

BIG CEDAR LAKE PROTECTION AND REHABILITATION DISTRICT
ORDINANCE NO. 2004-2

Regulation of Activities on the Ice on Big Cedar & Gilbert Lakes

The Board of Commissioners of the Big Cedar Lake and Rehabilitation District, Washington County, Wisconsin, DO ORDAIN as follows:

Section 1. Ordinance No. 2003-2 is hereby repealed and recreated to read as follows:

2004-2.01 GENERAL PROVISIONS. (1) APPLICABILITY. The provisions of this ordinance shall apply to all the icebound waters of Big Cedar Lake and Gilbert Lake within the Town of West Bend and the Town of Polk, Washington County, Wisconsin. (2) PURPOSE. The purpose of this ordinance is to promote the health, safety, morals, prosperity and general welfare of the persons and areas affected by this ordinance. (3) AUTHORITY. This ordinance is adopted by the Big Cedar Lake Protection and Rehabilitation District, hereinafter referred to as BCLPRD, pursuant to the powers granted it by virtue of Wis. Stat., 30.81, 33.22, 33.235 and 33.29, and resolutions adopted by the Town of West Bend and the Town of Polk.

2004-2.02 ENFORCEMENT. The provisions of this ordinance shall be enforced by the law enforcement officers of the BCLPRD.

2004-2.03 DEFINITIONS.

(1) ATV All Terrain Vehicle means any engine driven device as defined in Wis. Stat. 340.01(2g) and any other multi-axle, two to six wheeled vehicles, or combination wheel and track (runner) vehicles, not otherwise defined herein, powered by a small motor(s) or fan and designed to be operated on snow, ice, grass, dirt, gravel, sand and wetland whether or not required to be licensed by State Law.

(2) SNOWMOBILE means any engine driven vehicle as defined in Wis. Stat. 340.01(58a).

(3) AUTOMOBILE means any motor vehicle as defined in Wis. Stat. 340.01(4), and including mini-vans.

(4) TRUCK means any motor vehicle as defined in Wis. Stat. 340.01(34) and including pickup trucks, sport utility vehicles, regular size vans and combination automobile/trucks.

(5) RV means any Recreational Vehicle as defined in Wis. Stat. 340.01(6m), (29) and (33m) designed or constructed to operate either under its own power or towed, and defined to be used for temporary habitation.

(6) MOTORCYCLE means any motorized vehicle as defined in Wis. Stat. 340.01(32) and including motorized bicycles and scooters.

(8) HOVERCRAFT means any engine driven vehicle which travels across land or water just above a cushion of air provided by a downward jet as from its engines, propellers, etc. For purposes of this ordinance, a hovercraft shall be considered an ATV subject to the provisions of Wis. Stat. 22.33, adopted herein by reference in Section 2004-2.12.

(9) VEHICLE Includes all of the above vehicles plus any other vehicle powered by motor.

(10) FISHING SHANTIES Those structures parked or erected on the ice for use as warming buildings and ice fishing shelters, and not including RVs, trucks and automobiles.

2003-2.04 LITTERING ICE PROHIBITED. No person shall deposit or place, or throw from any vehicle, iceboat, raft, pier, platform, fishing shanty, structure or shore, any cans, paper, bottles, debris, refuse, garbage, or solid or liquid waste, feces or urine onto or through the ice of the lake or onto or into the waters of the lake.

2004-2.05 SPEED LIMITS FOR VEHICLES ON ICE. (1) WITHIN 100 FEET OF SHORELINE AND OTHER OBJECTS. Within 100 feet of the shoreline, of any person not in or upon a vehicle, or of a vehicle (except a vehicle of the same type), iceboat or

fishing shanty, at any time day or night, no person may operate a vehicle on the ice in excess of a speed of 10 miles per hour.

(2) 100 FEET AND BEYOND FROM THE SHORELINE AND OTHER OBJECTS. 100 feet and beyond from the shoreline, from any person not in or upon a vehicle, or from a vehicle (except vehicles of the same type), iceboat or fishing shanty, no person may operate a vehicle listed below on the ice in excess of the speed limits listed below:

(a) SNOWMOBILES. During the hours from sunrise to sunset, not in excess of a speed of 50 miles per hour in the area North of the South end of the Peninsula Narrows [as defined in BCLPRD Ordinance 93-1.08(3)(a)]; during the hours from sunset to sunrise, not in excess of a speed of 35 miles per hour anywhere on the ice.

(b) ALL-TERRAIN VEHICLES, MOTORCYCLES & SIMILAR VEHICLES. During the hours from sunrise to sunset, not in excess of a speed of 25 miles per hour; during the hours from sunset to sunrise, not in excess of a speed of 10 miles per hour.

(c) AUTOMOBILES, RVs & TRUCKS. Not in excess of a speed of 10 miles per hour at any time day or night.

(d) HOVERCRAFT. During the hours from sunrise to sunset, not in excess of a speed of 25 miles per hour.

2004-2.06 PROHIBITED OPERATIONS. (1) No person shall operate a hovercraft on the ice in Gilbert Lake.

(2) No person shall operate a hovercraft on the ice between the hours from sunset to sunrise.

(3) No person shall operate a vehicle on the ice in such a manner as to exceed a noise level of 78 decibels of A sound pressure, as measured by society of automotive engineers standards. No vehicle operated on the ice of the lakes shall be modified by any person in any manner that shall amplify or otherwise increase total noise emission above that emitted by the vehicle as originally constructed, regardless of date of manufacture.

(4) No person shall operate any vehicle on the ice repeatedly in a tight, circuitous course, or in a prolonged, repetitive manner in the same area.

2004-2.07 REGULATION OF ICEBOATS. (1) An iceboat means a sailboat-like structure with runners or wheels intended to be wind powered on a solid surface.

(2) No person shall operate an iceboat on the ice in any careless way so as to endanger the person or property of another.

(3) No person shall operate an iceboat on the ice during the hours from sunset to sunrise.

(4) Within 100 feet of any person not in or upon a vehicle, or of a vehicle or fishing shanty, a person operating an iceboat on the ice in shall reduce the speed of the iceboat to the slowest possible speed under the circumstances.

2004-2.08 RIGHT-OF-WAY RULES BETWEEN VEHICLES AND ICEBOATS. When a vehicle and an iceboat are proceeding in such a direction as to involve risk of collision, the vehicle shall yield the right-of-way to the iceboat.

2004-2.09 RACING OR CONTESTS. No person shall participate in a race or contest involving more than two (2) vehicles on a defined course unless the race or contest has been allowed by permit as provided in this subsection. A person may apply for a permit for such a race by submitting an application therefor to the Operations Manager of the BCLPRD on a form provided by the BCLPRD, provided however that there shall be a limit of one permit per month to be issued for any such race or contest, regardless of the type of vehicle or vehicles involved in the race..

2004-2.10 DISORDERLY CONDUCT. (1) No person shall, within the area to which this ordinance applies, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.

(2) Public urination or defecation shall be considered disorderly conduct.

2004-2.11 HOLES IN ICE. No person may cut a hole in the ice of the lake in excess of 12 inches in diameter, unless such hole is marked until the hole has refrozen and the marker is then removed.

2004-2.12 WISCONSIN STATUTES AND RELATED PROVISIONS OF THE WISCONSIN ADMINISTRATIVE CODE ADOPTED BY REFERENCE. Wis. Stats. 22.33, 346.61, 346.63 through 346.655, 350.01, 350.05 through 350.12(3m)(d), 350.135 and 350.15, and the related provisions of the Wisconsin Administrative Code, including Chapter NR 6 and NR 64, are adopted herein by reference, including those statutes or rules and regulations related thereto that are adopted by the State or the Department of Natural Resources subsequent to the enactment of this ordinance. Any act required to be performed or prohibited by the provisions of any such statute, rule or regulation adopted herein by reference is required to be performed or prohibited by this ordinance.

2004-2.13 WINTER SAFETY PATROL VEHICLES. (1) A law enforcement officer operating a duly authorized winter safety patrol vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of this ordinance, need not comply with state law or this ordinance fixing maximum speed limits when a siren is being sounded and/or such winter safety patrol vehicle's oscillating or flashing blue lights are on and if due regard is given to the safety of other persons in the vicinity. (2) Upon the approach of a duly authorized winter safety patrol vehicle giving an audio or visual signal, the operator or a vehicle referred to in this ordinance or an iceboat shall reduce the speed of that vehicle or iceboat to the slowest possible speed under the circumstances and yield the right-of-way to the winter safety patrol vehicle until it has passed.

(3) No person operating a vehicle referred to in this ordinance or an iceboat may refuse to stop after being requested or signaled to do so by a law enforcement officer.

2004-2.14 CITATION ENFORCEMENT. The BCLPRD hereby adopts and authorizes the use of a citation to be issued for violations of this ordinance as provided in for in Wis. Stat. 66.0113. Citations authorized under this ordinance may be issued by law enforcement officers of the BCLPRD. Nothing herein shall be construed to prohibit the BCLPRD from enforcing this ordinance by any other lawful means.

2004-2.15 SEVERABILITY. The provisions of this ordinance shall be deemed severable and it is expressly declared that the BCLPRD would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

2004-2.16 PENALTIES Any person who violates the provisions of this ordinance shall pay a forfeiture of \$50.00 for the first offence and \$100.00 for the second and subsequent offences, plus costs, provided however, that the higher penalties provided for in Wis. Stats. 22.33(13)(am) through (13)(f), 346.65(2) through (7), 346.655, 350.11(1)(b) through (11)(4), plus court costs, shall apply for violations of the provisions referred to therein.

Section 2. This ordinance shall become effective upon passage and publication.

Ordinance 2004-2 was adopted on January 8, 2004 and was published on January 14, 2004.

I, the undersigned, hereby certify that as of August 1, 2007, the above Big Cedar Lake Protection and Rehabilitation District (BCLPRD) Ordinance is a true and correct copy of BCLPRD Ordinance 2004-2.

Roger E. Walsh, Chairperson
Big Cedar Lake Protection & Rehabilitation District