

BIG CEDAR LAKE PROTECTION & REHABILITATION DISTRICT
ORDINANCE NO. 93-1

(As Amended By Ordinances 94-1, 98-1, 98-2, 2003-3 and 2011-1)

**REGULATIONS OF BOATING AND OTHER ACTIVITIES IN AND ON THE WATER OF
BIG CEDAR LAKE, GILBERT LAKE AND THE CHANNEL CONNECTING BIG CEDAR
LAKE AND GILBERT LAKE**

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93-1.01 GENERAL PROVISIONS.

(1) **APPLICABILITY.** The provisions of this ordinance shall apply to all the waters of Big Cedar Lake and Gilbert Lake and the channel connecting 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 public health, safety and general welfare.

(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 them by virtue of Section 30.77, Wis. Stats., and resolutions adopted by the Town of West Bend and the Town of Polk in May, 1993.

93-1.02 INTERPRETATION.

The sections of this ordinance pertaining to the use, operation or equipment of boats and other vehicles as well as the activities which are regulated by Sections 30.50 to 30.71, Wis. Stats. and the rules and regulations of the Department of Natural Resources established pursuant thereto, shall be construed and interpreted, if possible, to be consistent with and not contrary to said statute sections, rules and regulations, nothing to the contrary herein notwithstanding.

93-1.03 ENFORCEMENT.

(1) The provisions of this ordinance shall be enforced by the Water Safety Patrol Officers hired or contracted for by the BCLPRD.

(2) Sections 30.79(l)(b), (3) and (4), Wis. Stats., are adopted herein by reference.

(3) The Chief and other members of the BCLPRD Water Safety Patrol shall be appointed by the Commissioners of the BCLPRD.

93-1.04 STATE BOATING AND WATER SAFETY LAWS ADOPTED.

State boating and water safety laws as found in Sections 30.50 through 30.71 of the Wisconsin Statutes and in the rules and regulations of the Department of Natural Resources established pursuant to said statutory provisions are adopted herein by reference, including those laws or rules and regulations adopted therein 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 said statute, rule or regulation adopted herein by reference is required to be performed or prohibited by this ordinance. 93-1.05 DEFINITIONS.

(1) WATER TRAFFIC. All moving objects controlled by man or his agencies on the surface of the lakes.

(2) PERSON. Includes an individual, firm, partnership, corporation or any other association of individuals organized together for any purpose whatsoever.

(3) WATER SKIING and WATER SKIER. Being towed or the one being towed, respectively, on water skis, aquaplane or some similar device by a motorboat.

The definitions as set forth in Sec. 30.01, Wis. Stats., are incorporated herein by reference as though fully set forth herein, except as follows: (4) WATER TRAFFIC LANES. The water traffic lane is the surface of the lake that is beyond 150 feet distant from and parallel to the shore or 100 feet distant from the projecting extremities of any pier, wharf or other structure built in or over the water, or the greater thereof, provided, however, that on any part of said lake where the distance between the opposite shores is such that the foregoing formula is impossible or impracticable in application, then the water traffic lane shall be as indicated by buoys placed for that specific purpose.

(5) SLOW-NO-WAKE SPEED. When used herein, slow-no-wake speed shall mean that speed at which a boat moves as slowly as possible while still maintaining steerage control.

(6) PERSONAL WATERCRAFT. Personal watercraft shall mean a motorboat that uses an inboard motor powering a water jet pump or a caged propeller as its primary source of motive power and that is designated to be operated by a person standing on, kneeling on or sitting astride the watercraft.

(7) BOAT, WATERCRAFT. Boat or Watercraft means every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water and a fishing raft.

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

(9) TUBE. An inflatable or solid device on which a person is or persons are towed by a motorboat.

93-1.06 LIGHTING OF BOATS AND EQUIPMENT.

(1) MOORING LIGHTS REQUIRED. No person shall moor, drift or anchor any boat, raft, buoy or other floating object in the traffic lane from sunset to sunrise unless there is prominently displayed thereon a white light. 93-1.07 SPEED RESTRICTIONS.

(a) Monday Through Friday.

8:00 A.M. to the earlier of 8:00 P.M. or sunset 35 m.p.h. maximum

The earlier of 8:00 P.M. or sunset to 8:00 A.M. 10 m.p.h. maximum

(b) Saturdays, Sundays and Legal Holidays.

8:00 A.M. to 6:00 P.M. 35 m.p.h. maximum

6:00 P.M. to 8:00 A.M. 10 m.p.h. maximum

(2) SPEED OUTSIDE OF WATER TRAFFIC LANES. When moving in waters that have not been designated as the water traffic lane, the operating speed shall be slow-no-wake speed.

(1) SPECIFIC LIMITS: (3) REDUCED SPEED IN WATER TRAFFIC LANES. When moving in waters that have heretofore been classified as the water traffic lane and it is necessary to approach closer than the prescribed distances set forth in this ordinance to a moored boat, a slow moving boat, a flag or marker warning of subsurface activity, or a swimmer, the operating speed shall be slow-no-wake speed.

(4) SPEED IN MARKED WEED BED AREAS. When moving in waters that are marked as weed bed areas, the operating speed shall be slow-no-wake speed.

5) REDUCED SPEED ON GILBERT LAKE. When moving in the waters known as Gilbert Lake, including the channel between Gilbert Lake and Big Cedar Lake, the operating speed shall be slow-no-wake speed.

93-1.08 REGULATIONS ON BOAT OPERATION.

(1) DISTANCES. No motorboat shall pass within 100 feet of a moored boat, swimmer (unless accompanying the swimmer) or skin diver's marker (unless part of the skin diving operation), unless existing circumstances require it. Then, in such event, such passing must be made at a slow-no-wake speed and in a manner so as to not interfere with or endanger the occupants of such moored boat, swimmer or skin diver

(2) PASSENGER CAPACITY AND SAFETY. (a) Capacity. All boats for rent or hire shall have stenciled or painted on the rear seat thereof the maximum safe carrying capacity of such boat.

(b) Seaworthiness. Every owner of a boat for hire or rent shall be personally responsible for the seaworthiness of his boat.

(3) SPECIAL REGULATIONS IN THE PENINSULA NARROWS.

a) The Peninsula Narrows is that portion of Big Cedar Lake lying east of the peninsula which extends from Government Lots 2 and 3 in the SE 1/4 of the NE 1/4 and NE 1/4 of the SE 1/4 of Section 30 and is situated in the SW 1/4 of the NW 1/4 and the NW 1/4 of

the SW 1/4 of Section 29, Township 11 North, Range 19 East, Town of West Bend, Washington County, State of Wisconsin. Said waters are further bounded on the south by a line running due east from the southernmost tip of said peninsula and on the north by a line running due east from the northernmost tip of said peninsula.

b) All motorboats operating in the water traffic lane in the Peninsula Narrows shall operate to the right side of the mid-channel marker buoys.

c) No person shall operate a boat towing a person or persons on water skis, aquaplanes, tubes or other similar devices within the Peninsula Narrows at any time.

(4) TIGHT CIRCULAR AND PROLONGED REPETITIVE OPERATION OF MOTORBOATS. No person may operate a motorboat repeatedly in a tight, circuitous course, or in a prolonged, repetitive manner in the same area of the lake.

(5) OPERATION OF A CERTAIN WATERCRAFT ON GILBERT LAKE.

a) No person may operate a personal watercraft or other jet powered watercraft or a motorboat powered by a propeller not fully submerged in the water in the channel leading from Big Cedar Lake to Gilbert Lake or on Gilbert Lake at any time, unless that person possesses a currently valid permit issued by the Board of Commissioners pursuant to paragraph (b) or is authorized pursuant to paragraph (c).

b) A person may apply for a permit to operate a personal watercraft or other jet powered watercraft or a motorboat powered by a propeller not fully submerged in the water in the channel leading from Big Cedar Lake to Gilbert Lake or on Gilbert Lake by submitting a complete application for such permit to the Operations Manager of the District on a form prescribed by the District. The Board of Commissioners shall make a decision on the permit application within 30 days after receipt of the complete application. The Board of Commissioners may grant and issue a permit under this paragraph if it determines that:

i) the permit is necessary to prevent undue hardship to the applicant; or

ii) the applicant has demonstrated other good cause for issuance of the permit.

(c) This section does not apply to persons engaged in the provision of emergency services or law enforcement.

(6) DECLARATION OF HIGH WATER EMERGENCY AND IMPOSITION OF A TEMPORARY SLOW, NO WAKE SPEED LIMIT ON ALL OF BIG CEDAR LAKE AT ALL TIMES.

a) When the water level exceeds the ordinary high water mark on the dam in the northeast corner of Timmers Bay by at least 4 inches, the Commissioners of the BCLPRD will meet and may declare that a high water emergency exists on all of Big Cedar Lake. If a high water emergency is declared by the Commissioners, no person shall at any time operate a boat at a speed faster than slow-no-wake in the waters of Big Cedar Lake during such high water emergency.

b) When the water level returns to a level that is 4 inches or less above the ordinary high water mark on the dam in the northeast corner of Timmers Bay, the high water emergency will be considered as rescinded and the restrictions in subsection a) above will no longer be in effect.

c) The BCLPRD will post a notice of the existence and removal of a high water emergency at the launch ramps on Big Cedar Lake and it will also notify the local media of the existence and removal of a high water emergency.

(8) POWER LAUNCHING AND RETRIEVING PROHIBITED.

No person shall launch or retrieve a motorboat off or onto a trailer at the Big Cedar Lake Protection and Rehabilitation District Gonring Drive Boat Launch unless the motorboats motor is turned off or the motor is being operated in its neutral gear. No person shall have the motorboat's motor operating in a gear other than neutral while engaged in the act of retrieving a motorboat onto a trailer after the motorboat is at rest on the trailer.

93-1.09 WATER SKIING.

(1) HOURS OF OPERATION. No person shall operate a boat for the purpose of towing a water skier, aquaplane, tube or similar device, or engage in water skiing, or aquaplaning, tubing or similar activity except during the following hours on the following days on Big Cedar Lake:

Monday through Friday 8:00 A.M. to the earliest of 8:00 P.M. or sunset

Saturdays, Sundays & Holidays (Memorial Day, July 4 & Labor Day) 8:00 A.M. to 6:00 P.M.

(2) NUMBER OF LINES TOWING SKIERS, AQUAPLANERS OR PERSONS ENGAGING IN SIMILAR ACTIVITIES, OR TOWING TUBES OR SIMILAR DEVICES. On Saturdays, Sundays and Holidays (Memorial Day, July 4 and Labor Day), no motorboat operator shall tow more than one line towing a water skier, aquaplaner or person engaging in similar activities, or towing tube(s) or similar devices. On Mondays through Fridays, unless on a Holiday (Memorial Day, July 4 and Labor Day), the towing of 2 lines by a motorboat towing water skiers, aquaplaners, or persons engaging in similar activities or towing tubes or similar devices shall be allowed.

(3) AIRBORNE DEVICES PROHIBITED. No motorboat operator shall tow any water skier, aquaplaner, or person engaged in similar activity, or tow any tube or similar device using or equipped with any airborne devices, i.e., kite, sail, plane or other device designed to lift such skier, aquaplaner, or person engaged in similar activity, or such tube or similar device above the surface of the water for a sustained period of time.

93-1.10 SWIMMING REGULATIONS.

(1) WATER TRAFFIC LANE. No person shall swim in the water traffic lane unless he/she is accompanied by a manned boat capable of carrying such swimmer, unless more than one swimmer is swimming in a group and the manned boat accompanying the group of swimmers has the capacity to carry all of the swimmers in the group. No boat operator shall accompany a single swimmer or more than one swimmer swimming as a group in the water traffic lane unless the boat being operated has the capacity to carry the one swimmer or all of the swimmers in the group. In addition, one swimmer or a group of swimmers may swim in the water traffic lane without having a manned boat accompanying the one swimmer or group of swimmers if the swimmer or group of swimmers stay within 50 feet of an unmanned boat that has the capacity to carry the one swimmer or all of the swimmers in the group and the unmanned boat is anchored.

(2) HOURS. No person shall swim in the water traffic lane from sunset to sunrise unless the accompanying boat mentioned in sub. (1) above is properly lighted.

(3) FISH SPAWNING AREA. No person shall skin dive or water ski in any marked fish spawning area.

93-1.11 SWIMMING BEACHES MARKED.

(1) GENERAL. All beaches used by the public shall be identified by markers placed on the outer perimeter thereof by the riparian owner; said markers are to be of a size

normally visible for a distance of 300 feet and securely fastened so as to keep the markers in place and painted as required by sec. 93-1.13 of this ordinance.

(2) BOATS PROHIBITED FROM ENTERING. All boats are prohibited from entering such swimming beach, except a boat used by a lifeguard or safety patrol unit.

93-1.12 AIRCRAFT.

It shall be unlawful for any manned aircraft, whether designed for taking off or landing on water or ice or not, to use any part of any lake for landing or taking off unless the pilot in command has declared an official Mayday emergency situation and a required full report is subsequently made to the Federal Aviation Agency.

93-1.13 RAFTS, BUOYS AND MARKERS.

(1) COLORS. All rafts and stationary platforms, buoys and markers of any kind anchored in the water, except docks and piers, shall be painted in conformity with the color scheme established by the rules and regulations of the Department of Natural Resources. Any such marker which does not comply with such color scheme is deemed an unlawful obstruction of navigable waters and can be removed in accordance with law.

(2) POSITION. All rafts, platforms, buoys and markers shall be anchored so that they shall have at least 12 inches of free board above the water line and so that they will not float or drift in excess of 10 feet in any direction from the position that is directly above their anchor.

(3) SHOALS. If any shoals are marked, the same shall be indicated with markers normally visible for a distance of 300 feet and which are securely fastened to prevent moving and painted in conformity with the color scheme in sub. (1) above.

93-1.14 UNDERWATER CRAFT.

No person shall engage in any activity employing a craft capable of operating below the surface of the water unless such craft submerges and surfaces in that area of the surface of the lake that has not been designated herein as the water traffic lane, or submerges or surfaces in the water traffic lane within a radius of 50 feet from a flag similar to that required by Section 30.70, Wisconsin Statutes, which regulates skin diving, except in the case of emergency.

93-1.15 MARKERS AND NAVIGATION AIDS: POSTING ORDINANCE.

(1) DUTY OF CHIEF. The chief of the BCLPRD Water Safety Patrol 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 at all public access points to Big Cedar Lake.

(2) STANDARD MARKERS. All markers placed upon the waters of the lake shall comply with the regulations of the Department of Natural Resources.

(3) INTERFERENCE WITH MARKERS PROHIBITED. No person shall, without authority, remove, damage or destroy or moor or attach any watercraft to any buoy, beacon or marker placed in the waters of the lake by the authority of the United States, this State or the BCLPRD, pursuant to the provisions of this ordinance.

93-1.16 MISCELLANEOUS PROVISIONS.

(1) LITTERING WATERS PROHIBITED. No person shall deposit, place or throw from any boat, vehicle, raft, pier, platform structure or shore any cans, paper, bottles, debris, refuse, garbage, or solid or liquid waste on or into the water of the lake.

(2) DISORDERLY CONDUCT PROHIBITED. No person shall, within the area to which this ordinance applies, engage in violent, abusive, threatening, tumultuous, indecent, obscene, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance. Public urination or defecation shall be considered disorderly conduct.

(3) STATE UNDERAGE ALCOHOL PROVISIONS ADOPTED. State underage alcohol laws as found in Sections 125.07(1), 125.07(4)(a), (b), (bs), (c) and (cd) and 125.085(1), (3)(b) and (3)(bd) of the Wisconsin Statutes are adopted herein by reference, including amendments adopted by the State subsequent to the enactment of this ordinance. Any act required to be performed or prohibited by the provisions of any said statute adopted herein by reference is required to be performed or prohibited by this ordinance.

Â 93-1.17 RESISTING OR OBSTRUCTING WATER SAFETY PATROL OFFICERS.

No person shall resist or obstruct any Water Safety Patrol Officer in the performance of duty.

93-1.18 PENALTIES.

1) VIOLATION OF ADOPTED STATE LAWS. Section 30.80, Wisconsin Statutes, is adopted herein by reference to cover violations of State boating and water safety laws contained in Sections 30.50 through 30.71, Wisconsin Statutes, which have also been adopted herein by reference in Section 93-1.04 above. subject to the applicable penalties provided for in Section 125.07(1)(b), Section 125.07(4)(bs), (c) and (cd) and Section 125.085(3)(bd), Wisconsin Statutes.

(2) OTHER VIOLATIONS. Any person who shall violate any of the provisions of this ordinance which are not covered under Section 93-1.18(1) above shall, upon conviction of such violation, forfeit not more than the amounts provided in Section 30.80(1), Wisconsin Statutes, provided however that any person who shall violate any of the provisions of Section 93-1.08(8), Power Launching and Retrieving Prohibited, shall forfeit not more than \$150 for the first offence and shall forfeit not more than \$300 upon conviction of the same offence a second or subsequent time within one year, and provided further that any person who shall violate any of the provisions of Section 93-1.16(3), State Underage Alcohol Provisions Adopted, shall be 9

93-1.19 SEVERABILITY.

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 93-1, as that Ordinance has been amended by BCLPRD Ordinances 93-1, 94-1, 98-1, 98-2, 2003-3 and 2011-1.

/s/ Roger E. Walsh

Roger E. Walsh, Chairperson

Big Cedar Lake Protection & Rehabilitation District

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. NOTE: Ordinance 93-1 was adopted on June 17, 1993 and published on June 22, 1993. Ordinance 94-1 was adopted on February 8, 1994 and published on March 23, 1994. Ordinance 98-1 was adopted on May 18, 1998 and

published on June 3, 1998. Ordinance 98-2 was adopted on April 8, 1999 and published on April 19, 1999. Ordinance 2003-3 was adopted on January 8, 2004 and published on January 14, 2004. Ordinance 2011-1 was adopted on May 12, 2011 and published on May 24, 2011.)

**BIG CEDAR LAKE PROTECTION AND REHABILITATION DISTRICT
ORDINANCE NO. 2018-1**

**AN ORDINANCE TO ESTABLISH REGULATIONS AT THE LAUNCHING FACILITIES
TO BIG CEDAR LAKE AT GONRING DRIVE, HACKER DRIVE AND CEDAR PARK
DRIVE RELATING TO CLOSING THESE LAUNCHING FACILITIES WHEN THE TWO
PARKING AREAS OWNED AND OPERATED BY THE BCLPRD ARE FULL WITH 34
VEHICLE UNITS**

WHEREAS the Big Cedar Lake Protection and Rehabilitation District (BCLPRD) is a lake district created under Wis. Stat. Ch. 33 for the purpose of undertaking a program of lake protection and rehabilitation on Big Cedar Lake in Washington County, Wisconsin, and

WHEREAS the BCLPRD owns and operates a boat launching facility on Big Cedar Lake on Gonring Drive and has the authority to establish regulations on the use of such launching facilities at Big Cedar Lake, and

WHEREAS the BCLPRD has been authorized by the Town of West Bend, Wisconsin to establish regulations at the boat launching facilities to Big Cedar Lake at Hacker Drive and at Cedar Park Drive relating to closing the boat launching facilities at Hacker Drive and Cedar Park Drive when the two parking areas owned or leased and operated by the BCLPRD off of Gonring Drive are full with 34 vehicle and/or Vehicle-Trailer units, and

WHEREAS pursuant to NR 1..91(5) the Wisconsin Department of Natural Resources has determined that granting permits for boating access on bodies of water where the maximum access standards are exceeded will materially impair navigation and is detrimental to the public interest, and

WHEREAS public boating access on Big Cedar Lake is at the maximum provided for in NR 1.91(5) at one or more access sites on Big Cedar Lake which in total provide 1 vehicle-trailer unit per 25 open water acres,

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF THE BCLPRD that the following provisions relating to the use of the Gonring Drive, Hacker Drive and Cedar Park Drive launch facilities shall be in effect as of August 1, 2018:

**Section 2018-1.1 BOAT LAUNCHING TO BIG CEDAR LAKE PROHIBITED AT THE
GONRING DRIVE, HACKER DRIVE AND CEDAR PARK DRIVE BOAT LAUNCH
FACILITIES WHEN THE TWO PARKING AREAS OWNED OR LEASED AND
OPERATED BY THE BCLPRD OFF OF GONRING DRIVE ARE FULL WITH 34
VEHICLE AND/OR VEHICLE-TRAILER UNITS.Â Â**

On Saturdays, Sundays and Holidays, from Memorial Day thru Labor Day of each year, no person shall launch a boat from the Gonring Drive, Hacker Drive or Cedar Park Drive boat launch facilities unless:

(A) At the time of launching, there is an available parking space in the BCLPRD's two parking areas owned or leased and operated by the BCLPRD off of Gonring Drive for the vehicle and trailer which transported the boat, the western parking area containing 24 parking spaces and the eastern parking area containing 10 parking spaces, and

(B) such vehicle and trailer is then parked in a parking space in one of the BCLPRD's two parking areas off of Gonring Drive, provided however, to assure that parking in such parking areas is limited to the general public, no owner or tenant of property on Big Cedar Lake shall be required or permitted to park in such parking areas after launching a boat owned or operated by such owner or tenant at such launch facilities

Section 2018-1.2 BCLPRD TO ATTEMPT TO CLOSE THE BOAT LAUNCH FACILITIES WHEN PARKING AREAS OFF OF GONRING DRIVE ARE FULL; EFFECT OF FAILURE TO CLOSE. To aid in accomplishing the prohibition against launching at the Gonring Drive, Hacker Drive and Cedar Park Drive launch facilities, the BCLPRD will attempt to close the launch ramps at the Gonring Drive, Hacker Drive and Cedar Park Drive launch facilities when there is no available parking space in the BCLPRD's two parking areas off of Gonring Drive, provided however, the failure of the BCLPRD to close the launch ramps at the Gonring Drive, Hacker Drive and Cedar Park Drive launch facilities shall not allow any person to launch a boat in violation of Section 2018.1.1.

Section 2018-1.3. CITATION ENFORCEMENT. The BCLPRD hereby adopts and authorizes the use of a citation to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists, as provided in Section 66.0113, Wis. Stats. Citations authorized under this Ordinance may be issued by Water Safety Patrol Officers hired or contracted for by the BCLPRD, and/or by any other employee hired by the BCLPRD. Nothing herein shall be construed to prohibit the BCLPRD from enforcing this Ordinance by any other lawful means.

Section 2018-1.4. PENALTIES/CASH DEPOSITS.

1. The penalty/cash deposit for violations of Ordinance 2018-1.1 shall be \$75 for the first offense and \$150 for the second and/or subsequent offense during the same calendar year. The penalty/cash deposit may be paid at the BCLPRD offices or by mail to the District at 4480 Gonring Dr., West Bend, WI 53095 within ten (10) calendar days of the date the violation occurred. The cancelled check will serve as the receipt.
2. In the event a penalty/cash deposit has not been paid to the District under Section 2018-1.4(A) above within ten (10) days of the date the violation occurred, the penalty/cash deposit is to be made with the Clerk of the Circuit Court for Washington County, Wisconsin, and said Clerk shall give a receipt for any penalty/cash deposit that is made in person, unless the penalty/cash deposit amount is mailed in and, in that case, the cancelled check will serve as the receipt. In addition to the penalty/cash deposit required in Section 2018-1.4(A) above that has not been paid to the District within ten (10) days of the date the violation occurred, the penalty/cash deposit shall include a penalty assessment if required by Section 165.87, Wisconsin Statutes, or any other Wisconsin Statute, a jail assessment required by Section 302.46(1), Wisconsin Statutes, or any other Wisconsin Statute, and any applicable fees and court costs prescribed by Wisconsin Statutes.

Section 2018-1.5. SEVERABILITY. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Commissioners of the Big Cedar Lake Protection & Rehabilitation District 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 circumstance is held invalid, the remainder of this Ordinance and the application of such provision to other persons or circumstances shall not be affected.

Section 2018-1.6. EFFECTIVE DATE. This Ordinance shall become effective on August 1, 2018, upon passage and publication.

I, the undersigned, hereby certify that this Ordinance was adopted by the Commissioners of the BCLPRD on July 11, 2018 and published in the West Bend Daily News on July, 2018 and that this Ordinance is a true and correct copy of BCLPRD Ordinance 2018-1.

Roger E. Walsh, Chairperson

Big Cedar Lake Protection & Rehabilitation District

**BIG CEDAR LAKE PROTECTION AND REHABILITATION DISTRICT
ORDINANCE NO. 2021-1**

**AN ORDINANCE TO CORRECT A WISCONSIN STATUTE REFERENCE IN
ORDINANCE 2004-2.12, TO REVISE THE DEFINITION OF “ALL-TERRAIN VEHICLE”
IN ORDINANCE 2004-2.03(1) AND TO CREATE A DEFINITION OF “UTV” IN
ORDINANCE 2004-2.03 AND SET SPEED LIMITS FOR UTVs**

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF THE BIG CEDAR LAKE PROTECTION AND REHABILITATION DISTRICT (BCLPRD) that the following provisions shall be in effect:

Section 1. The first sentence of Ordinance 2004-2.12 is hereby amended to read as follows:

“Wis. Stats. §23.33, ~~§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.”

Section 2. Ordinance 2004-2.03(1) is hereby amended to read as follows:

“(1) **ATV** – All Terrain Vehicle means any engine driven device as defined in Wis. Stat. §340.01(2g), (which reads, which has a net weight of 900 pounds or less, which is originally manufactured width of 50 inches or less which is equipped with a seat designed to be straddled by the operator and which is designed by the manufacturer to travel on 3 or more low-pressure tire), and which also means 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.”

Section 3. Change Ordinance 2004-2.03(9) & (10) to Ordinance 2004-2.03 (10) & (11) and create new Ordinance 2004-2.03(9) to read as follows:

“(9) **UTV** – Utility Terrain Vehicle means a commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012 that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway and that has and was originally manufactured with, all of the following:

1. A weight, without fluids, of 2,000 pounds or less.
2. Three or more low- pressure tires or non-pneumatic tires.
3. A steering wheel.
4. A tail light.
5. A brake light.

6. Two headlights.
7. A width of not more than 65 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of -tires, mirrors, and accessories that are not essential to the vehicle's basic operation.
8. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
9. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device."

Section 4. The title of Ordinance 2004-2.05 Speed Limits for Vehicles on Ice (2)(b) is amended to read as follows:

"ALL-TERRAIN VEHICLES, UTVs, MOTORCYCLES & SIMILAR VEHICLES.

Section 5. This ordinance shall become effective upon passage and publication.

**BIG CEDAR LAKE PROTECTION AND REHABILITATION DISTRICT
ORDINANCE NO. 2021-2**

**AN ORDINANCE TO CHANGE THE DISTANCE FROM SHORE TO DETERMINE THE
WATER TRAFFIC LANES ON THE LAKE IN ORDINANCE 93-1.05 (4) FROM 150
FEET TO 200 FEET.**

WHEREAS there is currently an inconsistency on Big Cedar Lake between the Water Traffic Lanes at 150 feet from shore for motorboats and the statutory designation of the Water Traffic Lanes at 200 feet from shore for jet skis and other personal watercraft, and

WHEREAS this inconsistency is confusing, especially since the buoys around the lake are set at the 150 from shore mark, and

WHEREAS this inconsistency would be cured by passage of this ordinance,

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF THE BIG CEDAR LAKE PROTECTION AND REHABILITATION DISTRICT (BCLPRD) that the following provisions shall be in effect:

Section 1. Ordinance 93-1.05(4) is hereby amended to read as follows:

"(4) WATER TRAFFIC LANES. The water traffic lane is the surface of the lake that is beyond ~~150~~ 200 feet distant from and parallel to the shore or 100 feet distant from the projecting extremities of any pier, wharf or other structure built in or over the water, or the greater thereof, provided, however, that on any part of said lake where the distance between the opposite shores is such that the foregoing formula is impossible or impracticable in application, then the water traffic lane shall be as indicated by buoys placed for that specific purpose."

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

CERTIFICATION

The undersigned, David Claussen, certifies as follows: (1) that he is the duly serving Secretary of the Big Cedar Lake Protection & Rehabilitation District (BCLPRD), that this Ordinance 2021-2 was duly adopted at a duly convened meeting of the Board of Commission on the 21st day of April, 2021 by a vote of 7 Ayes and 0 Noes, and (3) that this Ordinance will be published in the West Bend Daily News on April 28, 2021.

/David Claussen/, BCLPRD Secretary