

TOWN ORDINANCE

AN ORDINANCE TO REGULATE WATER TRAFFIC, BOATING AND WATER SPORTS UPON THE WATERS IN THE TOWN OF PEPIN, AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The Town of Pepin Do Ordain as Follows:

Section 1. Applicability and enforcement. The provisions of this ordinance shall apply to the waters within the Town of Pepin.

Section 2. STATE BOATING AND WATER SAFETY LAWS ADOPTED. The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities 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 violations of said statutes are hereby adopted and by reference made a part of this ordinance and by-law as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any statute incorporated by reference herein is required or prohibited by this ordinance

- 30.50 (Definitions)
- 30.51 (Operations of Unnumbered Boats Prohibited)
- 30.52 (Certificate of Number)
- 30.53 (Identification Number to be Displayed on Boat, Certificate to be Carried)
- 30.54 (2) (Transfer of Ownership of Numbered Boat)
- 30.55 (Notice of Abandonment or Destruction of Boat or Change of Address)
- 30.60 (Classification of Motor Boats)
- 30.61 (Lighting Equipment)
- 30.62 (Other Equipment)
- 30.65 (Traffic Rules)
- 30.66 (Speed Restrictions)
- 30.67 (Accident and Accident Reports)
- 30.68 (Prohibited Operations)
- 30.69 (Water Skiing)
- 30.70 (Skin Diving)
- 30.71 (Boats Equipped with Toilets)

Section 3. SPECIAL SPEED RESTRICTIONS:

No person shall operate a boat at a speed in excess of five miles per hour in the lagoon in the Klampe Subdivision or Klampe First Addition to the Klampe Subdivision in the Town of Pepin.

Section 4. POSTING OF ORDINANCE:

The Town Chairman is authorized and directed to place and maintain suitable markers, navigation aids and signs in such water areas as shall be appropriate to advise the public of the provisions of this ordinance and to post and maintain a copy of this ordinance at all public access points within the jurisdiction of the town.

Section 5. PENALTIES AND FORFEITURES:

Any person who shall violate the provisions adopted by reference in Sections 2 and 3 of this ordinance shall, upon conviction thereof, forfeit not more than \$100.00 together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until payment there is made but not exceeding 30 days.

Section 6. WISCONSIN STATUTES DEFINED:

Wherever used in this Ordinance, the term "Wisconsin Statute" shall mean the Wisconsin Statutes of 1961.

Section 7. EFFECTIVE DATE:

This ordinance shall take effect and be in force from and after its passage and posting as provided by law. The Clerk is directed to file a copy of this Ordinance with the Wisconsin Conservation Commission in Madison, Wisconsin.

Adopted June , 1963.

Attest:

Willard Johnson
Town Clerk.

Wayne Kosok
Wayne Kosok, Chairman.

WATERWAY MARKER PLACEMENT APPLICATION - IN WATER
 THE Township OF Pepin
 COUNTY OF Pepin, WISCONSIN.
 Form 8700-58

STATE OF WISCONSIN
 DEPARTMENT OF NATURAL RESOURCES
 BOX 450
 MADISON, WISCONSIN 53701

INSTRUCTIONS: Please read procedure on back to determine if you qualify. Complete form in duplicate and return to your local conservation warden. PLEASE PRINT OR TYPE FORM.

The undersigned does hereby make application for placement of waterway markers on, in, or near the waters in front of the following property.

Property owner's name Red Wing Young Men's Christian Association CAMP PEPIN	Applicant's name Same
Street or route Main & Broad (winter address)	Street or route Same
City, State, Zip Code Red Wing, Minnesota 55066	City, State, Zip Code Same
Name of lake or body of water on which buoys are to be placed Lake Pepin	Applicant's telephone number 612-388-4724

Description of real estate in front of which buoys are to be placed

Township 23 North Range 15 West Section 21

Type of markers (i.e., Bathing beach markers, speed zone markers, information markers, mooring buoys, fishing buoys and restricted activity markers.)

Bathing beach markers & mooring buoys

The following sketch or attached chart shows the proposed location of the marker or markers. Express in latitude and longitude or in distance or direction from one or more fixed objects, whose precise location is known.

The undersigned does hereby acknowledge that the above information provided in support of application for placement of a marker is true and correct and requests that approval be granted in accordance therewith.

Applicant's Signature Red Wing YMCA CAMP PEPIN	by <i>David Amoske</i> Camp Director	Date 3-20-75
---	---	-----------------

LEAVE BLANK - DEPARTMENT OF NATURAL RESOURCES USE ONLY		
Warden's recommendations	Bureau of Law Enforcement	
	<input type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
	By	Date



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

L. P. Voigt
Secretary

May 1, 1975

BOX 450
MADISON, WISCONSIN 53701

IN REPLY REFER TO: 1020

TO: Municipalities With Local Regulations on Boating Safety
ATTN: Clerk
SUBJECT: Submission of Local Ordinances


In October of 1974, a letter from this department was sent to the clerk, asking your municipality's compliance with Sec. 30.77 (3)(a) of the Wisconsin Statutes. The statute deals with local regulation of equipment, use or operation of boats.

Specifically, 30.77 (3)(a) requires that "within 60 days after the effective date of this amendment (1973), the clerk of each town, village or city which has enacted such regulations shall submit a copy of such local regulations to the Department."

It is our understanding that you have such an ordinance. The Department has not received a response from you as yet. This law was enacted to assist the municipality in solving problems of local regulations as they relate to state law.

Please submit a copy of your current ordinance, regardless of date, to this office. We will then be able to accomplish the advisory review the law requires. If the ordinance is being changed or has been repealed we would appreciate a communication of this.

Very truly yours,
Bureau of Law Enforcement


Dale P. Morey
Supervisor of Boating Safety

DPM:mw

Procedures for the Placement of Waterway Markers in Wisconsin Waters

No waterway marker shall be placed on, in or near the waters of this state unless such placement is authorized by an agency or political subdivision of this state having power to give such authorization.

The agency or political subdivision of this state must prior to authorizing placement, make an application to the Department of Natural Resources to obtain the necessary clearances. Applications are to be made in duplicate and give the name of the lake, the owners name and legal description of the property in front of which the markers are to be placed. Type of markers to be placed, a chart or sketch showing the exact location of the marker expressed in distance and direction from one or more fixed objects whose precise location is known.

In case of waters under joint federal-state jurisdiction for the approval may be required by the U. S. Coast Guard and the Army Corps of Engineers. When federal approval is required it will be obtained by the Department of Natural Resources.

All buoys must be placed by the local unit of government having jurisdiction over the waters involved with the following exceptions: mooring, swimming area and informational type buoys may be placed by private individuals after proper authorization has been received.

Swimming area buoys can only be approved for placement in conjunction with municipal bathing beaches or beaches operated by resorts, clubs, civic organizations and subdivisions where they are open to the general public or used by large numbers of people.

Mooring buoys can only be approved for placement if the applicant is a riparian owner or to a nonriparian who has obtained written permission from the riparian owner directly affected. Two copies of the authorization by the riparian affected must be attached before applications for the placement of mooring buoys by nonriparians can be processed.

Permits for the placement of swimming area, informational and mooring buoys cannot be approved until it has been determined that the placement of such buoys will not infringe upon the rights of other riparians or the public. Individual or group riparian owners do not have unlimited rights and the issuance of some permits may be denied in order to insure the protection of the public's paramount or comparable rights to navigation.

Approval for the placement of buoys in a manner which would result in the obstruction of navigation or in the fencing off of a given area of public water for the benefit of an individual or of a limited group will not be granted.

The placement of buoys in a manner which exceeds reasonableness could be in violation of statutes prohibiting obstruction in navigable waters or the state's rights as trustee under the "Trust Doctrine" in the navigable waters of this state.

Buoys placed without local governmental approval and clearances from the Department of Natural Resources will be ordered removed in accordance with law.