

## CHAPTER 2

### Regulation of Boating and Navigable Waters

#### SEC. 12-2-1 STATE BOATING AND WATER LAWS ADOPTED.

- (a) **STATUTES ADOPTED.** The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities and safety in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said Statutes, are hereby adopted and by reference made a part of this Section. Any future amendments, revisions or modifications of the following statutory provisions are intended also to be made part of this Section.

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| 30.50  | Definitions  |
| 30.60  | Classification of motorboats                         |
| 30.635 | Motorboat prohibition                                |
| 30.64  | Patrol boats exempt from certain traffic regulations |
| 30.65  | Traffic rules  |
| 30.66  | Speed restrictions                                   |
| 30.67  | Accidents and accident reporting                     |
| 30.675 | Distress signal flag                                 |
| 30.68  | Prohibited operation                                 |
| 30.69  | Water skiing   |
| 30.70  | Sky diving   |

- (b) **DEFINITIONS.** "Slow No Wake" is defined as the slowest possible speed so as to maintain steerage.

#### SEC. 12-2-2 OPERATION OF BOATS AND VESSELS.

- (a) **MUFFLER REQUIRED.** It is hereby declared to be unlawful for any person, firm or corporation to operate any motorboat within the corporate limits of the City of Menasha without having a muffler attached to and actually in use upon the motor which is being operated on such motorboat. It shall likewise be unlawful for any person, firm or corporation to operate any motorboat with the cut-out open upon such motor and to operate any motorboat with any unusual noise which tends to cause any disturbances to the public.
- (b) **SPEED RESTRICTIONS.** It shall be unlawful for any person to operate, drive, or use a motorboat in any of the waters referred to in Subsection (d) below at a rate of speed in excess of six (6) miles per hour.
- (c) **MANNER OF OPERATION.** It shall be unlawful for any person to drive, operate or use a motorboat on the waters referred to in Subsection (a) of this Section in a careless, negligent or reckless manner so as to endanger the property or person of others.
- (d) It shall be unlawful for any person to operate, drive, or use a motorboat or personal watercraft at a speed in excess of slow-no-wake speed on the following waterways:

Fox River in the City of Menasha, Wisconsin, starting at Buoy "100" reference no. chart 14916 - 7th Edition March 7, 1987, Buoy "100" concrete fixed aid to Navigation Flashing Red 4

seconds, 18 feet North latitude, 44 degrees, 50 minutes, 40 seconds, West longitude, 88 degrees, 25 minutes, 30 seconds, under and through the Racine Street Bridge, under and through the Tayco Street Bridge, under and through the Soo Line Railroad Bridge and continuing onto the Menasha Locks, North latitude 44 degrees, 12 minutes, 6 seconds, West longitude, 88 degrees, 27 minutes, 35 seconds. Exception to this slow-no-wake speed limit may only be granted by the U.S. Coast Guard or Chief of Police.

- (e) It shall be unlawful to operate a canoe, rowboat, or boat propelled by an outboard or inboard motor on the waters located within the City with more passengers aboard than there are seats in the boat, or with more passengers aboard than is reasonably safe for the welfare and safety of such passengers.
- (f) It shall be unlawful to loan or rent any canoe, rowboat, or boat propelled or capable of being propelled by an outboard or inboard motor or allow the same to leave the place where it is customarily kept with more persons aboard than there are seats in the boat, or with more passengers aboard than is reasonably safe for the welfare and safety of such passengers.

### **SEC. 12-2-3 CONSTRUCTION OF BOAT STALLS; USER FEES.**

- (a) **BOAT STALL USER FEES.** The fee for all boat stall rentals owned and constructed by the City in Jefferson or Smith Parks shall be set by the Park and Recreation Board and approved by the Common Council. Collection of such fees shall be under the direction of the Parks and Recreation Board.
- (b) **BOAT TRAILER PARKING FEE.**
  - (1) **Boat Trailer Parking.** Persons who launch boats or other marine vehicles at public boat launches in the City of Menasha shall be required to pay a fee for parking the boat or other marine vehicle trailers either at the public parking lots, at the public boat launches or on the public streets in and around the public boat launches.
  - (2) **Fees Set.** The fees for parking boat trailers at or around public boat launches shall be set by the Park and Recreation Board and approved by the Common Council.
  - (3) **Permits Attached.** Daily permits must be displayed on the towing vehicle's dashboard. Seasonal permits must be displayed and affixed to the rear of the boat trailer
  - (4) **When and Where Available.** Daily permits will be available at all Menasha boat launches. Seasonal permits will be available at City Hall during regular office hours.
  - (5) The Chief of Police or his designee shall have the authority to order that all seasonal permits be affixed to boat trailers in a specific location and that all daily permits be affixed to vehicles in a specific location. The failure of any person to comply with this order makes the respective boat launch permit invalid. The Chief of Police shall be required to attach these to all boat launch applications.
  - (6) Any person who fails to affix the boat launch permit properly or in the proper location may be penalized as provided in Section 10-1-61 of the Menasha Ordinances.

### **SEC. 12-2-4 SWIMMING PROHIBITED IN CERTAIN WATERS.**

Swimming is prohibited in the Fox River in the City of Menasha and in waters known as the Government Canal owned by the Mississippi Canal Company generally bordering Water Street except for scuba diving pursuant to the following restrictions:

- (a) All scuba divers must carry a current certification from a nationally accredited scuba diving certification agency.

- (b) Scuba diving shall be allowed only between December 1 and March 31.
- (c) No one may scuba dive closer than five hundred (500) feet from any lock or dam.
- (d) All persons intending to scuba dive must sign-in at the Menasha Police Department on each day they dive under rules established by the Chief of Police or his/her designee.
- (e) Any items removed from any water must be taken away by the scuba diver who recovers such item.
- (f) Any person who shall violate the provisions of this Section shall be punished as provided in Section 1-1-7 of these ordinances.