

## TOWN OF SPRUCE ORDINANCE

AN ORDINANCE TO REGULATE WATER TRAFFIC, BOATING AND WATER SPORTS UPON THE WATERS OF KELLY LAKE, OCONTO COUNTY, WISCONSIN AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The Town Board of the Town of Spruce, County of Oconto, Wisconsin, do ordain as follows:

Section 1. APPLICABILITY AND ENFORCEMENT. The provisions of this ordinance shall apply to the waters of Kelly Lake, within the jurisdiction of the Town of Spruce, Oconto County, Wisconsin, which waters are described as follows:

That portion lying in Sections 5 and 6, Township 29 North, Range 19E, of Kelly Lake, Oconto County, Wisconsin.

The provisions of this ordinance shall be enforced by the law enforcement officers of the Town of Spruce, along with any and all other state and county officers authorized by law to enforce the same. Copies of this ordinance will be posted at all public landings to Kelly Lake.

Section 2. SPEED RESTRICTIONS AND REGULATIONS.

(1) SPEED TO BE REASONABLE AND PRUDENT. No person shall operate a motor boat at a speed greater than is reasonable and prudent under the conditions, and having regard for the actual and potential hazards then existing. Speed of a motor boat shall be so controlled as to avoid colliding with any object lawfully in or on the water in compliance with legal requirements, and exercising due care.

(2) FIXED LIMITS. In addition to complying with subsection (1), no person shall operate a motor boat in excess of slow-no-wake before 10:00 in the forenoon of each day and after 6:00 in the afternoon of each day, CDT.

Section 3. WATER SKIING.

(1) PROHIBITING CERTAIN TIMES AND EXCEPTIONS. (a) Except as provided in paragraph (b), no person shall operate a motor boat, towing a person on water skis, aquaplaning or similar activity at any time before 10:00 in the forenoon of each day and after 6:00 in the afternoon of each, CDT.

(b) Paragraph (a) does not apply to duly authorized water ski tournaments, competitions, exhibitions or trials therefor where adequate lighting is provided and where the permissions to stage such tournaments, competitions or exhibitions has been received from the Town Board of the Town of Spruce, County Oconto, Wisconsin.

(c) No person shall operate a boat for the purpose of towing a person on water skis, aquaplane or similar device or permit himself to be towed for such purpose, unless such boat has a competent operator plus a competent observer. Persons between the ages of 12 and 16, unless accompanied by parent or guardian, shall have a boating safety certificate issued under Sec. 30.74(1), to be considered competent operator or observer.

Section 4. LITTERING WATERS PROHIBITED. No person shall deposit place or throw from any boat, raft, pier, platform or similar structure, any cans, papers, bottles, debris, refuse, garbage, solid or liquid waste into the water of Kelly Lake.

Section 5. PROHIBITED OPERATION. (a) Except under (b) no person may operate a motorboat within 100 feet of any dock, raft, pier or buoyed restricted area on Kelly Lake at a speed in excess of slow-no-wake speed.

(b) No boat towing persons engaged in water skiing, aquaplaning or similar activity on Kelly Lake shall engage in such activity within 100 feet of any occupied anchored boat or marked swimming area or public boat landing, except where pickup and drop areas are established and marked with regulatory markers.

(c) Swimming areas are marked with buoys and are as follows:

- a. Ninety-five feet north from southeast corner stake of Holt Park to point of beginning; thence easterly 100 feet into Kelly Lake; thence 75 feet northerly, thence 100 feet westerly to shore of Kelly Lake at Holt Park.
- b. At the north beach of Holt Park, 50 feet northerly from Wisconsin Public Service light pole No. 2919-6E-32 to a staked cedar tree, which shall be the point of beginning; thence eighty-five feet northerly from staked cedar into Kelly Lake; thence 75 feet westerly, thence 85 feet southerly to second staked cedar tree.

(b) Buoys will be placed in waters of Kelly Lake by Holt Park Superintendent.

Section 6. DEFINITIONS. (1) "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steering control.

(2) "Motorboat" means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion.

(3) "Operate" or "use" when used with reference to a motorboat, boat or vessel means to navigate or otherwise employ.

Section 7. PENALTIES AND DEPOSITS. (1) Anyone found guilty of violating Sections 2, 3 and 5 of this Ordinance shall forfeit not more than \$50, together with the costs of prosecution.

(2) Anyone found guilty of violating Section 4 of this Ordinance shall forfeit not more than \$100.00, together with the costs of prosecution.

Section 8. Except as hereinabove specifically provided, the Town of Spruce hereby adopts along with this ordinance and incorporates the same herein by reference all of the provisions of Section 30.50 to 30.80 inclusive of the Wisconsin Statutes.

Section 9. This Ordinance shall be published according to the provisions of Sec. 30.77 of the Wisconsin Statutes, and will be in full force and effect on and after the 21 day of May, 1986.

Approved by:  
Town Board of Spruce  
3rd day of March 1986.

Filed this 21 day of  
May, 1986.

Therese Markiewicz  
Town Chairman

Therese Markiewicz  
Town Clerk

Richard A. Kallala  
Town Supervisor

Edward Christensen  
Town Supervisor