

**SEWRPC Community Assistance Planning Report No. 302  
Volume One, Inventory Findings**

**A LAKE MANAGEMENT PLAN FOR ELIZABETH LAKE AND LAKE MARY  
KENOSHA COUNTY, WISCONSIN**

**Appendix B**

**BOATING ORDINANCE FOR  
THE VILLAGE OF TWIN LAKES**

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Twin Lakes Village Code  
Chapter 8.36

BOATING AND WATER CODE

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8.36.010 Intent.

The intent of the Ordinance codified in this Chapter is to revise and recreate Chapter 8.36 of the Municipal Code of the Village relating to the Boating and Water Code to provide for the public health, safety and general welfare of all people for the enjoyment of aquatic recreation consistent with statutes of the State of Wisconsin and the rights of the public in interest of Lake Mary and Lake Elizabeth. (Ord. 87-4-1 (part), 1987).

8.36.020 Applicability.

The provisions of this Chapter shall apply to Lake Mary and Lake Elizabeth and shall be enforced by the Police Department of the Village. (Ord. 87-4-1 (part), 1987).

8.36.030 Definitions.

The following definitions apply for the purposes of this Chapter:

- A. "Board" means the Village Board of the Village of Twin Lakes.
- B. "Slow-no-wake" is the slowest possible speed whereas to maintain steerage.
- C. "Shoreline" means the waters edge when Lake Elizabeth is at its datum level of ninety eight point two four (98.24) feet as defined by Public Service Commission Order dated April 15, 1959 (D-938.10).
- D. "Shore zone" means all surface waters within two hundred (200) feet of the shoreline.

E. "Swimming zone" shall mean an authorized area established by regulatory markers to designate a swimming area.

F. "Village" means the incorporated Village of Twin Lakes. (Ord. 87-4-1 (part), 1987).

#### 8.36.040 State Statutes Adopted.

The statutory provisions with respect to water traffic, boats, boating and related activities in the following enumerated Sections of Wisconsin Statutes, exclusive of any provision therein relating to penalties to be imposed or punishment for violation of such Statutes, and any amendments or additions, are adopted by reference and made a part of this Chapter.

§ 30.01	General Provisions--Definitions.
§ 30.50	Definitions.
§ 30.501	Capacity Plates on Boats.
§ 30.51	Certificate of Number and Registration.
§ 30.53	Certification or Registration Card to Be on Board. Display of Decals or Identification Number.
§ 30.541	Transfer of Ownership.
§ 30.60	Classification of Motor Boats.
§ 30.61	Lighting Equipment.
§ 30.62	Other Equipment.
§ 30.63	Sales and Use of Certain Outboard Motors Restricted.
§ 30.65	Traffic Rules.
§ 30.66	Speed Restrictions.
§ 30.675	Distress Signal Flag.
§ 30.68	Prohibited Operation.
§ 30.681	Intoxicated Boating.
§ 30.682	Preliminary Breath Screening Test.
§ 30.683	Implied Consent.
§ 30.684	Chemical Tests.
§ 30.686	Report Arrests to Department.
§ 30.687	Officer's Action After Arrest.
§ 30.69	Water Skiing.
§ 30.70	Skin Diving.
§ 30.71	Boats Equipped With Toilets.
§ 30.80	Penalties.
§ 60.0495	Removal of Wharves and Piers.

(Editorially amended per approval by Village Board 7/8/96; Ord. 87-4-1 (part), 1987).

#### 8.36.050 Additional Traffic Rules.

In addition to the traffic rules in Section 30.65 of the Wisconsin Statutes, the following rules shall apply to boats using the waters covered by this Chapter:

A. Boats leaving or departing from a pier, dock or wharf shall have the right-of-way over all watercraft approaching such dock, pier or wharf.

B. Boats propelled entirely by muscular power shall yield the right-of-way to sailboats when necessary to avoid the risk of collision.

C. Anchoring, drifting or mooring of houseboats is prohibited from twelve (12:00) midnight to sunrise, but where the houseboat is moored to shore, with written permission of the property owner, and where suitable shore sanitary facilities are available for use by the occupant, such use is permitted. The provision of this subsection is required in the interest of public health, safety and welfare.

D. No person shall operate a motorboat at a speed in excess of slow-no-wake speed in those bay waters of Lake Mary lying within the following described lines: Beginning at a point on the north line of Lot 11, Rosebud Subdivision which intersects Lake Mary and extending to the point on the easterly line of Lot 1 of Indian Point Subdivision which intersects Lake Mary, and from the southeast corner of Lot 16, Indian Point Subdivision Addition to the channel side of Lot 1 of Mount Moriah Subdivision.

1. No person shall operate a motorboat at a speed in excess of slow-no-wake in those bay waters of Lake Elizabeth lying to the west of the following line: Beginning at the southernmost point on Parcel Number 291-2075, Latitude N 42 30'56.62" Longitude W 088 16'23.85", also known as Boy Scout Island, which intersects Lake Elizabeth and extending to the point where the north line of Parcel Number 294-3036, Latitude N 42 30'45.87" Longitude W 088 16'24.24", (Hickory Point) intersects Lake Elizabeth.

E. No person shall operate a motor boat at a speed in excess of slow-no-wake between the hours of sunset or eight thirty (8:30) p.m., whichever occurs earliest, and nine (9:00) a.m., unless the operator of such boat has obtained a permit for a special activity as provided in Section 8.36.100. Further, no person shall operate a motor boat at a speed in excess of slow-no-wake at any time upon the waters of Lake Elizabeth when the water level exceeds eleven and one-half (11.5) inches above sea level elevation corresponding to the dam Board as measured at the staff gauge at the Jooss household and no person shall operate a motor boat at a speed in excess of slow-no-wake at any time upon the waters of Lake Mary when the water level exceeds eleven and one-half (11.5) inches above sea level elevation corresponding to the dam Board as measured at the staff gauge at the Porps household.

F. No person shall engage in the act of powering a motor boat on or off a trailer at any Municipal boat launch site within the Village with the engine being operated at a speed greater than idle speed. No person shall continue to operate the engine while engaged in the act of launching or retrieving a motor boat after the motor boat is at rest on the trailer. A sign shall be posted at the Municipal boat launch sites advising of the requirement of this subsection, indicating no power loading, minimum one hundred dollars (\$100.00) forfeiture.

G. Unless a specific penalty is provided elsewhere in this Section, any person violating the provisions of this Section shall, for each offense, be subject to a forfeiture of not less than the minimum penalty as provided in Section 1.12.010 nor more than one thousand dollars (\$1,000.00), with each separate day to be considered a separate offense. (Ord. 2004-6-3 § 1, 2004; Ord. 2004-4-6 § 1, 2004; Ord. 2003-8-3 § 1, 2003; Ord. 2001-9-1 § 1, 2001; Ord. 95-4-1, 1995; Ord. 94-6-1, 1994; Ord. 94-5-1, 1994; Ord. 87-7-1, 1987; Ord. 87-4-1 (part), 1987).

#### 8.36.060 Launch Permits.

A. Definitions and Terms. The following definitions shall apply to this Section:

1. The term "boat launch" shall include the public grounds, buildings thereon, waters therein and any other public property or facility which is under the jurisdiction of the Village of Twin Lakes whereon watercraft are launched;

2. The term "permit" shall mean written authorization for the use of boat launch facilities.

B. No person shall launch or remove any watercraft at any boat launch area in the Village between March 1st and September 30th inclusive of any year without first obtaining a boat launching permit and paying the appropriate fee for same, which fee shall be established by the Village Board. Such permit shall be displayed in or on the accompanying motor vehicle in such location as directed by the Village Board.

C. It is unlawful for any person launching or removing any watercraft at any boat launching area in the Village to park, stop or leave standing any motor vehicle, whether attended or unattended, unless such vehicle visibly displays a properly purchased permit as required in subsection B.

D. No person shall launch or remove any watercraft contrary to this Section or disobey reasonable order or direction of official Village enforcing personnel.

E. The Village Board is authorized to adopt additional or revised Rules and Regulations for the proper conduct and administration of boat launch facilities in the Village not inconsistent with this Section; to grant permits in conformity with the provisions hereof and to perform such other acts with reference to the management of such boat launch facilities as are lawful and as the Village Board may deem expedient; to promote beauty and usefulness of such boat launch facilities; and to increase the comfort, safety, convenience and public welfare of the citizens of the Village and of visitors to such boat launch facilities in their use of the same.

F. Any person violating the provisions of this Section shall, for each offense, be subject to a forfeiture of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00), with each separate day to be considered a separate offense. (Ord. 2000-7-3 § 1, 2000).

#### 8.36.070 Swimming Regulations.

A. No person shall swim:

1. From any unmanned boat unless such boat is anchored;
2. More than two hundred (200) feet from the shore or more than fifty (50) feet from any pier, unless within marked authorized areas, nor more than twenty-five (25) feet from an anchored raft or boat unless such person is accompanied by a boat manned by a competent person and having readily available a ring buoy. Such boat shall stay reasonably close to and guard such swimmer;
3. More than two hundred (200) feet from the shoreline between sunset and sunrise;
4. With a snorkel within the traffic lane.

B. No person shall be engaged in SCUBA diving activities without the approval of the Police Department between the hours of sunset and sunrise nor at any of the public beaches, nor in such a manner as to interfere with the activities of fishermen, fishing lines or boats with anchors. This Section shall not apply to rescue units or law enforcement agencies using SCUBA diving equipment for rescue, emergencies or enforcement activities.

C. Flotation devices of any type shall be prohibited at Musial Beach and Lance Park Beach, except for Coast Guard approved personal flotation devices utilized in the manner prescribed. (Ord. 92-6-1, 1992; Ord. 87-4-1 (part), 1987).

#### 8.36.080 Public Swimming Areas Defined.

The following described areas are declared to be public swimming areas and shall be buoyed accordingly:

A. Lance Park. Commencing at a point located forty (40) feet east of the east line of Lance Park continuing along the shoreline for a distance of two hundred (200) feet and extending into the lake parallel to the shoreline for a distance of one hundred fifty (150) feet.

B. Musial Road. From the shoreline at the termination of Musial Road for one hundred fifty (150) feet and parallel to the shoreline for fifty (50) feet.

C. Sunset Park. Commencing at the north property line and the shoreline for a distance of fifty-six (56) feet south and extending into the lake parallel to the shoreline for a distance of one hundred fifty-five (155) feet.

D. Lucille Avenue. Commencing at the easterly property line of Parcel Number 294-3055 and the shoreline for a distance of fifty-six (56) feet west to the westerly property line and extending into the lake parallel to the shoreline for a distance of one hundred fifty (150) feet. (Ord. 2002-7-2 § 1, 2002; Ord. 88-6-1 (part), 1988; Ord. 87-4-1 (part), 1987).

#### 8.36.081 Parasailing Prohibited.

No person shall engage in the activity known as parasailing or paragliding except as a special activity for which a permit has been obtained subject to Section 8.36.100. (Ord. 88-3-1 (part), 1988).

#### 8.36.090 Water Skiing.

A. No person shall:

1. Operate a boat for the purpose of towing a water skier or engage in water skiing between the hours of sunset and nine (9:00) a.m.;

2. Operate a boat with more than two (2) tow lines or exceed or allow other persons to exceed the designed capacity of the manufactured device as a means of water skiing, aquaplaning or similar activity or sport. The persons being towed shall wear Type 1, Type 2 or Type 3 Coast Guard approved personal flotation devices, while being towed;

3. Engage in water skiing, aquaplaning, or similar sport or activity within one hundred fifty (150) feet of the shoreline as defined in this Chapter, and must operate in a counterclockwise pattern in the traffic lane, as well as conform to all Sections of this Chapter;

4. Use any tow rope of more than seventy-five (75) feet for towing a person for purposes of water skiing, aquaplaning, or similar activity;

5. The limitations of this Section shall not apply to participants in ski meets or exhibitions authorized and conducted as provided in Section 8.36.100;

6. There is established a drop-off area for water skiers, practicing or performing with a water ski show approved by the Village Board, commencing one hundred fifty (150) feet west of the west line of the buoyed swim areas of Lance Park and continuing to the west line of Lance Park and extending into the water parallel to the shoreline one hundred fifty (150) feet. (Ord. 2002-9-2 § 1, 2002; Ord. 94-9-2, 1994; Ord. 88-10-1, 1988; Ord. 88-6-1 (part), 1988; Ord. 87-4-1 (part), 1987).

#### 8.36.100 Permit for Special Activity.

A. No person shall conduct or participate in any boat race, regatta, water ski meet or other water sporting event or exhibition unless such event has been approved by the Village Board and a permit issued therefor by the Chief of Police.

B. A permit issued under this Section shall specify the course or area of water to be used and participants in such event. The permittee shall be required to place markers, flags or buoys

approved by the Chief of Police designating the specified area. Permits shall be issued only when, in the opinion of the Chief of Police, the proposed use of the water can be carried out safely and without danger to or substantial obstruction of other watercraft or persons using the lake. Permits shall specifically identify the Sections of this Chapter to which the permit applies and permits shall be issued annually for a continuing activity or for a special event.

C. Boats and participants in any such permitted event shall have the right-of-way on the marked area and no other person shall obstruct such area during the race or event or interfere therewith. (Ord. 87-4-1 (part), 1987).

#### 8.36.110 Littering.

No person shall leave, deposit, place or throw on the waterways, ice, shoreline of waterways or upon other public or private property adjacent to waterways, any cans, paper, bottles, debris, refuse or other solid or liquid waste material of any kind. (Ord. 87-4-1 (part), 1987).

#### 8.36.120 Anchorages and Stationary Objects.

A. No person shall erect or maintain any raft, ski jump, stationary platform or other obstacles to navigation, except as provided in this Chapter.

B. Moorings--Permit Required. No person shall moor any boat within one hundred fifty (150) feet of the shoreline without first obtaining an annual permit from the Village Police Department and Village Board. Mooring buoys may be set without lighting within one hundred fifty (150) feet of the shoreline provided that such buoys are brightly colored and are made of materials that will not damage a boat if struck. Moorings beyond one hundred fifty (150) feet of the shoreline shall be prohibited except by application approved by the Department of Natural Resources.

C. Application for a mooring permit shall be upon forms provided by the Village which forms shall, insofar as is practicable, conform to applications provided by the department.

D. Permits shall be issued only upon application of a riparian owner and there shall be only one (1) mooring permit issued for the lake frontage of each riparian owner. No more than one (1) boat shall be attached to a single mooring and no boat shall be moored with a line that will permit the boat to drift or extend beyond one hundred fifty (150) feet of the shoreline unless said boat is lighted as required by Section 30.51 of the Wisconsin Statutes. Mooring lines or chains shall not exceed in length more than three (3) times the depth of the water in which the boat is moored. Mooring buoys may be set within one hundred fifty (150) feet of the shoreline without lighting, provided they are brightly colored and are covered with materials which will not damage watercraft if struck, and the Chief of Police determines that the mooring buoys are placed in such a manner as to not be a potential hazard to others using the lakes. All mooring buoys must conform to the conditions of Section 8.36.150 of this Chapter.

E. Before issuing a mooring permit, the Police Department shall inspect the location for the proposed mooring area and determine that said mooring will not be an obstruction to navigation and will not interfere with other properly marked swimming areas, structures, piers, ramps, docks or wharves, or the rights of other riparian owners.

F. The anchoring or mooring of any boat in the waters adjacent to public landings is prohibited except that boats may be tied to piers within such public landing areas upon approval of the Village Board.

G. Appeal Procedures. Chapter 68 of the Wisconsin Statutes shall apply to the granting, denial or revocation of any mooring permit issued by the Police Department.

H. Piers and Wharves. No person shall construct a pier extending into the water for a distance in excess of one hundred (100) feet from the shoreline without first obtaining an annual permit from the Village Police Department and Village Board. No pier may be constructed except within the lot lines of the riparian owner. Wharves may be constructed by the riparian owner without a permit but said wharves shall not interfere with the enjoyment of adjacent owners. All piers and wharves shall be constructed in accordance with the Wisconsin Statutes.

I. No person shall place or maintain any raft or platform on the waters of Lake Mary or Lake Elizabeth unless it is so anchored that at least eighteen (18) inches of freeboard extend above the water line, is painted white, and is attached thereto no more than twelve (12) inches from each corner or projection, a red reflector of not less than three (3) inches in diameter. Rafts or platforms shall only be placed within the lot lines of the riparian owner, and if placed more than fifty (50) feet from the shoreline must first obtain an annual permit from the Village Police Department and Village Board.

J. No pier shall be erected or mooring buoy permitted, nor shall any watercraft be beached, within the boundaries of any public street, highway, fire lane, Village easement or any other riparian lands owned by the Village.

K. There shall be a non-refundable annual fee for each permit requested pursuant to this Chapter. The fee for such permit shall be as provided in Section 3.06.010(G) of this Code and shall be paid at the time of application. All permits shall expire on December 1st of each year. (Ord. 2003-7-4 § 1, 2, 2003; Ord. 89-9-1, 1989; Ord. 88-8-1, 1988; Ord. 88-3-1 (part), 1988; Ord. 87-10-1, 1987; Ord. 87-4-1 (part), 1987).

#### 8.36.130 Marker and Navigation Aids-- Posting Chapter.

The Chief of Police is authorized and directed to place markers, navigation aids and signs in such water areas as shall be appropriate to advise the public of the provisions of the Ordinance codified in this Chapter and to post and maintain a copy of this Chapter at all public access points within the jurisdiction of the Village. (Ord. 87-4-1 (part), 1987).

#### 8.36.140 Buoy Permits.

No bathing beach marker, speed zone information marker, mooring buoy, fishing buoy or other markers shall be anchored on any waters of this Village beyond one hundred fifty (150) feet from the shoreline by any individual unless a written application therefor is made to the Village Board and approved by the Department of Natural Resources. (Ord. 87-4-1 (part), 1987).

#### 8.36.150 Buoys and Piers.

A. All buoys, regulatory markers, aids to navigation or waterway markers shall conform to requirements of NR 5.09 Wisconsin Administrative Code and shall have affixed thereto such numbers as are assigned to them by the Village Chief of Police; such numbers are to be located at least twelve (12) inches above the waterline. Twin Lakes Water Patrol will from time to time inspect for properly applied numbers.

B. All piers and their supports and all shore stations shall either be completely removed from the water by December 1st of each year, or allowed to remain completely intact in the water through the winter months. If left in the water after December 1st, the pier or shore station shall be marked by readily visible red reflectors at least three (3) inches in diameter, spaced at intervals of not less than three (3) feet, facing the water and affixed to the sides and ends of the pier or station in such a manner as to give a warning to other users of the lake. If a pier is removed from

the water, it shall be completely removed. If a pier remains in the water it shall not be left in a partially dismantled state. All buoys shall be removed from the water by December 1st of each year. Any pier, shore station or buoy removed from the water pursuant to this Section may be replaced in the ensuing year after the ice is out of the waters. (Ord. 2003-7-4 § 3, 2003; Ord. 87-4-1 (part), 1987).

8.36.160 Seaplanes.

Landing, taking off or anchoring of a seaplane is prohibited. (Ord. 87-4-1 (part), 1987).

8.36.170 Driving Automobiles or Other Motor Driven Vehicles on the Ice.

A. No person shall:

1. Use or operate any automobile or other motor driven vehicle in any manner so as to endanger persons engaged in skating or any other winter sport or recreational activity upon the ice, nor shall any person, while using or operating an automobile or motor driven vehicle, tow, pull or push any person or persons on skates, sled, skis, toboggan, or device or thing of any kind designed or utilized to carry or support one or more persons;

2. Use or operate any automobile at a speed in excess of ten (10) miles per hour on the ice;

3. Operate any aerodynamic propeller driven vehicle, device or thing, whether or not designed for the transportation of a person or persons, on the ice of Lake Mary or Lake Elizabeth;

4. Use or operate any automobile on the ice after nine (9:00) p.m.

B. "Automobile" as used in this Chapter shall be construed to mean all motor vehicles of the type and kind permitted to be operated on the highways in the State.

C. All traffic on the ice bound water of Lake Mary or Lake Elizabeth shall be at the risk of the traveler as set forth in Section 30.81(3) of Wisconsin Statutes; nothing in this Chapter shall be construed as rendering the enacting authority liable for any accident to those engaged in permitted traffic while the Ordinance codified in this Chapter is in effect. (Ord. 87-4-1 (part), 1987).

8.36.180 Penalties.

A. Any person who shall be convicted of violating any of the provisions of this Chapter shall pay a forfeiture not to exceed the amounts set forth in Section 30.80 Wisconsin Statutes.

B. Any person convicted of violation of any Section of this Chapter not included on Section 30.80 Wisconsin Statutes shall forfeit not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) and upon conviction of a second violation of this Chapter within one (1) year, shall forfeit not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00). Any person who fails to pay the forfeiture set forth herein may be confined to the County Jail for a period not to exceed fifteen (15) days. (Ord. 87-4-1 (part), 1987).