

CHAPTER 20

LAKES AND BEACHES

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20.01 APPLICABLE STATUTES ADOPTED. The statutory provisions relating to the authority and responsibilities of the Village in connection with the development, maintenance and use of Eagle Harbor are hereby adopted by reference and are to be considered as much a part of this ordinance as though fully set forth herein:

We hereby adopt by reference the following sections of the Wisconsin State Statutes and incorporate them herein in this ordinance:

- 30.50 Definitions
- 30.501 Capacity plates on boats
- 30.51 Certificate of number and registration, requirements; exemptions;
- 30.52 Certificate of number and registration; application; certification and registration period; fees; issuance
- 30.53 Certification or registration card to be on board; display of stickers or decals and identification number
- 30.60 Classification of motorboats
- 30.61 Lighting equipment
- 30.62 Other equipment
- 30.64 Patrol boats
- 30.65 Traffic Rules
- 30.66 Speed regulations
- 30.67 Accidents and accident reports
- 30.68 Prohibited operation
- 30.69 Water-skiing
- 30.70 Skin Diving
- 30.71 Boats equipped with toilets
- 30.75 Service of process on nonresident
- 30.80 Penalties

20.02 GENERAL PROVISIONS.

(1) JURISDICTION.

(a) The jurisdiction of the Village over the waters and shorelines of Eagle Harbor in Door County is shown on the map published by the U. S. Engineers Office in Lake Charts Nos. 702-703, Lake Michigan, which is hereby adopted by reference as if fully set forth herein.

(b) Eagle Harbor is located in T31N, R37E and occupies portions of Sections 9,10,11,12,13,14,15,16 and 24. Its waters are bound on the North by a straight line extending from the northernmost shore of section 9 to the North boundary line of Section 12. All portions of Chapter 15 refer only to that area. The Village has established a no-wake area extending 200' from shore, from the old pump house on Crystal Springs Road north to the tip of the Village at the Graham property. (8/00)

(2) BULKHEAD LINE.

(a) On September 7, 1971, the Village Board established a bulkhead line along that portion of the shoreline of Eagle Harbor that lies within the boundaries of the Village. After approval by the State Department of Natural Resources, a complete description and map of that line were recorded by the registrar's office of Door County of November 16, 1972. This line separates the jurisdiction of the State from that of public or private riparian rights proprietors to the waters of Eagle Harbor.

(b) A riparian owner may place fill or structures on the bed of the harbor out to the bulkhead line after first making appropriate application to the DNR as required by law making certain that such improvement shall not be deemed to impair navigation or be detrimental to the public interest. Such application shall be subject to Plan Committee review.

20.03 COASTAL MANAGEMENT COMMITTEE.

(1) **POWERS & DUTIES.** The Coastal Management Committee shall be responsible, with the Village Board approval, for the development, maintenance and operation of all municipal harbor facilities on such shorelands of Eagle Harbor as lie within the boundaries of the Village of Ephraim. The Committee may require policing the waters of Eagle Harbor to ensure their use in the best interests of the public health, order and safety of all persons using them for aquatic recreation.

(2) **PLANNING AND DEVELOPMENT.** The Committee shall make such plans as it deems necessary for the continuing efficient operation of all harbor facilities and

equipment, presenting them to the Village Board for its advice and approval, but in no case shall any contracts be let or financially obligated without the specific authorization of the Village Board.

(3) **MAINTENANCE.** Existing facilities, including docks, marker buoys, patrol craft, lighting and other equipment shall be maintained in good usable condition, with any major expenditure subject to authorization by the Village Board before the work is undertaken as in sub. (2). However, if the cost of day-to-day maintenance expenses can be set through use of funds on hand from current Docks Committee budget, no approval by the Village Board need be requested.

(4) **SLIP FEES.** Subject to the approval of the Village Board, fees shall be established for the use of public slips, and other facilities. Such fees may vary according to the size of the boats, the length of stay or the location of slips, but in all cases equal fees shall be charged for equal services. Copies of the schedule of fees shall be available to all persons upon request. For the convenience of transient visitors, the daily fees for short stays shall be posted at all docks with information as to where they may be paid.

(5) MARKERS AND NAVIGATION AIDS; POSTING PROVISIONS.

(a) The Coastal Management Committee 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 section and to post and maintain a copy of this section at all public access points within the jurisdiction of the Village.

(b) All markers placed by the Board or any other person upon the waters of Eagle Harbor shall comply with the regulations of the State Department of Natural Resources.

(6) HARBORMASTER

(a) The Harbormaster shall be hired by the Docks/Coastal Management Committee subject to approval by the Village Board.

(b) Harbormaster responsibilities shall be outlined in a formal job description for this position on file in the Village office as revised from time to time by the Docks/Coastal Management Committee.

(c) All fees due under this section shall be paid, to the Harbormaster and paid weekly to the Village Treasurer.

(7) PERMITS.

(a) Regattas and Races. SEE ZONING ORDINANCE 17.16 (8) FOR PERMITS NEEDED.

20.04 WATER SAFETY PATROL.

(1) **APPOINTMENT.** The Village Board may appoint a chief and such other officers of a Water Safety Patrol as may be required. Each shall serve at the discretion of the Board.

(2) **POWERS AND DUTIES.** The officers of the Patrol may have the same powers as the Village constable to arrest, with or without process, all persons found to be in violation of the regulations of 20.01 of this chapter, which covers the State boating regulations, or of the special regulations adopted by the Village as set forth in this section.

(3) **JURISDICTION.** The members of the Water Safety Patrol are required to patrol the waters of Eagle Harbor as defined in 20.02 (1)

(4) CHIEF OF THE WATER SAFETY PATROL.

(a) The Chief shall have command of the Water Safety Patrol of the Village and shall have custody, care and control of its property and equipment.

(b) He shall familiarize himself with S.S. 30.50-30.80, Wisc. Stats. boating regulations in sub. (5).

(c) He shall consult from time to time with the Docks/Coastal Management Committee regarding the activities, policies and goals of the Patrol.

(5) **SPECIAL BOATING REGULATIONS.** Boating regulations particularly applicable to the waters of Eagle Harbor that are under police jurisdiction of the Village have been adopted and shall be enforced by the Water Safety Patrol.

(a) RIGHT OF WAY.

1. No person shall operate a motorboat faster than the slow-no-wake within that area described as the designated mooring area in section 20.05 of this ordinance and marked by regulatory buoys.

2. Distance from Landings and Beaches. No person shall operate a boat for the purpose of towing a water-skier within 100 ft. of the outside limits of any marked public

swimming area designated by the Chief of the Harbor Safety Patrol, any swimming or diving flag or within 100 ft. of any public boat landing.

3. Exceptions. The limitations of this paragraph shall not apply to participants in ski meets or exhibitions authorized by the Village of Ephraim.

(b) **LITTERING WATERS PROHIBITED.** No person shall deposit, place or throw from any boat, raft, pier, platform or similar structure any cans, paper, bottles, debris, refuse, garbage, solid or liquid waste into the waters of Eagle Harbor.

(c) **INTERFERENCE WITH MARKERS PROHIBITED.** No person shall without authority remove, damage, destroy, moor to or attach any watercraft to any buoy, beacon or marker placed in the waters of Eagle Harbor.

(d) **MOORING AT DOCKS WITHOUT PERMISSION.** No person shall moor a boat to a private or municipal dock or beach it upon private property within the Village without the permission of an authorized representative of the Village or the owner thereof.

20.05 MOORING AREA.

The Village of Ephraim has established a designated mooring area and described as 63.23 acres as being located in Section 23, T31N, R17E, Village of Ephraim, County of Door, Wisconsin, to wit: Commencing at point No. 1 defined by F. W. Trezise, in his survey of the Eagle Harbor Bulkhead Line, dated 9-7-71; thence along said Bulkhead Line as follows: N.73-45-41 E., 517.26 ft.; thence N.67-19-02 E., 5 ft. +/- to the intersection of the property line between parcels numbered 121-01-23312711J2 and 121-01-23312711H and said Bulkhead Line; thence leaving said Bulkhead Line, N.20-48-09 W., 2389.29 ft. to a point being located S. 20-48-09 E., 754.20 ft. from a point designated as Point "A"; thence S.60-17-14 E., 1161.28 ft. to a point being located N.60-17-14 W., 1130.84 ft. from the intersection of the lot line between parcels numbered 121-01-24312732A and 121-01-24312732B and the Bulkhead Line as defined by F. W. Trezise; thence S. 10-21-45 W., 1265.23 ft; thence S.65-20-00 W., 990.41 ft. to the point of beginning. Said Mooring Area contains 63.23 acres.

(a) The Village of Ephraim may designate an agent to manage the mooring area and may establish fees. The operation of the designated mooring area shall meet with the approval of the Village Board and shall be in compliance with State Statute 30.773 (3) and (4) and is hereby adopted by reference.

GENERAL PROVISIONS of the MOORING AREA:

1. State regulations applicable to moorings as found in Chapter 30 of the Wisconsin Statutes and those other statutes as adopted from time to time by the Village of Ephraim

are all hereby adopted by reference and made part hereof and applicable to the Village's Mooring Area.

2. Seasonal occupancy of mooring space in Eagle Harbor shall be assigned to boat owners according to the following priority system; (a) Prior year permit holders who had a mooring as their personal principal and permanent mooring for at least 30 consecutive days in that previous year, (b) Riparian property owners from Brookside Lane to the Village Hall in Ephraim; (c) Resident property owners of the Village of Ephraim; (d) Property owners in Ephraim; (e) Renter of property in Ephraim if registered to vote in the Village in the prior year's election; (f) nonresident of Ephraim; (g) Any current permit holder requesting a second permit. Any mooring permit holder who did not have a mooring installed as required in any current year, or one who did not use his mooring as his principle and permanent mooring in any current year, will be eligible to re-apply for inclusion on the next year's waiting list according to the priorities called for in this document.

3. The Village of Ephraim shall keep a current priority list based on applications as of January 1 of each year. This list shall be available upon request.

4. **MOORING TERMINATION.** The Village may terminate the mooring permit of any person who gives false information in order to gain a higher position on the priority list. The Village may also refuse to renew the permit of any boater who did not have a mooring installed as required in the previous year or who did not use his mooring as his principle and permanent mooring in the previous year.

5. **NUMBER OF MOORINGS.** There will be 50 mooring positions available at this time.

6. **GENERAL RULES:**

a) No contract for a mooring permit will be received before January 1 of the year for which space is requested.

b) All mooring fees are subject to the rates established annually by the Village of Ephraim. Mooring fees must be paid in full on or before March 1st. any space not paid for by that date shall be considered available and shall be rented to the highest person on the priority list; further, if the tackle is not removed by June 1st, it may be removed by the Village of Ephraim.

c) Mooring space shall be assigned to the person whose name appears on the contract and for the boat listed (person means natural person, nor corporation or partnership). Space will not be transferred to another person, except an estate may continue to use the mooring until the completion of the season. A surviving spouse may continue a mooring rental as long as these rules are complied with. Space may be transferred to a different boat of the

same owner, subject to the approval of the Village of Ephraim, when a larger or smaller space is required, the Village of Ephraim may give preference to such change. No mooring owner may rent or loan out the use of his mooring space. Any such action will be deemed a violation of this ordinance. A \$25 per day penalty will be assessed against the following year's rental ordinance fees. All moorings are otherwise not transferable. A continued violation of this ordinance is subject to removal of a mooring and termination of mooring permit.

7. New mooring tackle may not be placed until June 1 of any given year unless by permission of the Harbormaster. All fees shall be paid in full before a mooring may be installed. Any mooring not having its rental paid by June 1 may be removed by the Village of Ephraim.

8. The Village of Ephraim reserves the right to require proof of ownership of any boat or vessel and current liability insurance.

9. The owner's last name and state boat registration number or Federal documentation number shall be printed on all mooring buoys. All print on the mooring buoys shall be a minimum of 2" in size.

10. MOORING ASSIGNMENTS. When requesting a mooring designation, such mooring shall be located in such a place so as not to interfere with an existing mooring. Existing mooring locations have priority. The Village assumes no responsibility in locating mooring sites; however, the Village does reserve the right to assign and change mooring assignments. Only one mooring will be assigned per application. An application for an additional mooring shall be assigned to the lowest priority of the priority list.

11. The Village of Ephraim may refuse to renew a mooring rental for the following reasons:

- a. All reasons as set forth herein;
- b. Nonpayment of fees;
- c. Violation of rules and regulations relating to the harbor and mooring area;
- d. Violation of safe boating practices of federal, state or Village of Ephraim boating laws and ordinances;
- e. Disregard for safety and peace of other mooring renters;
- f. Use of harbor or mooring area for an illegal purpose.

12. **TRAFFIC CONTROL AUTHORITY.** The Village of Ephraim shall have the authority to control traffic in the portion of the waters of Eagle harbor through the use of authorized state regulatory markers, signals, orders or directions at any times when the Village deems it necessary and in the interest of safety of persons and vessels or other property, and it shall be unlawful for any person to willfully fail or refuse to comply with

any authorized state regulatory marker utilized by the Village of Ephraim or within a signal, order or direction of the Dockmaster or authorized agent acting on behalf of the Village of Ephraim. Such local authority shall be subordinate to applicable existing federal regulations governing this matter.

13. **LIMIT OF LIABILITY.** Any person using the facilities within the limits of Eagle Harbor shall assume all risk of damage or loss of property or injury to person. The Village of Ephraim, the Board of Trustees and its designated agents and all other duly authorized representatives assume no risk for any injury to persons or damage to property.

14. **OBSTRUCTION OF FACILITIES.** It shall be a violation of this ordinance for any person willfully to prevent any other person from the use and enjoyment of the harbor designated mooring area and related facilities.

15. With the approval of the Department of Natural Resources, the Village of Ephraim may place and maintain or cause to be placed and maintained, either on land or water or both, such signs, notices, signals, buoys or control devices as are deemed necessary to carry out the provisions of this document or to secure public safety in the orderly and efficient use of the harbor.

16. **ANNUAL REGISTRATION FOR MOORINGS.** On or before January 1 of each year the Village of Ephraim will send out the current Mooring Contract according to the priority list outlined in Paragraph #2 hereof. In order to reserve mooring space for the coming year, a completed Mooring Registration form and all applicable fees must be received by the Village of Ephraim prior to March 1.

17. The placement of such moorings shall take place in the designated harbor area, with site placement overseen by the Village, and shall be subject to the availability of adequate water in order to safely accommodate the number of vessels and the depth and draw of each vessel.

18. **EXISTING MOORINGS LOCATED IN THE DESIGNATED AREA.** When the use of existing moorings in their present location within the designated mooring area represents a nuisance or threat to safety of other moored boats, their occupants or other harbor users in general, or represents an inefficient configuration for the mooring placement so that a number of potential boats safely moored is reduced, the private owner of such mooring shall, within 30 days of the date of notification by the Village of Ephraim, be ordered to remove the mooring from the harbor or, at the owners preference, move it to a suitably designated location in the mooring area. At the option of the instructing authority, the owner shall cease use of the mooring.

19. **UNAUTHORIZED MOORING.** No person shall make fast or secure a vessel to any mooring already occupied by another vessel or to any unoccupied mooring for which the person does not have a permit from the Village of Ephraim. Nor shall any person make

fast or secure a vessel to another vessel already moored, except that a rowboat, dinghy or yacht tender regularly used by a larger vessel for transportation of persons or property to or from shore may be secured to a larger vessel or to a mooring regularly used by such larger vessel.

20. **CORRECTING AN UNSAFE MOORING.** If any vessel shall be found, in the judgement of the Village of Ephraim or its authorized representative, to be anchored or moored within the Eagle Harbor designated mooring area in an unsafe or dangerous manner or in such a way as to create a hazard to other vessels or to persons or property, the Village of Ephraim or their duly authorized representative shall order and direct necessary measures to eliminate such unsafe or dangerous condition. Primary responsibility for compliance with such orders and directions shall rest with the owner or the improperly anchored or moored vessel and with the person in charge of said vessel. In an emergency situation and in the absence of any responsible person, a duly authorized representative of the Village of Ephraim may board such vessel and cause the improper situation to be corrected and the owner of such vessel shall be liable for any costs incurred in effecting such correction.

21. **MOORING EQUIPMENT REGULATIONS.** All buoys and moorings will conform to DNR and U.S. Coast Guard Safety Standards and shall be kept in good repair. The safety, maintenance and repair of individual moorings is the sole responsibility of the permit holder except as discussed elsewhere in these provisions.

22. **VIOLATIONS AND PENALTIES.** Any violation of the provisions of sec. 20.05 of this Ordinance is punishable by forfeiture not to exceed \$50 for each violation. Each day the violation exists shall be considered a separate offense.

23. **EFFECTIVE DATE.** This becomes effective upon passage and posting: passed by unanimous vote of the Village Board on **5/13/96**.
Revised 10/11/2004 and posted 10/12/2004.

20.10 PENALTIES. Wisconsin state boating penalties are found in **S.S. 30.80, Wis. Stats.**, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference.