

CHAPTER 72

BOATING

SECTION 72.01 Definitions

- (1) "boat" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.
- (2) "motorboat" means any boat propelled by machinery, whether or not such machinery is the principal source of propulsion, but does not include a boat which had valid marine document issued by the bureau of customs of the U.S. government or any federal agency successor thereto.
- (3) "owner" means the person who has lawful possession of a boat by virtue of legal title or equitable interest therein which entitles him to such possession.
- (4) "waters of this state" means any waters within the territorial limits of this state, including the Wisconsin portion of boundary waters.
- (5) "operate" when used with reference to a motorboat or boat means to navigate, steer, sail, row or otherwise to move or exercise physical control over the movement of such motorboat or boat.
- (6) "commission" or "conservation commission" shall mean the Wisconsin Department of Natural Resources.
- (7) "associated equipment" means any system, part or component of a boat as originally manufactured or any similar system, part or component manufactured or sold for replacement, repair or improvement of the system, part or component; any accessory or equipment for, or appurtenance to, a boat and any marine safety article, accessory or equipment intended for or used by a person on board a boat except radio equipment.
- (8) "manufacturer" means any person engaged in the manufacture, construction, or assembly of boats or associated equipment; the manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly and the importation into this state for sale of boats, associated equipment or components for boats.
- (9) "state of principal use" means the state where the boat is used or is to be used most during the year.
- (10) "slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

SECTION 72.02 Capacity Plates on Boats.

- (1) Every vessel less than 26 feet in length designed to carry 2 or more persons and to be propelled by machinery as its principal source of power or designed to be propelled by oars shall, if manufactured or offered for sale in this state, have affixed permanently thereto by the manufacturer a capacity plate as required by this section. As used in this section "manufacturer" means to construct or assemble a vessel or alter a vessel so as to change its weight capacity.
- (2) A capacity plate shall bear the following information permanently marked thereon so as to be clearly visible and legible from the position designed or normally intended to be occupied by the operator of the vessel when under way:
 - (a) For all vessels designed for or represented by the manufacturer as being suitable for use with outboard motor:
 1. The total weight of persons, motor, gear and other articles placed aboard which the vessel is capable of carrying with safety under normal conditions.
 2. The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person in no instance shall such presumed weight per person be less than 150 lbs.
 3. Clear notice that the information appearing on the capacity plate is applicable under normal conditions and that the weight of the out board motor and associated equipment is considered to part of total weight capacity.
 4. The maximum horsepower of the motor the vessel is designed or intended to accommodate.
 - (b) For all other vessels to which this section applies:
 1. The total weight of persons gear and other articles placed aboard which the vessel is capable of carrying with safety under normal conditions.
 2. The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than 150 lbs.
 3. Clear notice that the information appearing on the capacity plate is applicable under normal conditions.
- (3) The information relating to maximum capacity required to appear on capacity plates by sub. (2) a. shall be determined in accordance with such methods and formulas as are prescribed by rule adopted by the conservation department. In prescribing such methods and formulas, the conservation department shall be guided by an give due regard to the necessity for

uniformity in methods and formulas lawful for use in determining small vessel capacity in the several states and to any methods and formulas which may be recognized or recommended by the U.S. coast guard.

- (4) Any vessel to which this section applies not having a capacity plate, meeting the requirements of law, affixed thereto by the manufacturer thereof may have such affixed by any other person in accordance with such rules as the conservation department prescribes, and may thereafter be offered for sale in this state, but no action taken pursuant to this subsection, or as described herein, shall relieve any manufacturer from liability for failure to comply with this section.
- (5) The information appearing on a capacity plate shall be deemed to warrant the manufacturer, or the person affixing the capacity plate as permitted by sub. (4), has correctly and faithfully employed a method and formula for the calculation of maximum weight capacity prescribed by the conservation department and that the information appearing on the capacity plate with respect to maximum weight capacity and recommended number of persons is the result of the application of such method and formula, and with respect to information concerning horsepower limitations that such information is not a deliberate or negligent misrepresentation.
- (6) If any vessel required by this section to have a capacity plate affixed thereto is of such design or construction as to make it impracticable or undesirable to affix such plate, the manufacturer, or other person having the responsibility for affixing the plate, may represent such impracticability or undesirability to the conservation department in writing. Upon determination by the conservation department that such representation has merit and that a proper and effective substitute for the capacity plate which will serve the same purpose is feasible, the conservation department may authorize such alternative compliance and such alternative compliance shall thereafter be deemed compliance with the capacity plate requirements of this section.

SECTION 72.03 Operation of unnumbered motorboats prohibited; exemptions.

- (1) **CERTIFICATE OF NUMBER REQUIRED.** After March 31, 1969, no person shall operate, and no owner shall give permission for the operation of, any motorboat or any sailboat over 12 feet in length on the waters of this state unless the motorboat or sailboat either is covered by a valid certificate of number issued pursuant to this chapter or is exempt from the numbering requirements of this chapter.
- (2) **EXEMPTIONS.** A boat is exempt from the numbering requirements of this chapter if it is:
 - (a) Manually propelled and is not equipped with propulsion machinery or sail.
 - (b) A sailboat 12 feet in length or less.
 - (c) Covered by a valid certificate of number issued under federal law or a federally approved numbering system of another state, with the identification number properly

displayed on each side of the forward half, but this exemption does not apply if the boat has been within this state for a period in excess of 60 consecutive days or if this state is the state of principal use of the boat.

- (d) Operated within a period of 15 days after application for a certificate of number has been made and the required fee has been paid, if proof of application is carried on board.
- (e) From a country other than the United States temporarily using the waters of this state.
- (f) A military or public boat of the United States, except recreational-type public vessels.
- (g) A boat whose owner is a state or subdivision of a state, which is used principally for governmental purposes, and which is clearly identifiable.
- (h) A ship's lifeboat.
- (i) Present in this state, for a period of not to exceed 10 days, for the express purpose of competing in a race conducted under a permit from a municipality or an authorized agency of the U.S. Government.

SECTION 72.04 Certificates of number; applications; issuance; renewals; fees.

- (1) **WHAT BOATS TO BE NUMBERED IN THIS STATE.** A motorboat principally used in this state shall be numbered in this state. Whenever a motorboat covered by a valid certificate of number issued pursuant to federal law or the federally-approved numbering system of another state is used in this state in excess of 90 consecutive days or to the extent that this state becomes the state of principal use, the owner of such motorboat shall forthwith apply for a certificate of number under this section.
- (2) **NUMBERING PERIODS.** Numbering periods shall run for 3 years, commencing April 1, 1960. Unless sooner terminated or discontinued in accordance with this chapter, certificates of number issued for the period commencing April 1, 1960, are valid until April 1, 1963, and shall then expire and subsequent certificates shall expire on March 31 of every 3rd year thereafter.
- (3) **FEES.** A fee of \$3.25 shall be paid to the commission for the issuance of a certificate of number or renewal thereof valid for the whole or any part of a numbering period, subject to the following exceptions:
 - (a) If the boat has not previously been numbered in this state or was last previously numbered pursuant to federal law or a federally approved numbering system of another state, the fee shall be \$2.25 if 2 years or less, but more than one year, remains of the numbering period at the time application is received and \$1.25 if one year or

less remains of the numbering period.

- (b) For issuance of a certificate of number to the new owner upon transfer of ownership of a boat numbered in this state, the fee shall be \$1.25 if the certificate is issued for the remainder of the numbering period for which the previous certificate was issued.
 - (c) A person owning or otherwise holding 3 or more boats ready for hire generally or ready to let in connection with the operation of resort facilities or guide services may, at his option, pay a flat fee of \$5 plus 75 cents per boat for obtaining or renewing certificates of number for such boats in lieu of the fee which otherwise would be payable.
- (4) **ISSUANCE OF CERTIFICATE OF NUMBERS.** Upon receipt of a proper application accompanied by the required fee, the commission shall issue to the applicant a certificate of number stating the number awarded, the name and address of the owner and such other information as the commission deems necessary. The certificate of number shall be pocket size and of durable water resistant material. A number shall be awarded to a particular boat unless the owner is a manufacturer of or dealer in boats, motors or trailers, and desires to use the number on his boats only while being tested or demonstrated or while being used for the purpose of testing or demonstrating a motor or trailer.

SECTION 72.05 Identification number to be displayed on boat; certificate to be carried.

- (1) **DISPLAY OF IDENTIFICATION NUMBER.** Upon being issued a certificate of number, the owner of the motorboat shall paint on or attach to each side of the bow thereof the identification number in such manner as may be prescribed by the rules of the commission in order that it may be clearly visible and shall maintain such number in legible condition at all times. The commission shall furnish the owner with instructions relative to painting or attaching the awarded number to the motorboat.

A manufacturer or dealer in boats, motors or trailers may have the awarded number printed upon or attached to removable signs to be temporarily but firmly mounted upon or attached to the boat while being tested or demonstrated or while being used in connection with the testing or demonstrating of a motor or trailer. No number other than the number awarded by the commission or granted reciprocity under this chapter shall be painted, attached, or otherwise displayed on either side of the bow of a motorboat. The commission shall determine in this case of sailboats, however, where such identification number shall be shown.

- (2) **CERTIFICATE OF NUMBER OR FACSIMILE TO BE AVAILABLE FOR INSPECTION.** The certificate of number shall be available at all times for inspection on the boat for which issued, whenever such boat is in use, unless the commission determines the boat is of such size or type as to make the retention of same on the boat impractical.

SECTION 72.06 Transfer of ownership of numbered boat.

- (1) **DUTY OF SELLER.** Whenever the owner of a motorboat or sailboat covered by a valid or expired certificate of number issued by this state transfers all or any part of his interest in such motorboat or sailboat, other than by the creation of a security interest, he shall notify the commission of such transfer and shall at the same time return the certificate of registration to the commission.
- (2) **DUTY OF PURCHASER.** Transfer of the ownership of a motorboat terminates the certificate of number for such motorboat, except in the case of a transfer of a part interest which does not affect the transferor's right to operate such motorboat. The transferee shall make application for a new certificate of number as prescribed by the commission. Upon receipt of such application accompanied by the required fee, the commission shall issue a new certificate for the boat but shall not assign a new number to the boat unless compliance with federal numbering regulations require otherwise.

SECTION 72.07 Notice of abandonment or destruction of boat or change of address.

- (1) **DESTRUCTION OR ABANDONMENT.** If a boat covered by a certificate of number issued by this state is destroyed or abandoned, the owner shall notify the commission of such fact within 15 days after the destruction or abandonment and shall at the same time return the certificate of number to the commission for cancellation.
- (2) **CHANGE OF ADDRESS.** Whenever any person, after applying for or receiving a certificate of number, moves from the address given in such application or certificate, he shall within 15 days thereafter notify the commission in writing of both his old and new address and of the numbers awarded by any certificates held by him. At the same time he shall indorse his new address on his certificates.

SECTION 72.08 Classification of motorboats.

- (1) Class A--those less than 16 feet.
- (2) Class 1--those 16 feet or over but less than 26 feet.
- (3) Class 2--those 26 feet or over but less than 40 feet.
- (4) Class 3--those 40 feet or over.

SECTION 72.09 Lighting equipment.

- (1) **WHEN LIGHTS REQUIRED; PROHIBITED LIGHTS.**
 - (a) No person shall operate any motorboat at any time from sunset to sunrise unless such motorboat carries the lighting equipment required by this section and unless such equipment is lighted when and as required by this section.
 - (b) No owner shall give permission for the operation of a motorboat at any time from sunset to sunrise unless such motorboat is equipped as required by this section.
 - (c) No person shall exhibit from or on any motorboat when under way at any time from

sunset to sunrise any light which may be mistaken for those required by this section.

- (2) LIGHTS FOR MOTORBOATS OF CLASSES A AND 1. All motorboats of classes A and 1 when under way at any time from sunset to sunrise shall carry and have lighted the following lamps:
 - (a) One lamp aft showing a bright white light all around the horizon.
 - (b) One combined lamp in the fore part of the motorboat and lower than the white light aft, showing green to starboard and red to port and so fixed that each side of the combined lamp throws a light from directly ahead to 2 points abaft the beam on its respective side.
- (3) LIGHTS FOR MOTORBOATS OF CLASSES 2 AND 3. All motorboats of classes 2 and 3 when under way at any time from sunset to sunrise shall carry and have lighted the following lamps:
 - (a) One lamp in the fore part of the boat as near the stem as practicable, so constructed as to show an unbroken bright white light over an arc of the horizon of 20 points of the compass and so fixed as to throw the light from directly ahead to 2 points abaft the beam on either side.
 - (b) One lamp aft showing a bright white light all around the horizon and higher than the white light forward.
 - (c) On the starboard side, one lamp showing a green light, and on the port side, one lamp showing a red light, both fitted with inboard screens of sufficient height and so set as to prevent these lights from being seen across the bow. Each such side lamp shall be so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass and shall be so fixed as to throw the light from directly ahead to 2 points abaft the beam on its respective side.
- (4) SAILBOATS WITH MOTORS. Sailboats equipped with motors and being propelled in whole or in part by such motor must comply with sub (2) or (3), whichever is applicable. Whenever such a sailboat is being propelled entirely by sail at any time from sunset to sunrise, it shall have lighted the lamps showing the colored lights specified in sub. (2) or (3), but not the lamps showing the white lights, and shall carry ready at hand a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.
- (5) SAILBOATS WITHOUT MOTORS AND ROWBOATS. Every boat propelled by muscular power and every sailboat not equipped with a motor, when under way at any time from sunset to sunrise, shall carry ready at hand a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.
- (6) PERFORMANCE SPECIFICATIONS FOR LAMPS. Every white light prescribed by this section shall be of such character as to be visible at a distance of at least 2 miles on a dark

night with clear atmosphere. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile on a dark night with clear atmosphere.

- (7) **OPTIONAL LIGHTING REQUIREMENTS.** Any boat may carry and exhibit the lights required by the federal regulations for preventing collisions at sea, 1948, federal act of October 11, 1951, (33 USC143-147d) as amended, in lieu of the lights required by subs b and (3)

SECTION 72.10 Other equipment.

- (1) **WHEN EQUIPMENT REQUIRED.** No person shall operate any boat on the waters of this state unless such boat is equipped as required by this section and the rules of the commission issued pursuant thereto. No owner of a boat shall rent such boat to any other person for use upon the waters of this state unless such boat is equipped at the time of rental as required by this section and the rules of the commission issued pursuant thereto. If such boat is properly equipped at the time of rental for conditions then existing, the responsibility of the owner under this section is met, notwithstanding a subsequent change in the number of passengers or a change in time from daylight to dark.
- (2) **MUFFLERS.** The engine of every motorboat propelled by an internal combustion engine shall be equipped with a muffler which is so constructed and kept in constant operation that it prevents excessive or unusual noise at all times while the engine is in operation.
- (3) **PERSONAL FLOTATION DEVICES.** Every boat shall carry at least one personal flotation device prescribed by federal regulations for each person on board or being attended by the boat, so placed as to be readily accessible and available to the persons.
- (4) **FIRE EXTINGUISHERS.** Every motorboat, except outboards of open construction, shall be provided with such number, size and type of fire extinguishers, capable of promptly and effectively extinguishing burning gasoline, as prescribed by rules of the department. Such fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible. "Open construction" means construction which will not permit the entrapment of explosive or flammable gases or vapors.
- (5) **BACKFIRE FLAME ARRESTERS.** Backfire Flame Arresters. Every boat equipped with an inboard motor using gasoline as a fuel shall have the carburetors of every inboard gasoline motor fitted with an efficient device for arresting backfire flames. The device shall meet the specifications prescribed by federal regulations.
- (6) **BILGE VENTILATORS.** Every motorboat, except open boats, using as fuel any liquid or a volatile nature, shall be provided with an efficient natural or mechanical ventilation system which is capable of removing resulting inflammable or explosive gases.
- (7) **EXCEPTIONS.** Subsections b and d do not apply to a motorboat while competing in a race conducted pursuant to a permit from a town, village or city or from an authorized agency of

the U.S. government, nor does it apply to a boat designed and intended solely for racing, while such boat is operated incidentally to the tuning up of the boat and engine for the race.

- (8) **BATTERY COVER.** Every motorboat equipped with storage batteries shall be provided with suitable supports and secured against shifting with the motion of the boat. Such storage batteries shall be equipped with a nonconductive shielding means to prevent accidental shorting of battery terminals.
- (9) **DEPARTMENT MAY ADOPT RULES.** The department shall adopt such rules modifying or supplementing the associated equipment requirements of this section as are necessary to keep those requirements in conformity with federal regulations.

SECTION 72.11 Patrol Boats.

- (1) The operator of a duly authorized patrol boat, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, need not comply with state or local regulations fixing maximum speed limits when a siren is being sounded and if due regard is given to the safety of other persons in the vicinity. If a light is used in conjunction with a siren it shall be the oscillating or flashing type and be fitted with a blue lens.
- (2) Upon the approach of a duly authorized patrol boat giving an audio or visual signal the operator of a boat shall reduce the boat speed to that speed necessary to maintain steering control and yield the right-of-way to the patrol boat until it has passed.
- (3) No person operating a boat may refuse to stop after being requested or signaled to do so by a law enforcement officer.

SECTION 72.12 Traffic rules.

- (1) **MEETING; OVERTAKING; RIGHT OF WAY.** Every person operating a boat shall comply with the following traffic rules, except when deviation there from is necessary to comply with federal pilot rules while operating on the navigable waters of the United States:
 - (a) When 2 motorboats are approaching each other "head and head," or so nearly so as to involve risk of collision, each boat shall bear to the right and pass the other boat on its left side.
 - (b) When 2 motorboats are approaching each other obliquely or at right angles, the boat which has the other on her right shall yield the right of way to the other. "Right" means from dead ahead, clockwise to 2 points abaft the starboard beam.
 - (d) When a motorboat and a boat propelled entirely by sail or muscular power are proceeding in such a direction as to involve risk of collision, the motorboat shall yield the right of way to the other boat.
 - (e) A boat may overtake and pass another boat on either side if it can be done with safety

but the boat doing the overtaking shall yield the right of way to the boat being overtaken, notwithstanding any other rule in this section to the contrary.

- (f) A boat granted the right of way by this section shall maintain her course and speed, unless to do so would probably result in a collision.

SECTION 72.13 Speed Restrictions.

- (1) **SPEED TO BE REASONABLE AND PRUDENT.** No person shall operate a motorboat at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a motorboat shall be so controlled as to avoid colliding with any object lawfully in or on the water or with any person, boat or other conveyance 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 may operate a motorboat at a speed in excess of the posted notice as established by regulatory markers.
- (3) **PROHIBITED OPERATION.** Except under Section 30.69(3), no person may operate a motorboat within 100 feet of any dock, raft, pier, or buoyed restricted area on any lake at a speed in excess of slow-no-wake speed.

SECTION 72.14 Accidents and accident reports.

- (1) **DUTY TO RENDER AID.** Insofar as he can do so without serious danger to his own boat or to persons on board, the operator of a boat involved in a boating accident shall stop his boat and shall render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident and shall give his name and address and identification of his boat to any person injured and to the owner of any property damaged in the accident.
- (2) **DUTY TO REPORT.**
 - (a) If the boating accident results in death or injury to any person or total property damage in excess of \$100, every operator of a boat involved in such accident shall, as soon as possible, give notice of the accident to a conservation warden or local law enforcement officer and shall within 10 days after the accident, file a written report thereof with the commission on the form prescribed by it.
 - (b) If the operator of a boat is physically incapable of making the report required by this subsection and there was another occupant in the boat at the time of the accident capable of making the report he shall make such report.
- (3) **TERMS DEFINED.** In this section:
 - (a) "Boating accident" means a collision, accident or other casualty involving a boat.

- (b) "Injure" means any injury of a physical nature resulting in the need of first aid or attention by a physician or surgeon, whether or not such aid or attention was received.
 - (c) "Total property damage" means the sum total cost of putting the property damaged in the condition it was in before the accident, if repair thereof is practical, and if not practical, the sum total cost of replacing the property.
- (4) **REPORTS CONFIDENTIAL.** No report required by this section to be filed with the commission shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the commission shall furnish upon demand of any person who has or claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the commission solely to prove a compliance or a failure to comply with the requirement that such a report be made.

SECTION 72.15 Distress signal flag. The display on a boat or by a person of an orange flag approximately 18 by 30 inches in size shall indicate that such boat or person is in need of help.

- (1) Insofar as is possible without serious danger to his own boat or persons on board, the operator of a boat observing such distress signal shall render to the boat or person displaying the signal such assistance as may be practicable and necessary to save the boat or person or to minimize any danger to them.
- (2) No person shall display a flag like that described in sub. (1) unless such person is in need of assistance to prevent bodily injury or destruction of property.

SECTION 72.16 Prohibited operation

- (1) **Intoxicated Operation.** No person may operate a boat upon the waters of this state or use water skis, an aquaplane or a similar device while under the influence of an intoxicant or a controlled substance as defined in Section 161.01(4).
- (2) **Negligent Operation.** No person may operate or use any boat, or manipulate any water skis, aquaplane or similar device upon the waters of this state in a careless, negligent or reckless manner so as to endanger his life, property or person or the life, property or person of another.
- (3) **Operation by Incapacitated Person or Minor.**
 - (a) No person in charge or control of a boat shall authorize or knowingly permit the boat to be operated by any person who by reason of physical or mental disability is incapable of operating such boat under the prevailing circumstances.
 - (b) No person under the age of 10 years may operate a motorboat. Persons at least 10 and less than 12 years of age may operate a motorboat only if they are either

accompanied in the boat by a parent or guardian or a person at least 18 years of age designated by a parent or guardian. Persons at least 12 and less than 16 years of age may operate a motor of any horsepower, but only if they are either accompanied by a parent or guardian or a person at least 18 years of age designated by a parent or guardian, or in possession of a certificate issued under s. 30.74(1). Violations of this paragraph done with the knowledge of a parent or guardian shall be deemed a violation by the parent or guardian, and punishable under s. 30.80.

- (4) Creating Hazardous Wake or Wash.
 - (a) No person shall operate a motorboat so as to approach or pass another boat in such a manner as to create a hazardous wake or wash.
 - (b) An operator of a motorboat is liable for any damage caused to the person or property of another by the wake or wash from such motorboat unless the negligence of such other person was the primary cause of the damage.
- (5) Operating in circular course. No person may operate a motorboat repeatedly in a circuitous course around any other boat, or around any person who is swimming, if such circuitous course is within 200 feet of such boat or swimmer; nor shall any boat or water skier operate or approach closer than 100 feet to any skin diver's flag or any swimmer unless the boat is part of the skin diving operation or is accompanying the swimmer, or unless physical conditions make compliance impossible.
- (6) Riding on decks and gunwales. Except for the purpose of anchoring, mooring or casting off or for other necessary purpose, no person shall ride or sit on the gunwales or bow of any motorboat while underway.
- (7) Restricted areas. No person shall operate a boat within a water area which has been clearly marked by buoys or some other distinguishing device as a bathing or swimming area; nor operate a boat in restricted use areas contrary to regulatory notice pursuant to s. 30.74(2). This subsection does not apply in the case of an emergency, or to patrol or rescue craft.
- (8) Anchoring in traffic lanes. No person shall anchor any boat in the traveled portion of any river or channel or in any traffic lane established and legally marked, so as to prevent, impede or interfere with the safe passage of any other boat through the same.
- (9) Overloading. No boat shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and other existing operating conditions.
- (10) Overpowering. No boat shall be equipped with any motor or other propulsion machinery beyond its safe power capacity, taking into consideration the type and construction of such watercraft and other existing operating conditions.
- (11) Unnecessarily sounding whistles. No person shall unnecessarily sound a horn, whistle or other sound-producing device on any boat while at anchor or under way. The use of a siren

on any except duly authorized patrol boats on patrol or rescue duty is prohibited.

- (12) Molesting or destroying aids to navigation and regulatory markers. No unauthorized person shall move, remove, molest, tamper with, destroy or attempt to destroy, or moor or fasten a boat (except to mooring buoys) to any navigation aids or regulatory markers, signs or other devices established and maintained to aid boaters.

SECTION 72.17 Water skiing.

- (1) Prohibited at certain times; Exceptions.
 - (a) Except as provided in par. (2), no person may operate a motorboat towing a person on water skis, aquaplane or similar device unless there is in the boat a competent person in addition to the operator in a position to observe the progress of the person being towed. An observer shall be considered competent if he can in fact observe the person being towed and relay any signals to the operator. This observer requirement does not apply to motorboats classified as Class a motorboats by the department actually operated by the persons being towed and so constructed as to be incapable of carrying the operator in or on the motorboat. No person may engage in water skiing, aquaplaning or similar activity, at any time for sunset to sunrise. This restriction of the hours of water skiing does not prevent restrictions of the hours of water skiing between sunrise and sunset by local ordinances enacted pursuant to Wis. Statute 30.77(3).
 - (b) Paragraph (a) does not apply to duly authorized water ski tournaments, competitions, exhibitions or trials therefore, where adequate lighting is provided.
- (2) Careful and prudent operation. A person operating a motorboat having in tow a person on water skis, aquaplane or similar device shall operate such boat in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.
- (3) Restriction. No boat towing persons engaged in water skiing, aquaplaning or similar activity on any 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.

SECTION 72.18 Skin diving. No person may engage in underwater diving or swimming with the use of swimming fins or skin diving in waters other than marked swimming areas or within 150 feet of shoreline, and no person may engage in underwater diving or swimming with the use of self-contained underwater breathing apparatus in waters other than marked swimming areas, unless the location of such diving or swimming is distinctly marked by diver's flag, not less than 12 inches high and 15 inches long, displaying one diagonal white stripe 3 inches wide on a red background, and of height above the water so as to be clearly apparent at a distance of 100 yards under normal conditions, and so designed and displayed as to be visible from any point on the horizon. Except in case of emergency, anyone engaging in such diving or swimming shall not rise to the surface outside

of a radius of 50 feet from such flag. No person engaged in such diving or swimming shall interfere with the operation of anyone fishing nor engage in such diving or swimming in established traffic lanes; nor shall any such person alone or with another, intentionally or unintentionally, block or obstruct any boat in any manner from proceeding to its destination where a reasonable alternative is unavailable. A reasonable alternative route is available when the otherwise unobstructed boat can proceed to its destination without reducing its lawful speed, by passing to the right or to the left of a marked diving operation.

SECTION 72.19 Boats equipped with toilets. (1) No person shall operate any boat equipped with toilets on inland waters of this state, except the Mississippi river, unless the toilet wastes are retained for shore disposal by means of facilities constructed and operated in accordance with rules adopted by the state board of health. "Inland waters" means the waters defined as inland waters by s. 29.01(4).

SECTION 72.20

- (1) Any person violating any provision of Sections 30.50 to 30.80 for which a penalty is not provided by subsection (2), (3), or (4) shall forfeit not more than \$50 for the first offense, and shall forfeit not more than \$100 upon conviction for the same offense a second or subsequent time within one year.
- (3) Any person violating s. 30.71 or any rule promulgated under that section shall forfeit not more than \$100 for the first offense and shall forfeit not more than \$200 upon conviction of the same offense a second or subsequent time within one year.

SECTION 72.21 Penalty. Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, forfeit not more than \$200, together with the costs of prosecution, and in default of payment of the forfeiture and costs shall be imprisoned in the county jail until said forfeiture and costs are paid, but not exceeding 90 days.

SECTION 72.22 Parties to a Violation.

- (1) Whoever is concerned in the commission of a violation of this chapter for which a forfeiture is imposed is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.
- (2) A person is concerned in the commission of the violation if the person:
 - (a) Directly commits the violation;
 - (b) Aids and abets the commission of it; or
 - (c) Is a party to a conspiracy with another to commit it or advises, hires or counsels or otherwise procures another to commit it.

SECTION 72.23 Chemical Tests for Intoxication.

- (1) In any action or proceeding in which it is material to prove that a person was under the influence of an intoxicant or had a blood alcohol concentration of 0.1% or more when operating or driving a motor vehicle, or while handling a firearm, evidence of the amount of alcohol in the person's blood at the time in question, as shown by chemical analysis of a sample of the person's blood or urine or evidence of the amount of alcohol in the person's breath, is admissible on the issue of whether he or she was under the influence of an intoxicant or had a blood alcohol concentration of 0.1% or more if the sample was taken within 3 hours after the event to be proved. The chemical analysis shall be given effect as follows without requiring any expert testimony as to its effect:
 - (a) The fact that the analysis shows that there was 0.05% or less by weight of alcohol in the person's blood or 0.05 grams of alcohol or less in 210 liters of the person's breath is prima facie evidence that the person was not under the influence of an intoxicant and did not have a blood alcohol concentration of 0.1% or more;
 - (b) The fact that the analysis shows that there was more than 0.05% but less than 0.1% by weight of alcohol in the person's blood or more than 0.05 grams but less than 0.1 grams of alcohol in 210 liters of the person's breath is relevant evidence on the issue of intoxication or blood alcohol concentration but is not to be given any prima facie effect;
 - (c) The fact that the analysis shows that there was 0.1% or more by weight of alcohol in the person's blood or 0.1 grams or more of alcohol in the person's blood or 0.1 grams or more of alcohol in 210 liters of the person's breath is prima facie evidence that he or she was under the influence of an intoxicant and is prima facie evidence that he or she had a blood alcohol concentration of 0.1% or more.
- (2) The concentration of alcohol in the blood shall be taken prima facie to be three-fourths of the concentration of alcohol in the urine.
- (3) If the sample of breath, blood or urine was not taken within 3 hours after the event to be proved, evidence of the amount of alcohol in the person's blood or breath as shown by the chemical analysis is admissible only if expert testimony establishes its probative value and may be given prima facie effect only if the effect is established by expert testimony.
- (4) The provisions of this section relating to the admissibility of chemical tests for intoxication or blood alcohol concentration shall not be construed as limiting the introduction of any other competent evidence bearing on the question of whether or not a person was under the influence of an intoxicant or had a blood alcohol concentration of 0.1% or more.
- (5) In this section, "blood alcohol concentration of 0.1% or more" means a blood alcohol concentration of 0.1% or more by weight of alcohol in a person's blood or 0.1 grams or more of alcohol in 210 liters of a person's breath.

SECTION 72.24 Any future amendments, revisions, or modifications of Wisconsin Statutes Chapter 30 or Section 885.235, incorporated herein, are intended to be made part of this Ordinance as such amendments, revisions, or modifications are made to said Chapter.

SECTION 72.25 Severability. Should any portion of this Ordinance be declared invalid by Statute or Court decision, the remaining portions of this Ordinance shall continue to remain in full force and effect.

SECTION 72.26 This Ordinance shall take effect and be in force from and after its proper passage and publication pursuant to Wisconsin Law.

Ordinance No. 97(84) & 06/08/71 Ordinance - August, 1984

DESCRIPTION OF LAKES IN ST. CROIX COUNTY*

1.	Anderson Springs	1.8		2
2.	Apple Falls Flowage	35.5	45	
3.	Bass Lake	293.0		37
4.	Brushy Mound Lake	13.3	5	
5.	Burkhardt Millpond	90.5	38	
6.	Bushnell Lake	16.8	12	
7.	Brushy Lake	28.5		10
8.	Casey Lake	28.3		12
9.	Cedar Lake	1,107.0		28
10.	Cylon 36-14	5.0		4
11.	Dry Dam	28.5		4
12.	Emerald 1-3	.7		5
13.	Emerald 1-4	.7		5
14.	Emerald 10-9	.9	7	
15.	Emerald 11-11	.7	6	
16.	Emerald 16-11	3.3	5	
17.	Emerald 32-3	.8	3	
18.	Forest 20-1	.4		3
19.	Glenwood 4-10	1.2		4
20.	Glenwood 5-4	1.8	5	
21.	Goose Pond	14.0		2
22.	Hammond 3-14	12.3		10
23.	Hammond 11-6	1.8		5
24.	Hammond 12-1	4.5		3
25.	Harmon Lake	1.2	6	
26.	Huntington Flowage	58.5	15	
27.	Kinnickinnic 15-13c	.7		3
28.	Kinnickinnic 15-13d	2.0		5
29.	Lake St. Croix	4,668.0	60	
30.	Leveque Springs	2.0		6
31.	Little Falls Flowage	158.5	16	
32.	Mallalieu Lake	282.0	17	
33.	McClure Flowage	22.5		12
34.	Mounds Flowage	56.5		40
35.	New Richmond Flowage	142.0		12
36.	Perch Lake	42.5		63
37.	Pine Lake	53.0		15
38.	Pine Lake (Somerset)	33.0	9	
39.	Richmond 2-5	3.9	5	
40.	Richmond 21-22	.2		6
41.	Riverdale Flowage	68.0		23
42.	St. Joseph, West 2-1	3.3	6	
43.	St. Joseph, East 26-12	4.0	6	
44.	St. Joseph, East 26-15	3.0	6	

45.	St. Joseph, East		20.7		7
46.	Somerset Flowage		83.0		20
47.	Somerset 10-3 (Bass Lake)		4.2		4
48.	Somerset 10-7 (Bass Lake)		8.8		10
49.	Somerset 10-8 (Bass Lake)		5.8		8
50.	Squaw Lake		97.0		22
51.	Stanton 32-8		5.1		4
52.	Stanton 32-10	3.2		3	
53.	Star Prairie 11-2		1.5		10
54.	Star Prairie 15-15		9.3		6
55.	Star Prairie 22-7		2.0		8
56.	Star Prairie 36-16		6.2		4
57.	Strand Lake		21.5		16
58.	Troy 13-2		3.8		7
59.	Turtle Lake		26.8		12
60.	Warren 5-2 (Three Lakes)		10.0		5
61.	Glen Lake		86.0		30
62.	Spring Valley Flowage and Lake		80.0		?

*Surface Water Resources of St. Croix County Wisconsin Conservation Dept., Madison