dascenzo, Clerk/Treasurer

Vote: Aye: 3 No: 0

Published: April 2, 2024

