

ORDINANCE NO. 89-01

WHEREAS, on April 29, 1988, the Town Board of Freedom adopted an Ordinance amending an Ordinance dated August 3, 1966 entitled Waterway Use Ordinance; and

WHEREAS, said Ordinance was subsequently forwarded to the Town of Nashville for consideration by said Town since the Ordinance effected Roberts Lake which lies both within the Town of Freedom and the Town of Nashville; and

WHEREAS, the Town of Nashville adopted said Ordinance on May 12, 1988; and

WHEREAS, it is necessary that said Ordinance be readopted to conform with certain recommendations made by the Department of Natural Resources which gave an advisory opinion as to the contents of the Ordinance; and

WHEREAS, in order to comply with the Department of Natural Resources recommendations it is necessary that said Ordinance adopted hereinabove be revised in the following particulars.

NOW THEREFORE, THE TOWN BOARDS OF THE TOWNSHIPS OF FREEDOM AND NASHVILLE, FOREST COUNTY, WISCONSIN, EACH BEING A MUNICIPALITY AS DEFINED IN CHAPTER 30 OF WISCONSIN STATUTES, WITH THE TOWN OF FREEDOM HAVING JURISDICTION OF ALL WATERS LOCATED WITHIN SAID TOWN, INCLUDING A PORTION OF ROBERTS LAKE, AND THE TOWN OF NASHVILLE HAVING JURISDICTION OF A PORTION OF THE WATERS OF ROBERTS LAKE, SAID

LAKE, HOWEVER, PREDOMINANTLY LOCATED IN THE TOWN OF FREEDOM, DO JOINTLY AND IDENTICALLY ORDAIN IN CONFORMITY WITH SECTION 30.77(3) OF THE WISCONSIN STATUTES AS FOLLOWS:

SECTION I: APPLICABILITY AND ENFORCEMENT:

(a) The provisions of this Ordinance are adopted in the interest of the public health and safety to promote the safe and healthful conditions of the enjoyment of aquatic recreation consistent with public needs in the capacity of water resources as they relate to the use of said Ordinance.

(b) The provisions of this Ordinance shall apply to all waters of Roberts Lake located within the jurisdiction of the Town of Freedom, and to that portion of the waters of Roberts Lake that lie within the Town of Nashville, both Towns being located within Forest County, Wisconsin.

(c) The provisions of this Ordinance shall be enforced by officers, employees, and agents of the municipalities who are authorized to do so, including any Town Police Officer or Town Constable appointed or elected within said Towns.

SECTION II: SPEED LIMITS FOR BOATS:

"Speed is to be reasonable and prudent." No person shall operate a motorboat at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a motor boat shall be

so controlled as to avoid colliding with any object lawfully in or on the water or with any person, boat or other conveyance in or on the water in compliance with legal requirements and exercising due care.

SECTION III: BOATS NOT TO BE OPERATED RECKLESSLY:

It shall be unlawful for any person to operate any power-driven boat, so-called motor boat, speed boat, waterjet, or waterscooter upon Roberts Lake, located partially in the Towns of Freedom and Nashville, in such a manner as to create a danger to any other boat, or to any other person, or to the property of another.

SECTION IV: BOATS TO MAINTAIN DISTANCE:

No person shall operate a power-driven boat, so-called motor boat, speed boat, waterjet, or waterscooter, closer than two hundred (200) feet to any other boat or canoe while operating on any portion of Roberts Lake, located in the Towns of Freedom and Nashville, nor closer than two hundred (200) feet to any swimmers in said waters, unless said power-boat is traveling at, or less than, slow-no-wake speed; said slow-no-wake speed being defined as "that speed at which a boat moves as slowly as possible while still maintaining steerage control."

SECTION V: WATER-SKIING:

Except at duly authorized water ski tournaments, competitions, exhibitions, or trials therefor, given under specific

written permit of the Town Boards of Freedom and Nashville, no person shall operate a motor boat towing a person on water skis, watersled, aquaplane, waterscooter, or similar devices, nor shall any person engage in water skiing, aquaplaning, watersledding, waterscooting, or similar activities upon the waters of Roberts Lake at any time other than between the hours of 10:00 o'clock A.M. and 5:00 o'clock P.M. (daylight saving time), when such time is officially in effect in Wisconsin, or between the hours of 10:00 o'clock A.M. and 5:00 o'clock P.M. (central standard time) when the latter is officially in effect in Wisconsin.

SECTION VI: SKIN DIVING:

No person shall engage in underwater diving or swimming with the use of self-contained underwater breathing apparatus unless the approximate location of such diving or swimming is distinctly marked by a flag designated so as to have a diagonal white stripe on a red background, and be of a size and height above the water so as to be clearly apparent at a distance of one hundred (100) yards under normal conditions. Except in case of emergency, anyone engaged in such diving or swimming shall not rise nearer to the surface of the water except within a radius of fifty (50) feet from such flag.

SECTION VII: ORDINANCES TO CONTRARY REPEALED:

Any and all Ordinances of the Towns of Freedom and

Nashville, as they relate to Roberts Lake, or any portion of Ordinances to the contrary or in derogation of the above sections, are hereby repealed only insofar as a conflict exists. Ordinance No. 2 entitled "Water Use" adopted in 1966 is hereby expressly repealed.

SECTION VIII: PENALTIES:

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be punished as follows:

(a) For a first offense a forfeiture of not more than Fifty and 00/100 (\$50.00) dollars; and

(b) For a second offense within the same year a forfeiture of not more than One Hundred and 00/100 (\$100.00) dollars.

SECTION IX: PUBLICATION:

The Town Clerk of each said Town, in lieu of printing and publication of this Ordinance, is hereby authorized and directed to post the same, pursuant to law, in at least three (3) public places in said Town, and cause proof thereof to be filed and recorded in his office pursuant to law. In addition, both this Ordinance and the predecessor Ordinance adopted by the respective Towns shall be promptly posted by the local authority at all public access points on Roberts Lake within said local authority's jurisdiction, and further, upon adoption, this Ordinance shall be filed with the

Department of Natural Resources.

SECTION X: EFFECTIVE DATE:

This Ordinance shall be in full force and effect from and after its passage, and the lapse of one (1) week after the filing and recording of proof of posting thereof by the Town Clerk as aforesaid.

TOWN BOARD OF FREEDOM

Benneth Schuette
Town Supervisor

John Harter
John Harter, Town Chairman

ATTEST:

Maria Kuci
Town Clerk

John F. Tiede
Town Supervisor

TOWN BOARD OF NASHVILLE

Spalding Voras
Town Supervisor

Olivia H. Schaper
Town Chairman

ATTEST:

Carol Marguarist
Town Clerk

David M. Campbell
Town Supervisor

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