CHAPTER 19
MUTUAL AND IDENTICAL REGULATIONS FOR BOATING ON DELAVAN LAKE AND LAKE COMUS FOR THE CITY AND TOWN OF DELAVAN

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19.01 PURPOSE

1) The regulations set forth in this Chapter are adopted pursuant to Section 30.77(3)(a), Wisconsin Statutes, permitting cities, villages, and towns in the interest of public health, safety or welfare to adopt local regulations, which are consistent with Section 30, Wisconsin Statutes, and are applicable to the waters of Delavan Lake and Lake Comus, being within the state and located only in the jurisdictions of the City and Town of Delavan, such regulations including those relating to the equipment, use or operation of boats or any activity regulated by Wisconsin Statutes, 30.60 to 30.71, thereby requiring identical local regulations enacted by all towns, cities and villages having jurisdiction. These regulations hereinafter set forth are accordingly substantively identical for the Town and City.

Established April 17, 2002, Ordinance No. 229

19.02 INTENT

1) The intent of this chapter is to provide access to Delavan Lake and Lake Comus for all users and further provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public needs and the capacity of the water resource, recognizing the intensity of their recreational use. This chapter is deemed necessary in the interest of public health, safety and welfare.

Established April 17, 2002, Ordinance No. 229

19.03 APPLICABILITY AND ENFORCEMENT

1) The provisions of this chapter apply to the waters of Delavan Lake and Lake Comus and that portion of the inlet and outlet lying wholly within the City of Delavan and Town of Delavan, Walworth County, Wisconsin. The provisions of this chapter shall be enforced by the authorized law enforcement officers of the City of Delavan and Town of Delavan police departments, inclusive of the Water Safety Patrol.

Established April 17, 2002, Ordinance No. 229

19.04 STATE BOATING AND WATER SAFETY ADOPTED

1) The statutory provisions describing and defining regulations

with respect to water traffic, boats, boating and related water activities in the following enumerated sections or subsections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed for the punishment for violation of such statutes, together with any future amendments, modifications, revisions, additions or deletions of the Wisconsin Statutes incorporated herein, shall be incorporated herein and made a part of this Code in order to secure uniform regulations of lake use; are hereby adopted and by reference made a part of this section, as if fully set forth herein:

a	30.07	Transportation of aquatic plants and Animals and the placement of these objects in navigable waters
b	30.50	Definitions
c	30.501	Capacity plates on boats
d	30.51	Certificate of number and registration; requirements, exemptions
e	30.52	Certificate of number and registration; application; certification and registration period; fees issuance
f	30.523	Certification of registration cared to be on board; display of stickers or decals and identification number
g	30.531	Certificate of title; requirements; exemptions
h	30.54	Lost, stolen or mutilated certificates
i	30.541	Transfers of boat titles
j	30.543	Report of stolen or abandoned boats.
k	30.544	Inspection of boats purchased out-of-state
l	30.549	Transfer of ownership of boats with a certificate of title, certificate of number or registration
m	30.55	Notice of abandonment or destruction of boat or change of address
n	30.60	Classification of motorboats
o	30.61	Lighting equipment
p	30.62	Other equipment
q	30.63	Sale and use of certain outboard motors restricted
r	30.64	Patrol boats
s	30.65	Traffic rules
t	30.66	Speed restrictions
u	30.67	Accidents and accident reports
v	30.675	Distress signal flag
w	30.68	Prohibited operation
x	30.681(1)	Intoxicated boating
y	30.862	Preliminary breath screening test

z	30.683	Implied consent
aa	30.684	Chemical tests
bb	30.686	Report arrest to department
cc	30.678	Officer's action after arrest for violating intoxicated boating law
dd	30.69	Water skiing
ee	30.70	Skin diving
ff	30.71	Boats equipped with toilets

Established April 17, 2002, Ordinance No. 229, Ordinance 304

19.05 DEFINITIONS

1) TRAFFIC LANE

(a) The traffic lane of Delavan Lake embraces the entire surface thereof, excepting therefrom those areas designated, "shore zone" or "swimming zone" as defined herein and identified on the map marked Exhibit "A" on file in the City Clerk's and Town Clerk's office, or areas defined as "slow no wake" by marker buoys registered and approved by the State of Wisconsin Department of Natural Resources and the Town of Delavan. No traffic lane is designated for Lake Comus. (See definition of "Shore Zone" as it pertains to Lake Comus.)

2) SHORE ZONE

(a) On Delavan Lake, the water area within two-hundred (200') feet of any shore. On Lake Comus, the shore zone shall be deemed to embrace the whole surface thereof.

3) SWIMMING AREA

(a) An authorized area within two-hundred (200') feet from shore marked by official buoys to designate a swimming area.

4) CHANNEL

(a) A waterway less than four-hundred (400') feet wide.

5) PUBLIC LANDING

(a) A marina or landing facility and the adjoining public shore line under the ownership or operation of the State, County, City or Town.

6) DESIGNATED ANCHORAGE

(a) That area of water established and marked as an anchorage by lawful authority.

7) WATER SAFETY PATROL OFFICER

(a) Any duly authorized law enforcement officer, including City and Town police officers and Walworth County sheriff's deputies.

8) PERSON

(a) "Person" includes any individual, firm, partnership, corporation, company, association, or body politic, except the United States and the State of Wisconsin, and includes any agent, trustee, personal representative, receiver, assignee or other similar representative thereof.

9) SAILBOAT

(a) Any watercraft propelled by sail which is designed and constructed to be used as a boat for transportation of a person or persons. When a sailboat is propelled by machinery instead of by sail, it shall be deemed to be a motorboat.

10) SLOW-NO-WAKE

(a) That speed at which a boat moves as slowly as possible while still maintaining steerage control.

Established April 17, 2002, Ordinance No. 229

19.06 SPEED RESTRICTIONS

1) No person shall at any time operate a boat at a speed in excess of slow-no-wake within the shore zone, or within two-hundred (200') feet of any swimmer, marked swimming area,

diving flag, canoe, rowboat, sailboat, non-operating motor boat, bridge, public landing, anchorage, or areas defined as slow-no-wake by marker buoys registered and approved by the State of Wisconsin Department of Natural Resources and the Town of Delavan.

2) No person shall operate a boat in excess of fifteen (15) miles per hour within the traffic lane between sunset and sunrise, except for water safety patrol or emergency water craft.

3) Notwithstanding other provisions to the contrary appearing herein or adopted by reference, on Lake Comus no person shall operate a boat in excess of slow-no-wake except for emergency water craft.

4) No person shall operate a boat in excess of slow-no-wake in the west bay area of Lake Delavan as defined by "slow-no-wake" buoys placed in a line starting two-hundred (200') feet from the Chicago Club stairs to the lakeshore on the north shore of the lake to within two-hundred (200') feet of Blue Gill Road on the south shore of the lake. In addition, no person shall operate a boat in excess of slow-no-wake in the inlet of Lake Delavan, defined as that area north of the Highway 50 Bridge across Lake Delavan, and in the outlet of Lake Delavan, defined as the area west of the North Shore Bridge, on North Shore Drive of Lake Delavan.

Established April 17, 2002, Ordinance No. 229

19.07 OPERATION OF MOTOR VEHICLES ON ICE

1) No person shall operate an automobile, farm truck, motor bus, motor truck, truck tractor or any other motor vehicle with a shipping weight of more that one-thousand (1,000) pounds on the frozen waters of Delavan Lake or Lake Comus.

2) This section shall not apply to authorized emergency vehicles or other vehicles operating with the specific authorization of the City of Delavan Police Department or Town of Delavan Police Department.

3) The statutory definitions contained in Section 340.01, Wisconsin Statutes, are hereby adopted and by reference made a part of this section as if fully set forth herein.

Established April 17, 2002, Ordinance No. 229

19.08 CAPACITY

1) RESTRICTIONS

(a) No person shall operate, own, rent or permit a boat to leave the place where it is customarily kept for operation on the waters covered by this chapter with passengers or cargo in excess of the capacity recommended by the manufacturer's rating.

2) HORSEPOWER CAPACITY

(a) No person shall operate, loan, rent or permit a boat to leave the place where it is customarily kept for operation on the waters covered by this chapter, powered by a motor with horsepower in excess of the capacity recommended by the manufacturer of said boat.

Established April 17, 2002, Ordinance No. 229

19.09 ADDITIONAL TRAFFIC RULE(S)

1) In addition to the traffic rules in Section 30.65, Wisconsin Statutes, the following rule shall apply to boats using the waters covered by this chapter:

(a) **RIGHT OF WAY AT DOCKS, PIERS, AND WARFS**

i. All boats leaving or departing from a pier, dock or wharf have the right-of-way over all other water craft approaching such dock, pier or wharf.

Established April 17, 2002, Ordinance No. 229

19.10 INTOXICATION AND INTOXICATING LIQUORS

1) INTOXICATED PERSONS NOT TO RIDE IN BOATS

(a) In addition to Subsection 30.681(1) (a) Wisconsin Statutes, no person shall permit any person who is so intoxicated as to be unable to provide for his own safety or the safety of others to ride as a passenger in any boat operated by him.

Established April 17, 2002, Ordinance No. 229

19.11 SAFE OPERATION REQUIRED

1) No person shall operate, direct or handle a boat in such

manner as to unreasonably annoy, unnecessarily frighten or endanger the occupants of his or other boats. In addition, no person shall operate, direct or handle a boat in a negligent manner or in any other manner that could endanger the life, property or person of another. Continued violations of this section by a minor could subject the parent, guardian, lesser or owner to arrest and persecution for contributing to the delinquency of a minor.

Established April 17, 2002, Ordinance No. 229

19.12 WATER SKIING

1) IN ADDITION TO SECTION 30.69, WISCONSIN STATUTES, THE FOLLOWING OTHER RESTRICTIONS SHALL APPLY:

(a) Any boat engaged in starting, towing, dropping, or releasing a person on water skis, aquaplane or similar device must conform to all sections of this chapter, and in addition, must operate only in the traffic lane.

(b) There shall be no more than two (2) lines per boat and no more than one person using each two (2) lines as a means of water skiing or similar sport. The persons being towed shall be equipped with a coast guard approved personal flotation device.

Established April 17, 2001, Ordinance No. 229

19.13 SWIMMING REGULATIONS

1) SWIMMING FROM BOATS PROHIBITED

(a) No person shall swim, snorkel or skin (scuba) dive in the shore zone from any boat unless such boat is anchored and unless the swimmers, snorkelers and skin (scuba) divers stay within twenty-five (25') feet of the boat.

2) SWIMMING IN TRAFFIC LANE; DISTANCE SWIMMING

(a) No person in Delavan Lake shall swim, snorkel or skin (scuba) dive in the traffic lane (more than two-hundred (200') feet from shore). No person in Delavan Lake or Lake Comus shall do any distance swimming,

snorkeling or skin (scuba) diving unless the person is accompanied by a boat carrying a ring buoy and containing a competent observer. For this type of swimming, if there is more than one swimmer, snorkeler or skin (scuba) diver, each shall be accompanied by a boat.

Established April 17, 2002, Ordinance No. 229

19.14 POLLUTING AND LITTERING WATERS PROHIBITED

1) No person shall deposit, place, throw, allow or cause to be deposited, placed or throw from the shore, from any boat, raft, pier platform or similar structure any cans, paper, bottles, debris, refuse, garbage, solid or liquid waste into the water of the lake or on the ice of the lake.

2) No person shall discharge, cause, allow to be discharged any solid or liquid waste from his residence onto the grounds or shore land so that waste could either artificially or naturally flow into the water of the lake or upon the ice of the lake.

Established April 17, 2002, Ordinance No. 229

19.15 OVERNIGHT MOORING PROHIBITED

1) The anchoring, drifting or mooring of boats on open water, upon which people are living, sleeping or camping is prohibited between 10:00 p.m. and 4:00 a.m.

Established April 17, 2002, Ordinance No. 229

19.16 BUOYS MARKING RACE COURSES

1) Such buoys may be set without lighting and no permit is required from the Water Safety Patrol. Such buoys shall be of a bright color and made of materials which will not damage a boat if struck. Authorization shall be obtained from the City of Delavan or the Town of Delavan for any buoy marking race courses between sunset and sunrise.

Established April 17, 2002, Ordinance No. 229

19.17 STATIONARY ARTIFICIAL STRUCTURES

SECTION 1.
Purpose.

The purpose of this section is to promote the public health, safety, and welfare of all persons using the navigable waters within the Town of Delavan.

The unregulated placement of buoys, swim rafts, or other stationary structures may create hazards to navigation and interfere with the rights of other riparian owners. This section establishes a permit process to ensure the safe placement and consistent regulation of such structures.

This section is not intended to interfere with lawful riparian rights.

SECTION 2.
Permit Required.

No person shall establish, anchor, or maintain any artificial stationary structure within the navigable waters of the Town of Delavan without first obtaining a permit issued by the Town.

Structures requiring a permit include:

1. Mooring buoys;
2. Swim rafts;
3. Slow-No-Wake buoys;
4. Any other stationary artificial structure used for navigation or mooring.

This section shall not apply to:

1. Piers or wharves located within the shore zone;
2. Structures regulated by the Wisconsin Department of Natural Resources pursuant to Wisconsin Statutes §30.12.

SECTION 3.
Mooring Buoys.

Mooring buoys shall comply with the following requirements:

1. Only riparian property owners may place mooring buoys;
2. The buoy must be located within the owner's riparian area;
3. The buoy must be located within the pier-head line.

A mooring buoy may not be placed:

1. Within 90 feet of a swimming area or boat launch;
2. In a location that interferes with navigation;
3. In a location that interferes with neighboring riparian rights.

No mooring buoy may be placed more than 200 feet from the ordinary high-water mark unless approved by the Wisconsin Department of Natural Resources.

All permitted buoys shall display the assigned Town permit number in a clearly visible manner.

SECTION 4.
Swim Rafts.

Swim rafts must meet the following requirements:

1. Located within 100 feet of shore;
2. Minimum 12 inches above the water line;
3. Must display reflective material visible to boat traffic;
4. Must display the Town permit number.

Swim rafts may not be used to permanently moor boats or personal watercraft and shall not interfere with navigation or the riparian rights of neighboring property owners.

SECTION 5.
Slow-No-Wake Buoys.

Private parties may apply to place Slow-No-Wake buoys subject to the following requirements:

1. A permit must be obtained from the Town of Delavan prior to placement;
2. The buoy must comply with Wisconsin Department of Natural Resources and U.S. Coast Guard regulatory buoy marking requirements.

Approved Regulatory Buoy Standard

All Slow-No-Wake buoys approved under this section shall meet the following minimum standards:

(a) Type and Size

1. Regulatory buoy constructed of ABS plastic or equivalent durable material;
2. Approximately nine (9) inches in diameter.

(b) Color and Markings

1. White buoy body;
2. Orange bands above and below the regulatory message;
3. Orange regulatory diamond symbol;

4. Black lettering identifying the regulatory message (e.g., “SLOW NO WAKE”).

(c) Reflective Material

1. A reflective band near the top of the buoy to provide visibility during low-light conditions.

(d) Construction

1. Buoy shall be urethane foam filled or otherwise designed to remain upright and unsinkable;
2. Buoy shall include an anchoring eye or equivalent attachment point.

An acceptable example of a buoy meeting these standards is the ABS Regulatory Buoy – 9-inch diameter (Model B1147R or equivalent).

Buoy Anchoring and Securing Requirements

All Slow-No-Wake buoys shall be securely anchored to the lakebed in a manner that prevents the buoy from drifting, shifting, or interfering with navigation.

Anchoring shall meet the following requirements:

1. The buoy shall be attached to an anchor, concrete block, or other suitable weight capable of maintaining the buoy in its permitted location;
2. The buoy shall be connected using chain, cable, or marine-grade line designed for buoy anchoring;
3. The anchoring system shall be of sufficient strength and weight to maintain the buoy upright and in position during normal weather and boating conditions;
4. The buoy shall remain clearly visible above the water surface and function as intended as a regulatory marker.

The permit holder shall be responsible for:

1. Maintaining the buoy and anchoring system in safe condition;
2. Ensuring the buoy remains in its permitted location;
3. Repairing or replacing any buoy that becomes damaged, displaced, or non-functional.

Placement Requirements

Slow-No-Wake buoys may be placed only when:

1. The buoy does not obstruct navigation;
2. The buoy does not interfere with riparian rights;
3. The buoy clearly marks the intended slow-no-wake area.

Slow-No-Wake buoys may not be located:

1. Within 90 feet of swimming areas or boat launches;
2. Within navigation channels;
3. In any location that may create confusion with official regulatory markers.

Slow-No-Wake buoys may not be placed more than 200 feet from the ordinary high-water mark.

All permitted buoys shall display the assigned Town permit number.

SECTION 6.
Application for Permit.

Applications shall be submitted to the Town Clerk on forms provided by the Town.

The application shall include:

1. Name, address, and contact information of the applicant;
2. Property address and parcel number;
3. Type of structure requested;

4. Proposed location of the structure;
5. Distance from shoreline;
6. Distance from neighboring property lines or piers;
7. A drawing or map showing the proposed location relative to shoreline and pier;
8. Description of anchoring method;
9. Any additional information required by the Town for review.

Applications may be submitted by mail, email, or in person to the Town Clerk.

SECTION 7.
Review Process.

Upon receipt of a completed application, the Town shall review the application to determine compliance with this ordinance.

The application shall be reviewed by the Lake Committee or another designated Town representative.

The review shall consider:

1. Navigation safety;
2. Location relative to shoreline and other structures;
3. Interference with neighboring riparian rights;
4. Compliance with Town ordinance and Wisconsin Statutes.

If the application complies with the requirements of this section, the permit may be administratively approved.

If the application does not meet ordinance requirements, the permit shall be denied. The applicant may request review by the Town Board.

SECTION 8.
Permit Issuance and Duration.

Upon approval of the application and payment of the required fee, the Town shall issue a permit for the placement of the structure.

The permit shall include a permit number, which must be displayed on the buoy or raft as required by this section.

A permit fee of thirty dollars ($30.00) shall be paid prior to issuance.

All permits issued pursuant to this section shall be valid for three (3) years from the date of issuance.

The Town Clerk shall maintain a record of all permits issued under this section.

SECTION 9.
Penalties and Remedies.

If any structure is established or maintained in violation of this section, the following remedies and penalties may be imposed:

(a) Permit Revocation

After a structure permit has been issued, the Town may revoke the permit if the structure subsequently violates any provision of this chapter or applicable state law.

(b) Public Nuisance

Any structure violating the provisions of this chapter or applicable state law shall constitute a public nuisance pursuant to Section 30.294, Wisconsin Statutes, and a violation of Section 10.01(1) of the Town of Delavan Municipal Code.

Each day the violation continues shall constitute a separate offense.

(c) Removal of Unlawful Rafts

If the unlawful structure is a raft, it may be removed by Town

officials pursuant to the procedures set forth in Section 30.13(5m) and Chapter 823 of the Wisconsin Statutes.

The raft may not be removed under the authority of Section 10.08 of the Town of Delavan Municipal Code unless the inspecting officer determines that the raft creates a great and immediate danger to the public.

(d) Removal of Other Unlawful Structures

If the unlawful structure is anything other than a raft, pier, or wharf, it may be removed by Town officials pursuant to the authority and procedures of Section 10.08 of the Town of Delavan Municipal Code.

Amended 4.21.2026, Ordinance 447, Established April 17, 2002, Ordinance No. 229, Ordinance 328-11.20.12

19.18 ESTABLISHMENT OF PIERHEAD LINE AND WHARF REGULATIONS

1) DEFINITIONS

(a) The definitions as set forth in Section 30.01, Wisconsin Statutes, are hereby adopted and incorporated herein by reference, the same as if set forth at length herein. Any future amendments, revisions or modifications of the state statutes incorporated herein are intended to be made a part of this subsection. In this ordinance:

i. **PIER** shall mean any structure extending in navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berthing or mooring place for watercraft or for loading or unloading cargo or passengers onto or from watercraft including temporary boat hoists without roof or walls.

ii. **WHARF** shall mean any structure extending in navigable waters along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berthing or mooring place for watercraft or for

loading or unloading cargo or passengers onto or from watercraft.

iii. **PIERHEAD LINE** shall mean as established in paragraph (2)(a) below, is a line established in the water of Delavan Lake adjacent to and roughly parallel to the shoreline for the purpose of creating uniformity in the length of piers extending from the shoreline into the waterway.

2) ESTABLISHMENT OF PIERHEAD LINE

(a) Pursuant to Sections 30.13(3) and 30.11, Wisconsin Statutes, and in the interest of the preservation and protection of the public's rights in the waters of Delavan Lake, the Town of Delavan, within its respective boundaries, does hereby establish a pier-head line on Delavan Lake, which shall be at a distance of eighty (80') feet navigable water from the shoreline, except in areas where wetland extend 45 feet or more navigable water from the shoreline, in which case, the pierhead line is established at a distance of thirty-five (35') feet navigable water into open water from the navigable water edge of the wetland. The shoreline, for the purpose of this subsection, shall be at the elevation of ninety-four and three-quarters (94.75) (feet) WDNR datum (or 927.91 MSL), commonly referred to as the "summer level," which is thirty-six (36") inches below the brass bench mark (elevation 97.79 (feet) WDNR datum (or 930.95 MSL), located on the cement bank on the north side of the dam. The pierhead line shall run parallel to the shoreline. "Wetland" is defined as an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydro-phytic vegetation, has soils indicative of wet conditions, but is not open water.

(b) **INCORPORATION OF MAP**

i. Pursuant to Section 30.11, Wisconsin Statutes, the map approved by the Wisconsin Department of Natural Resources, indicating the existing shore and pierhead line established in paragraph (2) (a) above, is incorporated here in and made a part of

this section.

3) PIER PLANNER

(a) All piers, accessories, and other near shore construction as referenced in the Pier Planner WZ-017 (3/96 revision) published by the WDNR are hereby incorporated herein by reference as guidelines that must be followed by waterfront property owners on Delavan Lake.

(b) **EXTENSION BEYOND PIERHEAD LINE; EXCEPTION**

i. No wharf or pier shall extend beyond the Pierhead line which has been established under Paragraph (2) (a) above. A wharf or pier which extends into navigable waters beyond the pierhead line established under Subsection 2) (a) constitutes an unlawful obstruction of navigable waters unless authorization for the wharf or pier is granted, pursuant to Subsection 3) (c) of this Ordinance, or unless it is a permissible pre-existing wharf or pier that existed prior to the establishment of the pierhead line on November 15, 1998.

4) VARIANCE POWER

(a) The Town of Delavan shall have the power to hear and grant requests for variances to the provisions of Subsection 2) (a), above, relating to the pierhead line. Such variances shall be so conditioned that the spirit and purpose of this Ordinance shall be observed and the public health, safety and welfare preserved and substantial justice done.

i. No such variance shall be granted unless there are exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel in question that do not apply generally to other properties on Delavan Lake.

ii. No such variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this Ordinance.

(b) **VARIANCE PROCEDURES**

i. Application for a variance shall be made to the Town of Delavan Plan Commission. Said application shall state, with reasonable specificity, the location of the property, ownership of the property, what type of variance is being sought, and the reasons of the applicant for seeking the variance. The applicant may request and the Plan Commission shall grant, if requested, a hearing on the proposed variance. The Plan Commission shall make a determination within ten (10) days from the date of hearing (exclusive of the date of hearing) on the variance, unless waived by the applicant. The Plan Commission shall, in writing, cause to be filed with the Town Clerk, its findings and reasons for the granting or denial of the variance.

(c) **APPEAL**

i. Any person aggrieved by the determination of the Plan Commission may, within ten (10) days of the filing of the Plan Commission determination with the Town Clerk, file written notice of appeal with the Town Clerk. Said notice shall specify the reasons for appeal. Any notice of appeal not filed within the time specified herein shall be deemed to have been waived. The Town Board shall promptly review a properly filed appeal. Review of a Town Board determination shall be in accordance with Chapter 68, Wisconsin Statutes.

5) REMOVAL OF UNLAWFUL OBSTRUCTIONS

(a) A wharf or pier that is an unlawful obstruction of navigable waters as set forth in Subsection (3) above is a public nuisance and is a violation of 10.01(1) of the Town of Delavan Municipal Code. The Town of Delavan may remove, or cause to be removed, the wharf or pier, or that portion of the wharf or pier that causes the unlawful obstruction as provided under section 30.13 (5m) and Chapter 823 Wisconsin Statutes. The wharf or pier cannot be removed under authority of

Chapter 10 of the Town of Delavan Municipal Code unless the inspecting officer determines that the wharf or pier creates a great and immediate danger to the public. Under this subsection each day constitutes a separate offense.

6) DILAPIDATED STRUCTURES IN NAVIGABLE WATERS PROHIBITED

(a) Any wharf or pier in navigable waters which is declared so old, dilapidated or in need of repair that it is dangerous, unsafe or unfit for use, under Section 30.13 (5m) and Chapter 823 Wisconsin Statutes. The wharf or pier cannot be removed under authority of Chapter 10 of the Town of Delavan Municipal Code unless the inspecting officer determines that the wharf or pier creates a great and immediate danger to the public. Under this subsection each day constitutes a separate offense.

7) MARINAS AND LAGOONS

(a) No marina or lagoon shall be constructed or expanded unless a permit for the same has been obtained from the Wisconsin Department of Natural Resources as provided by law. At the time an application is filed with the Department of Natural Resources, a copy of such application shall be filed with the Town of Delavan.

8) ADDRESS NUMBERS REQUIRED

(a) The Town Board shall require the owners of all wharves and piers to install address numbers on those piers clearly visible for purposes of identification. Such numbers shall be a minimum of three (3”) inches in height in a color that contrasts with the color of the pier. Subdivision and Associations shall have the name of the Association or Subdivision installed upon its pier in lieu of address numbers. Such lettering shall be a minimum of three (3”) inches in height in a color that contrasts with the color of the pier. Subdivisions and Associations with multiple piers shall have the name of the Association of Subdivision installed upon its main pier or piers and shall assign

and install individual numbers on the remaining piers. Such lettering and numbering shall be a minimum of three (3”) in height in a color that contrasts with the color of the piers.

9) PENALTIES

(a) Any person who shall violate any of the provisions of any section of this ordinance, shall, upon conviction thereof, be subject to the penalties as set forth in Section 25.04 of the Municipal Ordinances of the Town of Delavan.

10) LAKE AND STREAM ACCESS

(a) It is not intended by this ordinance to repeal, abrogate, or annul, provisions of Section 19.09(1) of this municipal code.

Established April 17, 2002, Ordinance No. 229; Revised February 18, 2003, Ordinance No. 240, Revised September 16, 2003, Resolution 11.2009

19.19 MOORING OR ANCHORING IN SWIMMING AREAS

1) No person shall moor or anchor any boat, at any time, other than an emergency craft, in marked swimming areas.

Established April 17, 2002, Ordinance No. 229

19.20 PUBLIC LANDINGS

1) No person shall moor or anchor any boat at public beaches, park or landings other than at piers as designated by the controlling government agency.

2) Community park boat launch fees and regulations

a) **Intent.**
It is the intent of this chapter to create fees consistent with the Wisconsin Administrative Code and the Department of Natural Resources rules and regulations pertaining to fees which may permissibly be charged at public accesses. (NR 1.91)

b) **Findings.**
It is hereby found and determined that the operation

of the Community Park Boat Launch and the maintenance therefore, along with other costs and expenses that can be directly attributable to the development, operation, and maintenance of this launch shall significantly exceed fees that the Town of Delavan can reasonably anticipate be generated from state access fees. Until such time as such fees can be charged to reimburse the Town of Delavan for such costs, it is the finding of the Town Board that it is in the Town of Delavan's interest to charge the maximum permissible fee permitted under existing Wisconsin Administrative Code and Department of Natural Resources regulations. (NR 1.91)

c) **Fees.**
For the 2026 calendar year, and thereafter until such time as the Town of Delavan may amend this chapter or obtain approval from the Department of Natural Resources to charge additional fees, the boat launch fees for Community Park shall be those fees as outlined below; however, if any of those fees exceed the maximum permissible fee permitted under NR 1.91(11), Wisconsin Administrative Code, said maximum will become the applicable fee:

i. Nonmotorized or nontrailered craft: $13.75;
ii. Motorized craft less than 20 feet: $19.25 for resident and $19.25 for nonresidents;
iii. Motorized craft between 20 and 26 feet: $23.25 for residents, $35.00 for nonresidents;
iv. Motorized craft greater than 26 feet: $27.50 for residents, $41.25 for nonresidents;
v. Annual pass: 10 times the amount of the applicable fee above (i.e., $192.50 for an annual pass for a motorized craft less than 20 feet).
vi. Parking without launching: $5.00.

d) **Fee applies to residents.**
The foregoing fee shall apply to residents. "Residents" means persons who permanently reside or own real property within the Town of Delavan. A nonresident is anyone who does not maintain residency or own property in the Town of Delavan.

e) **Nonresident fee.**
Nonresidents shall pay a launching fee equal to 150 percent of the fee charged a resident under the

aforementioned fee schedules.

f) **Annual Fees.**
Residents or nonresidents may pay for an annual fee which shall be equal to 10 times the daily launch fee.

g) **Posting of fee schedules – Collection of fees.**
Fee schedules shall be posted and the Police Department shall enforce the required payment of fees. Community Park attendants and other nonpolice personnel may supervise the operation of the launch at Community Park. Any failure to obey the directions of the Community Park and launch attendants shall be deemed to be failure to obey a police officer and enforceable under this ordinance as if such attendants were police officers or other Town officials.

h) **Payment of launch fees.**
All daily launch fees and annual fees provided for in this chapter shall be paid at the Community Park Paystations.

i) **Loitering prohibited.**
There shall be no loitering at the boat launch, at the boat launch parking lot, or on the boat launch pier. The pier may only be used for the immediate launching or retrieval of boats or watercraft from Delavan Lake, or for temporary use of the public facilities at the boat launch or boat launch pier. Swimming or fishing off the public boat launch or boat launch pier shall be prohibited, as the Town finds such activities are inconsistent with boat launch usage and will create a health and safety hazard.

j) **Review of fees.**
The Town Board shall review fees on an annual basis to ensure that such fees bear reasonable relation to the costs of the Town of Delavan pertaining to the maintenance of the public launch and to the Town's lake-related supervision and enforcement costs. The Town shall annually seek such adjustments from the Department of Natural Resources as may be warranted based upon the Town's expenses related to the launch.

k) **Administration and regulations.**
The Town Administrator shall administer the boat launch fee program and establish regulations necessary to implement the foregoing fees, meet all posting requirements, and establish other safety regulations as he may deem necessary in the interest of public health, safety and welfare.

Established April 17, 2002, Ordinance No. 229, Amended April 21, 2026, Ordinance 446

19.21 ENFORCEMENT

1) POWERS

(a) An officer patrolling the waters may stop and board any boat for the purpose of enforcing Sections 30.50 to 30.80, Wisconsin Statutes, or any rules or ordinances enacted pursuant thereto, if he has reasonable cause to believe there is a violation of such sections, rules or ordinances, or if the stopping and boarding of any boat is essential to conduct a search and rescue operation.

2) ARREST FOR VIOLATION

(a) Any person violating any provision of this chapter shall be subject to arrest, whether at the time of arrest he is on the waterways or upon shore and any water patrol officer may pursue the offender ashore to enforce the terms hereof.

3) PROCEDURE ON ARREST

(a) Whenever a person is arrested for violation of this chapter, the Water Safety Patrol officers may permit such person to make a money deposit. Such deposit shall be made to the Town, City of Delavan or to the Municipal Judge of the Town or City in an amount not to exceed the amount of the maximum forfeiture which may be imposed after the accused is found guilty, or other such amount as may be fixed by that particular Court in the setting up of a bail bond schedule.

4) FAILURE OF DEFENDANT TO APPEAR

(a) If the person so arrested and released fails to appear personally or by an authorized attorney or agent before the Court at the time fixed for hearing, the money deposit by the accused, pursuant to the previous subsection, shall be retained and used for the payment of the forfeiture, which forfeiture may be imposed either with or without costs as determined by the Court after an ex parte hearing upon the accused. The excess, if any, shall be returned to the person who makes the deposit upon his making application for the same. If the accused is found not guilty, the entire amount of the deposit shall be refunded to the depositor upon his making application for the same.

Established April 17, 2002, Ordinance No. 229

19.22 MARKERS AND NAVIGATION AIDS: POSTING CHAPTER

1) DUTY OF CHIEF

(a) The Chief of the Water Safety Patrol shall place and maintain or have placed and maintained suitable markers, navigation aids and signs in such water areas as shall be appropriate to advise the public of the provisions of this chapter and post and maintain a copy of this chapter at all public access points within the jurisdiction of the Town.

2) STANDARD MARKERS

(a) All markers placed by the Chief or any other person upon the waters of the lake shall comply with the regulations of the State Department of Natural Resources and/or any State statutory provision.

3) INTERFERENCE WITH MARKERS PROHIBITED

(a) (Am. #86) No person shall, without authority, remove, damage, destroy, moor or attach any water craft to any buoy (except mooring buoys when authorized), beacon or marker placed in the waters of the lake by the authority of the United States, State, Village or Town or by any private person pursuant to the provisions of

this chapter.

4) ENFORCEMENT POWERS

(a) An officer patrolling the waters as a part of a water safety patrol unit may stop and board any boat for any rules or ordinances enacted pursuant thereto, if they have reasonable cause to believe there is a violation of such section, rules or ordinances.

Established April 17, 2002, Ordinance No. 229

19.23 PENALTIES

1) The penalties set forth in Section 25.04, Town of Delavan Municipal Code, are hereby incorporated by reference.

Established April 17, 2002, Ordinance No. 229

19.24 REPEAL OF CONFLICTING ORDINANCES

1) All ordinances regulating traffic, boats, boating or water sports upon the waters covered by this chapter and all ordinances or parts of ordinances in conflict with this chapter heretofore enacted are hereby repealed.
2) It is contemplated hereby, and the adoption of this ordinance is conditioned upon, the Common Council of the City of Delavan similarly adopting the foregoing regulations contained therein as a part of its municipal code.
3) This ordinance shall be effective the day following the publication of the last to be published of the ordinance or its counterpart City of Delavan ordinance adopting the same regulations, both being published subsequent to their respective adoptions.

Established April 17, 2002, Ordinance No. 229

19.25 EMERGENCY SLOW-NO-WAKE RESTRICTIONS AND BOATING HAZARD ZONES

(a) Applicability.

The provisions of this Ordinance shall apply to Delavan Lake and each named and unnamed river and stream located within the Town of Delavan, Walworth County, Wisconsin.

(b) Purpose.

The purpose of this Ordinance is to promote safe boating conditions and to prevent damage to aquatic ecosystems by: (A) limiting boats on Delavan Lake and the Town of Delavan rivers and streams to slow-no-wake speed when the water level exceeds the recommended levels, (B) establishing slow-no-wake areas in certain locations where that is warranted by boating congestion, (C) authorizing the Town Chair to impose slow-no-wake speed limits on other rivers and streams in the Town during permitted special events or when that is warranted by exceptional circumstances.

(c) Authority.

This Ordinance is adopted by the Town of Delavan Town Board pursuant to the powers granted by Section 30.77 of the Wisconsin Statutes.

(d) Definitions.

The definitions as set forth in Section 30.01 of the Wisconsin Statutes are incorporated herein by reference as though fully set forth herein, except as follows:

i. Boat, Watercraft. "Boat" or "Watercraft" means any device used for navigation on water, including personal watercraft.

ii. Slow-No-Wake Speed. "Slow-No-Wake Speed" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

(e) Speed Restrictions.

i. No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed within any area declared to be a Boating Hazard Zone by the Town Chair.

(f) Duties and Powers of the Town Chair.

i. Boating Hazard Zone. The Town Chair may designate all or any part of Delavan Lake or any river or stream within the Town of Delavan, Walworth County as a Boating Hazard Zone if the Town Chair determines that high water levels or emergency conditions resulting from storms or other conditions warrant the imposition of a slow-no-wake speed restriction. Each such designation shall specify the boundaries of the Boating Hazard

Zone so designated and notice of the imposition of the slow-no-wake speed restriction shall be posted.

(g) Notice and Posting.

The Town Chair shall notify media sources serving the area affected by any slow-no-wake speed restriction imposed pursuant to this Ordinance and shall place and maintain regulatory notice of such restrictions at all public access points within such areas. Such notices shall be sent and posted as soon as practicable after the issuance of the permit or designation. The Town Chair shall notify the media and remove such notices as soon as possible when the conditions resulting in the slow-no-wake speed restriction have passed.

(h) Enforcement and Penalties.

i. Enforcement. This Ordinance may be enforced by law enforcement officers of the Town and the Wisconsin Department of Natural Resources.

ii. Obstruction. No person shall resist or obstruct any law enforcement officer in the performance of his or her duties under this Ordinance.

iii. Enforcement Procedure. The provisions of Sections 66.0109, 66.0113, and 66.0114 of the Wisconsin Statutes are adopted and by reference made a part of this Ordinance as if fully set forth herein. Any future additions, amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this Ordinance in order to secure uniform state-wide regulation and enforcement of boating ordinance violations. The Town elects to use the citation method of enforcement.

iv. Other Remedies. The issuance of a citation hereunder shall not preclude the Town or any authorized person from proceeding under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation or order.

v. Penalties and Deposits. Any person violating the provisions of this Ordinance shall be subject to penalties as provided for in Section 30.80 of the Wisconsin Statutes and

deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, which are hereby adopted by reference with all references therein to "fines" amended to "forfeitures" and all references to "imprisonment" deleted.

Established June 09, 2026, Ordinance No. 448