

CHAPTER 72

REGULATING BOATING ON YAHARA LAKES

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72.01 PURPOSE. This chapter is intended to protect public health, safety and welfare by controlling motorized watercraft traffic upon designated surface waters within Dane County, to minimize conflict between various user groups, avoid accidents or lessen their severity, protect human life, provide safe swimming zones, assure and encourage multiple use of surface waters, reduce shoreline erosion, protect fish spawning areas and protect wetlands, bogs and other sensitive areas.

72.02 AUTHORITY. This chapter is enacted pursuant to the authority of sections 30.77 and 33.455(1) and (3), Wis. Stats.

72.03 SHORT TITLE. This chapter shall be known as and may be cited as the Yahara Lakes Boating Regulations Ordinance.

72.04 APPLICABILITY. This chapter shall control motorized watercraft traffic upon the surface waters of Lakes Mendota, Monona, Waubesa and Kegonsa as specifically described herein to avoid conflicts between users.

72.05 ENFORCEMENT. This chapter and the specific provisions provided herein shall be enforced by the Dane County Sheriff Department.

72.06 DEFINITIONS. As used in this chapter:

- (1) *Emergency watercraft* means any watercraft operated by law enforcement officers or by an employee or authorized volunteer of a local fire department or emergency rescue squad when responding to law enforcement needs or to emergency calls.
- (2) *Motorized watercraft* means any watercraft equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion. The term includes personal watercraft as defined in sub. (3).
- (3) *Personal watercraft* means a motorized watercraft 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) *Slow-no-wake speed* shall mean the minimum speed at which a motorized watercraft is able to move and maintain adequate steering control.
- (5) *Slow-no-wake zone* shall mean the designated areas within which all motorized watercraft, except emergency watercraft, are to maintain slow-no-wake speed.
- (6) *Watercraft* means any device used and designed for navigation on water.
- (7) *Yahara Lakes* includes Lakes Mendota, Monona, Waubesa and Kegonsa, together with connecting waterways.

72.07 STATE BOATING AND WATER SAFETY LAWS. Sections 30.50 to 30.71, Wis. Stats., relating to boating and water safety laws, are adopted herein by reference. Nothing in this chapter is intended to conflict with laws or rules and regulations adopted by the State of Wisconsin or the Wisconsin Department of Natural Resources.

72.08 SLOW-NO-WAKE ZONE.

- (1)(a) A slow-no-wake zone is hereby established to be a zone along the entire shorelines of Lakes Mendota, Monona, Waubesa and Kegonsa which is demarcated by a line drawn parallel to and two hundred feet distant from the shoreline and which encompasses all surface waters between that line and the shoreline.
- (b) A slow-no-wake zone is hereby established on the entire surface of Lake Mendota from sunset to midnight on the date when the Rhythm & Booms fireworks display is held at Warner Park in the City of Madison.
- (c) A slow-no-wake zone is hereby established on the entire surface of Lake Monona from sunrise to midnight on the date when Rhythm & Booms fireworks display is held on Lake Monona in the City of Madison.
- (d) The Sheriff may order the placement of buoys temporarily prohibiting navigation on areas of Lakes Mendota and Monona during special events that may interfere with navigation or pose a threat to life or property.
- (2) Notwithstanding that the surface of any lake may be beyond the slow-no-wake zone established in sub. (1)(a), no person may operate a motorboat within 100 feet of any dock, raft, pier or buoyed restricted area on any lake at a speed in excess of the slow-no-wake speed except under s. 30.69(3), Wis. Stats.
- (3)(a)1. During periods of high water or other hazardous circumstances posing a threat to life or property, the County Executive, with the approval of the Sheriff and County Board Chair, may declare all or any portion of the surface area of Lakes Mendota, Monona, Waubesa and Kegonsa as a slow-no-wake zone.

2. During periods of high water or other hazardous circumstances posing a threat to life or property, the County Executive, with the approval of the Sheriff and County Board Chair, may declare all or any portion of Crystal Lake within Dane County as a slow-no-wake zone.

(b) The exception in s. 72.09(2) does not apply if that area of Lake Monona is declared a no-wake-zone pursuant to subsection (a) of this section.

[History: (3) cr., OA 5, 2000-01, pub. 06/27/00; (1) and (2) am., OA 9, 2002-03, pub. 10/01/02; (1) and (3) am., OA 30, 2013-14, pub. 03/31/14.]

72.09 SLOW-NO-WAKE SPEED.

(1) No person shall operate a motorized watercraft faster than slow-no-wake speed in any slow-no-wake zone upon the surface waters of Lakes Mendota, Monona, Waubesa or Kegonsa.

(2) Sub. (1) and s. 72.08(1)(c) does not apply to the operation of a motorized watercraft in the area of Lake Monona consisting of 200 feet from so much of the shoreline of Lake Monona as is bordered by Law Park and southerly along the shoreline adjacent to and east of John Nolen Drive to a point 1,000 feet due north of the intersection of John Nolen Drive and Lakeside Street in the City of Madison.

(3) Sub. (1) does not apply to the operation of a motorized watercraft by law enforcement officers or by an employee or authorized volunteer of a local fire department or emergency rescue squad when responding to emergency calls and such persons, while on duty, may operate anywhere upon the Yahara Lakes at speeds required to respond to law enforcement needs or emergency circumstances.

(4) Sub. (1) does not apply to the operation of a motorized watercraft by an employee, member or authorized volunteer of an organized rowing club or a coach or coaching assistant of a team who is accompanying a rowing shell at speeds required to be able to respond to emergencies involving the rowing shell.

[History: (1) am., OA 30, 2013-14, pub. 03/31/14.]

72.10 POSTING REQUIREMENTS. All public access points on Lakes Mendota, Monona, Waubesa and Kegonsa shall prominently display signs advising all boaters of the existence of the two hundred foot slow-no-wake zone imposed by s. 72.08(1) and any no-wake-zone declared pursuant to sec. 72.08(3).

[History: am., OA 5, 2000-01, pub. 06/27/00.]

72.11 ZEBRA MUSSELS.

(1) *Purpose.* Zebra mussels have been found in Wisconsin waters, including Lake Monona. They are an invasive species, as defined by s. 23.22(1)(c), that displaces native species and disrupts ecosystems. They hamper boating, swimming, fishing and other water-based recreation, and take an economic toll. This ordinance is intended to prevent the spread of zebra mussels in Lake Monona and prevent their introduction to other Dane County waters.

(2) No person shall place or use any watercraft, watercraft or boating equipment, or trailer in any waters of Dane County, if the person has reason to believe that the watercraft, equipment or trailer has zebra mussels attached.

(3) No person shall intentionally introduce zebra mussels into the waters of Dane County by any means.

(4)(a) The Dane County Sheriff's Office shall provide a notice that contains the provisions of this section and shall make copies available to owners required to post the notice under par. (b).

(b) Each owner of a site that provides public access to a navigable water for watercraft shall post and maintain the notice described in par. (a).

[History: 72.11 renum. as 72.98, and a new 72.11 cr., OA 8, 2004-05, pub. 08/18/04.]

[History: 72.12 renum. as 72.99, OA 8, 2004-05, pub. 08/18/04.]

72.12 WATERWAY MARKERS. Dane County staff may place waterway markers, consistent with NR 5.09, Wis. Admin. Code, within navigational channels in the following waters:

(1) the southeast corner of Lake Monona, east of a line extending south from Tecumseh Avenue in the City of Monona to the opposite shore, with the western end of the channel within one quarter mile of either shore, and

(2) within one quarter mile of the eastern shore of Lake Mendota, north of a line extending west from the western-most feature of Farwell's Point in the City of Madison to the beach at Governor Nelson State Park.

[History: 72.12 cr., Sub. 1 to OA 37, 2004-05, pub. 04/17/06.]

[72.13-72.97 reserved.]

72.98 SEVERABILITY CLAUSE. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected.

[History: 72.11 renum. as 72.98, OA 8, 2004-05, pub. 08/18/04.]

72.99 PENALTIES.

(1) For violations of s. 72.07, the penalties set forth in s. 30.80, Wis. Stats., are hereby adopted by reference.

(2)(a) Any person violating sec. 72.09 or sec. 72.11(2) shall forfeit not more than \$50 for the first offense and shall forfeit not more than \$100 upon conviction of the same offense a second or subsequent time within one year.

(b) Any person violating sec. 72.11(3) shall forfeit not more than \$500 for the first offense and shall forfeit not more than \$1,000 upon conviction of the same offense a second or subsequent time.

[History: 72.12 renum. as 72.99 and, as renum., (2) am., OA 8, 2004-05, pub. 08/18/04.]

[History: Ch. 72 cr., Sub. 3 to OA 21, 1996-97, pub. 01/30/97.]

END OF CHAPTER