

CHAPTER 71

REGULATION OF ICEBOUND INLAND WATERS

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71.01 PURPOSE. This ordinance is intended to promote the public safety on the icebound lakes in Dane County. Notwithstanding compliance with this ordinance, all risk of travel on icebound waters shall be solely with the traveler.

71.02 AUTHORITY. This ordinance is created and adopted under the authority of sections 30.81(2), 59.02 and 59.07(64), Wisconsin Statutes.

71.03 JURISDICTION. The provisions of this ordinance are applicable to all icebound inland waters located within or partially within the geographical boundaries of Dane County, Wisconsin, which are not regulated by valid local ordinances adopted under sec. 30.81(1), Wis. Stats.

71.04 DEFINITIONS.

(1) *Airboat* means any boat which is propelled by air driven through a propeller.

(1m) *Dock* means to tie any watercraft by means of any rope, cable, chain or other connecting device to any pier, raft or mooring buoy.

(2) *Hover boat* means any motor-powered vehicle, capable of carrying passengers, which operates by means of air pushed through the bottom or sides of the device in order to elevate it above the surface.

(2m) *Mooring buoy* has the meaning set forth in sec. 30.01(3s), 1989 stats.

(3) *Motor vehicle* means any self-propelled vehicle of whatever type, description or kind, including without limitation because of enumeration, any automobile, truck, tractor, motorcycle, snowmobile, boat, airboat or hover boat but excluding any aircraft.

(3m) *Pier* has the meaning set forth in sec. 30.01(5), 1989 stats.

(3s) *Raft* means any float or structure which is not normally used for transportation and which is normally retained in place by means of a permanent or semipermanent attachment to the shore or to the bed of the waterway.

(4) *Sheriff* also includes deputies employed in the sheriff department and designated by the sheriff to perform the duties of the sheriff under this ordinance.

(5) *Watercraft* has the meaning set forth in sec. 30.01(7), 1989 stats.

[History: (1m), (2m), (3m), (3s) and (5) cr., OA 3, 1991-92, pub. 05/29/91.]

[71.05-71.09 reserved.]

71.10 MOTOR VEHICLES PROHIBITED ON COUNTY LAKES. Except as provided in sections 71.11, 71.12 and 71.13 hereof, no person shall drive or permit to be driven any motor vehicle upon the icebound waters of Dane County.

71.11 MADISON AREA LAKES. Notwithstanding the provisions of sec. 71.10, the operation of a motor vehicle which weighs less than 850 pounds and which is equipped with flotation devices sufficient to maintain buoyancy is permitted on the icebound waters of Lakes Mendota, Monona and Wingra.

[History: (1) am., OA 12, 2000-01, pub. 10/02/00; (4) cr., OA 1, 2003-04, pub. 06/30/03; (1) am., (2)-(4) resc., 2019 OA-36, pub. 06/01/20.]

71.12 OTHER DANE COUNTY LAKES.

(1) Notwithstanding the provisions of sec. 71.10, the operation of any motor vehicle which weighs less than 750 pounds is permitted on the icebound waters of county lakes other than Lakes Mendota, Monona and Wingra.

(2) Operation of any motor vehicle on the icebound waters of lakes located in Dane County other than Lakes Mendota, Monona and Wingra, which weighs more than 750 pounds, but less than 850 pounds, shall be subject to the buoyancy requirements of sec. 71.11.

[History: (2) cr., OA 12, 2000-01, pub. 10/02/00; (2) am., 2019 OA-36, pub. 06/01/20.]

71.13 EXCEPTIONS TO WEIGHT LIMITATIONS.

(1) The sheriff may issue a temporary certificate allowing operation of a motor vehicle weighing 850 pounds or more, under the following circumstances where use of a motor vehicle on icebound waters is necessary:

- (a) for the delivery of supplies or equipment to a social event, sponsored by a nonprofit community organization, which takes place on the ice;
- (b) for commercial fishing operations;
- (c) for construction or reconstruction of shoreline;
- (d) for tree trimming or tree removal operations;
- (e) for purposes of preparing the ice for skating or related activities;
- (f) for salvage operations, where there is a need to engage in such activity before the ice thaws; and
- (g) for operation by an individual who has been issued a special license plate by the Wisconsin Department of Transportation pursuant to Wis. Stats. s. 341.14(1a), (1e), (1m), (1q), or (1r), for recreational purposes such as ice fishing.

(2) Notwithstanding subsection (1) hereof, the operation of motor vehicles on Dane County lakes for recreational purposes which consist solely or principally of the use of a motor vehicle, including racing, is prohibited.

(3) The applicant for a certificate under subsection (1) hereof shall state the reasons why he or she must engage in the activity in question, why such activity must be conducted from a motor vehicle, and why such activities cannot be conducted at other times of the year or by other methods. The certificate shall specify the time of permitted operation, the name of the operator and owner of the motor vehicle, the purpose of the operation, and the lake or lakes on which the activity will be conducted, specifying that part of the lake on which the operation is permitted.

[History: (1) am., OA 12, 2000-01, pub. 10/02/00; (1) am., OA 35, 2010-11, pub. 02/17/11.]

71.14 REVOCATION OF CERTIFICATE.

(1) The sheriff may revoke any certificate for any unlawful or unauthorized use or alteration or subsequent change in the design of the motor vehicle which renders it unsafe to operate on the icebound waters of Dane County.

(2) Any person may appeal the revocation of a certificate to the public protection & judiciary committee of the county board of supervisors, by delivering notice thereof to the county clerk within 30 days of the notice of revocation. The revocation shall be stayed during the pendency of any appeal.

71.15 RESTRICTIONS DO NOT APPLY TO LAW ENFORCEMENT VEHICLES. The flotation and weight requirements of this section shall not apply to any motor vehicle operated by deputies of the Dane County Sheriff Department while on duty.

71.16 REGULATION OF AIRBOATS AND HOVER BOATS. Notwithstanding any other provision of this ordinance, the operation of hover boats and airboats, without regard to weight, is permitted on all icebound lakes of Dane County unless otherwise regulated by valid local ordinance.

[71.17-71.19 reserved.]

71.20 GENERAL REGULATIONS.

(1) All motor driven vehicles shall be lighted from sunset to sunrise by a headlamp of white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of 200 feet ahead and a tail lamp of red light plainly visible during darkness from a distance of 500 feet to the rear.

[71.21-71.49 reserved.]

71.50 PARKING AT LOCKS.

(1) It shall be unlawful and a violation of this ordinance for any person to park his or her motor vehicle in either the parking lot or driveway of the Tenney Park Locks, in the 1500 block of Sherman Avenue in the City of Madison, Dane County.

(2) Sub. (1) shall not apply to operators of authorized emergency vehicles as defined in sec. 340.01(3), Wis. Stats.

(3) Sub. (1) shall not apply to motor vehicles of on-duty locks employees of the County of Dane.

[History: cr., OA 3, 1991-92, pub. 05/29/91.]

71.51 DOCKING BOATS AT COUNTY PIERS.

(1) It shall be unlawful and a violation of this ordinance for any person to dock his or her boat at any county-owned pier located on the navigable waters of Dane County. County-owned piers shall be identified with signs indicating the applicability of this section.

(2) Sub. (1) shall not apply to boats operated by on-duty employees of the County of Dane.

(3) Sub. (1) shall not apply to temporary docking of boats operated by persons who are using the sanitary facilities located at county facilities adjacent to the piers. For purposes of this section, temporary means less than 10 minutes in duration.

[History: 71.51 cr., OA 3, 1991-92, pub. 05/29/91.]

71.52 DOCKING AT PRIVATELY-OWNED PIERS, MOORING BUOYS AND RAFTS.

(1) It shall be unlawful and a violation of this ordinance for any person to dock his or her boat at any privately owned pier, mooring buoy or raft without the permission of the owner or lessee of the pier.

(2) Sub. (1) shall not apply to temporary docking of boats operated by on-duty employees of the Dane County Sheriff in the course of performing active law enforcement duties.

[History: cr., OA 3, 1991-92, pub. 05/29/91.]

[71.53-71.98 reserved.]

71.99 PENALTIES. Any person who shall violate any provision of this ordinance shall forfeit not less than \$10 nor more than \$200 for each offense.

END OF CHAPTER