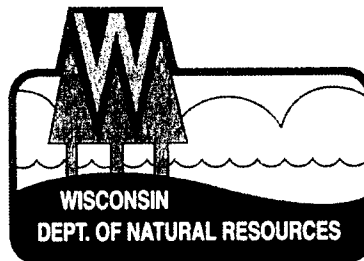


A Guideline for Creating Local Boating Ordinances and Placing Waterway Markers in Wisconsin Waters



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Introduction

The amount and type of water-based activities is constantly growing and local regulation can be responsive to the public need. Through regulation, a safe, enjoyable water environment can be provided while at the same time controlling undesirable conflict. Understanding is needed by everyone involved in the regulatory process in order to solve Wisconsin's boating problems.

These guidelines for creating boating ordinances and placing waterway markers have been designed to help you with the basic questions and format. This handbook contains some example ordinances that may be used in drafting a local ordinance to meet your specific needs. Feel free to use the suggested wording, filling in the blanks and making revisions for local conditions where necessary. We recommend following the suggested format to ensure accuracy, uniformity and completeness, and encourage you to work with your attorney to ensure compliance with all current laws.

If assistance is desired in writing your ordinance, your local Conservation Warden or the Recreational Safety Warden assigned to your county should be contacted. Included at the end of this guidance is a list of the DNR regional contacts. Please also refer to this list when submitting any documents for DNR review or approval.

Taking the time to review these guidelines will help all of us to expedite processing your ordinance or waterway marker permit application.

With your help we can make Wisconsin's waterways a safer place to recreate.

Roy Zellmer

Boating Law Administrator

Definitions

The following have been defined to aid in understanding and application of the rules, regulations and processes surrounding boating related ordinances and waterway markers.

Aids to Navigation are buoys, beacons and other fixed objects in the water which are used to mark obstructions to navigation or to direct navigation through safe channels.

Boating Law Administrator means a conservation warden whose specific responsibilities include boat safety, education, boating enforcement, waterway marker permits, boat accident investigations, patrol funding, boating ordinances, boat theft, lien fraud prevention, underwater archeological protection, managing federal boating grants, and the development of public service announcements and other media articles. Additional responsibilities include the development of proposed legislation and the drafting of natural resource rules related to boating issues.

Condition Report means a report that is compiled by the governing entity that addresses the questions of why the proposed related boating ordinance is necessary.

Governing Entity means any county, city, village, town, town sanitary district, or public inland lake protection and rehabilitation district.

Non-Regulatory Markers are buoys and other fixed objects in the water which are used to mark navigational channels, hazards, other dangerous areas or to provide general information to the boating public.

Ordinance means a local regulation relating to boating under s. 30.77(3), Wis. Stats.

Ordinary High Water Mark is the point on the bank of a navigable stream or on the shore of a lake up to which the presence and action of surface water is so continuous as to leave a distinctive mark by erosion, destruction of terrestrial vegetation, or other easily recognized characteristics under s. 236.025(2), Wis. Stats.

Recreational Safety Warden (RSW) is a conservation warden who provides training and guidance to local and county law enforcement boating, snowmobile and all-terrain-vehicle safety patrols and who assists governing entities in the drafting and review of recreational related ordinances. RSWs enforce recreational safety laws, conduct accident investigations and review accident reports.

Register of Waterbodies (ROW) is the WDNR's inventory of many of the surface waters of the state. Each surface water body that is added to the ROW gets a unique identifier called a Water Body ID Code (a.k.a. WBIC). This number has been used in tabular systems to help differentiate the multiple lakes with the same name from one another. The ROW also contains some basic, historical characteristic data about the waterbodies such as the maximum depth, area, Local Name, shoreline length, etc.

Regulatory Markers – are buoys, signs and other fixed objects in the water which are used to restrict and regulate boating related activity such as swim areas, dams, prohibited entry areas, and slow-no-wake areas.

Waterbody Identification Code (WBIC) is a 7-digit number assigned to uniquely identify a "waterbody".

Lakes 50 acres or less – See s. 30.635, Wis. Stats. On lakes 50 acres or less having public access, motorboats may not be operated in excess of slow-no-wake speed, except when such lakes serve as thoroughfares between 2 or more navigable lakes. Lake size is determined in the most current version of "Wisconsin Lakes", PUB-FH-800, at <http://dnr.wi.gov/lakes/lakebook/wilakes2009bma.pdf>

Local Boating Ordinances

State law allows counties, towns, villages, cities, public inland lake protection and rehabilitation districts and town sanitary districts to enact local boating regulations in the interest of public health, safety or welfare, which includes the public's interest in preserving the state's natural resources. State boating law provides a general framework for regulation, but it is up to the governing entity to provide regulations tailored to local conditions. The authority to enact local regulation is found in Chapter 30 of the Wisconsin State Statutes. See [Section 30.77\(2\)](#) and [Section 30.77\(3\)](#), Wis. Stats (Local Regulation of Boating) and [Chapter 33](#), Wis. Stats., (Public Inland Lake Protection and Rehabilitation Districts).

An Inland Lake Protection and Rehabilitation District or Town Sanitary District can become an approved governing entity only when a resolution allowing such enactment and enforcement is passed by the (village, city or town), at least 50% of the approved governing entities having jurisdiction over the lake adopt a resolution authorizing the Inland Lake Protection and Rehabilitation District or Town Sanitary District to enact or enforce ordinances, and at least 60% of the lake's shoreline is within the boundaries of the approved governing entities.

If created, an Inland Lake Protection and Rehabilitation District or a Town Sanitary District can create ordinances relative to boating the same way a town, village or city can. Authority to enact these ordinances is located within Wisconsin State Statutes ss. [30.77\(3\)\(am\)](#), [30.77\(3\)\(am\)1m](#) and [33.01\(3\)](#).

In enacting boating ordinances, governing entities shall take into account factors that include all of the following:

1. The type, size, shape and depth of the body of water, and any of its features of special environmental significance.
2. The amount, type and speed of boating traffic on the body of water, boating safety, and congestion.
3. The degree to which the boating traffic on the body of water affects other recreational uses and the public's health, safety and welfare, including the public's interest in preserving the state's natural resources.

The types of ordinances that may be enacted include the following:

1. Restrictions on speed.
2. Restrictions on certain types of boating activities on all, or in specified parts, of the lake, river or stream.
3. Restrictions on certain types of boating activities during specified hours of the day or specified days of the week.

Ordinances pertaining to the equipment, use, or operation of boats on inland lakes shall be subject to advisory review by the Department of Natural Resources (DNR). Proposed ordinances shall be submitted by the governing entity to the department at least 60 days prior to final action by the governing entity. The DNR will advise the governing entity in writing as to the results of its advisory review no later than 20 days after receipt of the proposed ordinance.

1. The following guidelines are designed to aid in the drafting of your ordinance.¹ Identify the official name or a legal description of the waters covered by the ordinance. Identify whether an inland lake lies entirely within the jurisdiction of your governing entity. If there is more than one jurisdiction with authority over an inland lake, at least one of the following situations must occur for an ordinance to be valid and enforceable.
 - a. All towns, villages and cities having jurisdiction over the lake have enacted an identical ordinance.
 - b. At least 50% of the towns, villages and cities having jurisdiction over the lake have enacted an identical ordinance and at least 60% of the shoreline footage of the lake lies within the boundaries of these towns, villages and cities.

If a town, village or city proposes to amend or repeal its ordinance and the criteria listed in 1.b. above would no longer apply, it must hold a hearing on the issue at least 30 days before the amendment or repeal takes effect. If after holding the hearing, the town, village or city amends or repeals the original ordinance, then all of the identical ordinances are void.

¹ Please work with your attorney to make sure that all current statutory requirements are satisfied.

2. A Public Inland Lake Protection and Rehabilitation District or a Town Sanitary District may enact and enforce ordinances applicable to a lake entirely within its boundaries only if one of the following apply:
 - a. Each town, village, or city that has jurisdiction over the lake adopts a resolution authorizing the district to do so.
 - b. At least 50% of the towns, cities, or villages having jurisdiction over the lake adopt resolutions authorizing the lake district or town sanitary district to enact or enforce boating ordinances, and at least 60% of the shoreline footage of the lake, is within the boundaries of these towns, villages or cities.

If a town, village or city proposes to rescind the resolution authorizing a lake district or town sanitary district to enact ordinances so that 2.b. above no longer applies, it is required to hold a hearing on the issue at least 30 days before the recession will take effect. If after holding the hearing the town, village or city rescinds the resolution, the ordinances adopted by the lake district or town sanitary district are void.

3. In any multiple jurisdiction situation identified in 1. or 2. above, a public hearing must be held on any proposed ordinance at least 30 days before it is enacted. The notice of public hearing must be published at least 30 days before the hearing date. This requires the notice of public hearing must occur a minimum of 60 days before the proposed ordinance would be enacted.
4. All citizens have public rights to navigable waters. The state holds these waters in trust for all people. Ordinances cannot be adopted to restrict non-residents of the local jurisdiction or non-Wisconsin residents from access or use of the navigable water.
5. Riparian rights must be considered. Local ordinances cannot unreasonably interfere with the riparian's basic right of gaining access to the water.
6. Uniformity of traffic rules throughout the state is necessary so that the transient boater and the general public may know the law. Ordinances regulating local conditions such as approaching or leaving docks and landings should conform to State law.
7. Local ordinances cannot be less restrictive than State law. Local ordinances cannot have any special features that counter or reduce the restriction found in State law.
 - a. State boating laws should be adopted by reference to avoid confusion and ensure that the local ordinance remains valid without future revision in the event of State statutory changes.
 - b. Where State law specifically allows something, local law cannot prohibit the same. For example, age requirements for operation cannot deviate from State law.
 - c. Provisions such as Section 30.60, 30.61, 30.62, 30.63, 30.64, 30.67, 30.675, 30.68(3)(b) and 30.71, Wis. Stats., which deal with equipment requirements and safety regulations, may not be changed by local ordinances except pursuant to NR 5.19, Wis. Adm. Code, which allows certain exceptions for water exhibitions and races.
8. Where an ordinance imposes regulations which are more restrictive than State law, DNR may request a condition report outlining the local ordinances which necessitate such a restriction. See the Condition Report section for further direction.
9. Across-the-board regulation by boat size, type of boat, or horsepower has been considered an unwarranted restriction of public rights in previous court rulings.
10. Local ordinance demands should equal the ability to enforce. DNR Conservation Wardens enforce state law, but should not be expected to respond to complaints of local ordinance violations.
 - a. Speed restrictions designated in miles per hour are difficult to enforce. Slow-no-wake is preferable where

appropriate.

11. It is suggested that all ordinances contain a severability section.
12. All ordinances must contain a separate penalty section. As required by s. 800.037, Wis Stats., deposits for boating violations shall be in accordance with the amount established by the uniform deposit schedule under s. 23.66, Wis. Stats. It is suggested that the penalty section be worded as follows:

Wisconsin state boating penalties as found in s. 30.80, Wis. Stats. and deposits as established in the Uniform Deposit and Bail Schedule established by Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.
(Note: a uniform bond schedule may be obtained from the Recreational Safety Warden in your area.)

13. Ordinances for inland lakes must be submitted to WDNR for review at least 60 days prior to the possible final action.
14. Submit a signed, dated copy of each ordinance after passage, in order for the ordinance to be posted to the DNR's Boating Ordinance Webpage: <http://dnr.wi.gov/lakes/boatingordinances/>

Condition Report

If a regulation or a regulation change is being enacted pursuant to Section 30.77(3), Wis. Stats., DNR suggests that a condition report providing the facts supporting the ordinance or change be submitted with the draft ordinance for review. The Condition Report is an integral document to identify the need and justification for the ordinance.

The condition report should include, at a minimum, the following items:

- A description of the local conditions necessitating the regulation or regulation change and how the new or changed local regulation will solve the situation.
- A description of the probable or possible negative effects of the measures that were considered, and people or groups who may be adversely affected by the adopted ordinance.
- An opinion statement concerning the impact on public health, safety, or welfare if the regulation is not adopted.
- A statement summarizing the arguments of the interests opposed to the regulation or regulation change.

Local conditions to consider are:

- number of citations issued
- physical size of the waterbody
- width of a channel
- water depth of the entire lake or the area impacted
- concentration of boaters due to constricted areas
- egress and ingress from a landing or marina
- number of accidents or complaints
- number of boat slips

The Condition Report should make explicit why an ordinance or ordinance amendment is in the public interest. This is important because an ordinance change may raise substantial and material questions of fact. A court test may be required to settle these questions. By showing how and why an ordinance is in the public interest, the Condition Report may reduce the ordinance opposition or prevent a court test.

This report will enable DNR to investigate the pertinent local conditions requiring the ordinance and complete its advisory review in a timely manner. Advisory reviews will consider the effect the regulation has on the state from the standpoint of uniformity and enforcement. The DNR review will also consider whether or not regulations are consistent with Chapter 30, Wis. Stats., with regard to public health, safety or welfare. Our review is designed to prevent regulations that do not coincide with the public interest from being adopted.

An unenforceable or difficult to enforce ordinance is a burden and a source of conflict between the enforcing authority and the people it was enacted to protect. A major reason for creating an ordinance is to lessen conflict. DNR may take action to contest local ordinances that do not provide public health, safety, or welfare benefits, and ordinances that are contrary to inconsistent with state or federal boating laws.

Guidelines for Local Officials

There has been much debate regarding local ordinances which restrict or ban certain types of watercraft, primarily personal watercraft. The Attorney General has stated that regulations restricting a particular type of watercraft may be appropriate under certain circumstances if the municipality can demonstrate that the interests of public health, safety, or welfare justify the ordinance. The Department of Justice has outlined points that should be considered in determining the validity of such a regulation. DNR cannot say whether a restriction of this type would be upheld in court, but recommends that governing entities evaluate their situation based on the following criteria when drafting their boating ordinances and include this information in a Condition Report which should be submitted to WDNR together with the draft ordinance for review.

1. What is the goal of the regulation?
2. Why is this a reasonable and rational purpose?
3. How will the regulation accomplish the goal?
4. Is a type of boat reasonably singled out?
 - a. What are the substantial distinctions between this type of boat and every other type of boat?
 - b. Do these distinctions reasonably suggest substantially different regulations for this type of boat?
 - c. Are there any other types of boats which do, or could potentially, cause the same problem(s)? How are these types of boats being regulated?
 - d. Does the regulation apply equally to each boat of this type? To each boat which would potentially cause the same problem(s)?
5. Is the condition that causes the perceived need for the regulation only in existence during a certain time of year or day? If so, when?
6. What are the anticipated results if this regulation is not enacted?
7. Describe the public support for this regulation.
8. Describe the public opposition to this regulation.
9. Are there other less restrictive regulations that could accomplish the same goal?
 - a. Have other types of regulations been tried? If so, what were the regulations and what was the outcome?

Many of the complaints DNR receives regarding personal watercraft are with regard to either noise or location of operation. There are laws in place to deal with these problems. Often times, enforcement of existing laws can eliminate the problem.

- Section 30.62(2), Wis. Stats., regulates boat noise. Have decibel readings been taken to determine whether any boats are exceeding the legal decibel limit? If so, enforcement action should be taken under s. 30.62(2), Wis. Stats.
- Sections 30.66 and 30.69(3), Wis. Stats., state that personal watercrafts cannot operate faster than slow-no-wake within 100' of another craft or 200' of the shoreline of a lake, and that they cannot operate within 100' of a boat towing a skier, the ski rope, or the skier.

Posting of Local Laws

Wisconsin Statutes – s. 30.77(4). **Publicizing ordinances.** “All ordinances enacted under sub. (3) shall be prominently posted by the local authority which enacted them and, for ordinances enacted under sub. (3) (ac) 2., by all local authorities having jurisdiction over the lake, at all public access points within the local authority's jurisdiction and also shall be filed with the department.”

Wisconsin Administrative Code: NR 5.15. **Posting requirements.** “The posting requirements for local authorities under

s. 30.77 (4), Stats., shall be a sign with a minimum of 3 inch lettering stating "Local Ordinance" posted at each public landing. The sign shall list, in letters with a minimum height of one inch, a summary, synopsis, or outline of those regulations more restrictive than state law, or shall contain a map made of a durable material showing those areas with local restrictions, or both, including but not limited to speed limits, water ski hours and personal watercraft restrictions, if any."

Local Ordinance Requirements:

1. Shall be posted by the local authority which enacted the regulation.
2. Shall be posted at all public access points.
3. Shall be a sign with "Local Ordinance" in 3" lettering (minimum size).
4. Shall list those regulations more restrictive than state law in 1" lettering.
5. Shall identify the adoption date of the ordinance or any subsequent revision dates.
6. May be a summary, synopsis or outline of those regulations.

Note: A posted map of the local water highlighting the restricted zones is an excellent way to convey information to boaters.

Example of a sign:

A township passes a boating ordinance that is 4 pages in length. The ordinance lists which waters the regulations pertain to, the agency responsible for enforcement, which state laws are adopted, definitions as found in Chapter 30, Wis. Stats., designation of all slow-no-wake areas to be marked by buoys, waterski hours, and hours of slow-no-wake. The ordinance also includes the placement of rafts and construction materials to be used in piers.

What must the township post?

- ✓ YES - Waterski hours or slow-no-wake times.
- ✓ YES - Boat traffic towing skiers, boarders or other aqua plane devices must go in a counter-clockwise direction on this lake.
- ✓ NO - State laws adopted, (i.e., battery covers, registration, age requirements, slow-no-wake within 100' of a dock, no waterskiing after sunset, no personal watercraft operation within 100' of other watercraft at speed greater than slow-no-wake, etc.). State laws need not be posted as they are the same for all boaters throughout Wisconsin.

LOCAL ORDINANCE

Slow-no-wake speed from sunset to sunrise.

Slow-no-wake in areas marked by slow-no-way buoys.

No waterskiing or similar activity between 7:00 p.m. and 10:00 a.m.

Boat traffic towing skiers, boarders or other aqua plane devices must go in a counter-clockwise direction on this lake.

Should identify the local ordinance identification or code number

Date the ordinance(s) was adopted

Helpful, but not required information the sign could contain:

- ✓ Telephone number of local enforcement agency, fire department or 9-1-1.
- ✓ Map of the lake showing slow-no-wake areas, marinas, depth contours, direction of boat movement flow (if it is required in the ordinance).

Established Mooring Areas for Boats:

Per s. 30.772(1), Wis. Stats., and subject to department approval, a municipality with jurisdiction over navigable waters may establish designated mooring areas as provided in this section. Municipalities may establish designated mooring areas by following the procedures outlined in s. 30.773, Wis. Stats.

The designated mooring area must meet the following requirements:

1. must be more than 150' from the ordinary high-water mark
2. may not materially obstruct navigation
3. cannot be detrimental to public rights or interests in the waterway
4. cannot be within and cannot adversely affect a critical or significant fish or wildlife habitat area
5. must comply with all applicable zoning requirements
6. all riparian owners must agree in writing to the establishment of the designated mooring area
7. use of the mooring area cannot be unfairly restricted or used to exert exclusive privileges for use of the navigable waters.
8. must be properly marked in accordance with sec. 30.74, Wis. Stats.

The required submittals for a designated mooring area application are:

1. A statement indicating the municipality has jurisdiction over the water.
2. A statement indicating approval from the Board of Harbor Commissioners or a statement indicating the municipality does not have a Board of Harbor Commissioner.
3. A copy of the ordinance created by the municipality creating the designated mooring area. The legal description of the designated mooring area in the ordinance must match the metes and bounds description on the map.
4. A map of the designated mooring area. Map requirements:
 - a. Scale not less than 100 feet to the inch.
 - b. Must indicate the exact surveyed boundary of the mooring area.
 - c. Must show the adjacent riparian areas and delineate adjacent riparian areas by a method used in NR 325, Wis. Adm. Code. The method must be stated on the map.
 - d. Must indicate that the map was prepared by a registered surveyor of the State of Wisconsin.
 - e. Must state the metes and bounds description of any bulkhead line adjacent to the designated mooring area.
 - f. Must show the placement of informational waterway markers for the designated mooring areas. The map must include the informational "mooring area" marker placement.
5. A statement indicating the establishment and operation of the mooring area does not materially obstruct navigation.
6. A statement indicating the establishment and operation of the mooring area is not detrimental to public rights or interest in the waterway.
7. A zoning administrator statement that the establishment and operation of the designated mooring area complies with all applicable zoning requirements.
8. The signature of all riparians agreeing to the establishment and operation of the mooring area.
9. A statement from the applicant indicating how the designated mooring area will be used, that the area is not unfairly restricted or used to assert exclusive privileges for use of the navigable waters and will be open to public navigation.
10. A properly completed Waterway Marker Application (Form 8700-58) showing the placement of the informational boundary markers.

30.772(2)(b), Wis. Stats. - For mooring buoys within 150 feet of shore, no Department approval or permit is required. A permit may be required from a local jurisdiction if it has enacted a local ordinance regulating mooring. Local municipalities may enact local mooring ordinances regulating moorings up to 200 feet from shore.

Even though permit approval may not be necessary for buoys within 150 feet of shore (or 200 feet if regulated by local ordinance), persons placing buoys must meet the requirements of s. 30.772(2), Wis. Stats., which are:

- a. Riparian owners must have given written permission.
- b. The mooring may not interfere with the public rights or interests in the navigable waters and must not obstruct navigation.
- c. The mooring or its use may not interfere with the rights of the other riparian owners.

- d. The mooring or its use may not adversely affect critical or significant fish or wildlife habitat.
- e. The mooring buoy must be of the proper size and type as outlined below.
 - Mooring buoys must be white with a blue stripe midway between the top and the waterline.
 - They must be spherical or ovate in shape.
 - They must extend a minimum of 18 inches above the waterline.

For mooring buoys placed more than 150 feet from shore (or 200 feet where regulated by local ordinance):

- a. A Waterway Marker Application & Permit (Form 8700-58) must be completed. Local government approval is needed in Section II of the form. The applicant must be the riparian owner.
- b. An Individual Mooring Justification Worksheet (Form 8700-192) must be completed.
- c. Department of Natural Resources review and approval of the application is required.
- d. The mooring may not interfere with the public rights or interests in the navigable waters and must not obstruct navigation.
- e. The mooring or use may not interfere with the rights of the other riparian owners.
- f. The mooring or use may not adversely affect critical or significant fish or wildlife habitat.
- g. The mooring buoy must be of the proper size and type as outlined below.
- h. Any boat moored more than 200 feet from the shoreline is required to be lighted from sunset to sunrise by a white light visible all around the horizon (s. 30.61(6), Wis. Stats.). Boats moored in a DNR-approved designated mooring area are exempt from this lighting requirement.

Example Ordinances

Boating

A Sole Ordinance to Regulate Boating Upon the Water of _____ and Prescribing Penalties for Violation Thereof.

The (County/City/Town/Village) Board of the (County/City/Town/Village) does ordain as follows:

Section 1- Applicability and Enforcement: The provisions of this Ordinance shall apply to the waters of (Name of Waterbody). This chapter shall be enforced by the officers of the (County/City/Village/Town Board/governing agency).

Section 2- Intent: The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resources.

Section 3 - State Boating and Safety Laws Adopted: State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference here.

Section 4 – Penalties: Wisconsin state boating penalties as found in s. 30.80, Wis. Stats., and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conferences, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment are deleted.

Section 5 – Severability: The provisions of this ordinance shall be deemed severable and it is expressly declared that the (County/City/Village/Town Board/governing agency) 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 its 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.

Section 6 - Definitions

- a) “Mooring” when used as a noun means a mooring anchor and mooring buoy together with attached chains, cables, ropes and pennants and related equipment, unless the term is qualified or restricted.
- b) “Mooring anchor” means any anchor or weight which is designed to rest on the bed or to be buried in the bed of a navigable water, which is designed to be attached by a chain, rope or other mechanism to a mooring buoy and which is designed to be left in position permanently or on a seasonal basis.
- c) “Mooring buoy” means any float or marker which is attached to a mooring anchor and either is suitable for attachment to a boat through the use of a pennant or other device or facilitates the attachment of the boat to the mooring anchor.

Section 7 - Regulation of Mooring: No person shall place or use a mooring buoy within 200' from shore in the waters of (Name of waterbody) without first obtaining a permit. Permits to place moorings shall be issued by the (Name of responsible local official). Applicants shall demonstrate compliance with the standards approved by the (City/Town/Village Board/governing agency) and the requirements of s. 30.772, Wis. Stats. All buoys shall conform to the requirements of NR 5.09, Wis. Adm. Code.

Include local regulations relating to number of moorings, distance between moorings and other moored boats and traffic areas, number of boats attached to moorings, etc. as outlined in s. 30.772(3).

Section 8 - Effective Date: This section will become effective upon its passage.

Passed this _____ day of _____, _____

A Sole Ordinance to Regulate Boating Upon the Water of _____ and Prescribing Penalties for Violation Thereof.

The (County/City/Town/Village) Board of the (County/City/Town/Village) does ordain as follows:

Section 1 - Applicability and Enforcement: The provisions of this Ordinance shall apply to the designated mooring areas described below. This chapter shall be enforced by the officers of the (County/City/Village/Town Board/governing agency).

Section 2 – Intent: The intent of the listed designated mooring areas is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resources.

Section 3 - State Boating and Safety Laws Adopted: State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference here.

Section 4 – Penalties: Wisconsin state boating penalties as found in s. 30.80, Wis. Stats., and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conferences, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment are deleted.

Section 5 – Severability: The provisions of this ordinance shall be deemed severable and it is expressly declared that the (County/City/Village/Town Board/governing agency) 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.

Section 6 - Mooring Area Descriptions: *These descriptions are provided as an example only. Descriptions must be the same as provided on the Designated Mooring Area Map.*

- a. Designated Mooring Area #1 - Moorland Park Designated Mooring Area:
Beginning at the northerly most meander corner of lot 2 of Certified Survey Map No. 3631, Document No. 1696280 recorded in Volume 15 of Certified Surveys on pages 1, 2 and 3, _____ County Register of Deeds (Continue with legal description)

Moorland Park DMA contains (xxx.x) acres.
- b. Designated Mooring Area #2 - (Optional name)
Beginning..... Designated Mooring Area contains (xxx.x) acres.
- c. Designated Mooring Area #3 (Optional), etc.

Section 7 – Standards: The above listed designated mooring area(s) will be established, operated and maintained in accordance with the standards of approval as stated in s. 30.773(3) Wis. Stats.

Section 8 - Mooring Area Regulations: *Describe placement of moorings, fees, eligibility for use, type of mooring, weight of anchor, attachment to boat, etc.*

Section 9 - Effective Date: This section will become effective upon its passage.

Passed this _____ day of _____, _____

A Sole Ordinance to Regulate Boating Upon the Water of _____ and Prescribing Penalties for Violation Thereof.

The (County/City/Town/Village) Board of the (County/City/Town/Village) does ordain as follows:

Section 1 - Applicability and Enforcement: The provisions of this Ordinance shall apply to the waters of (Name of Waterbody). This chapter shall be enforced by the officers of the (County/City/Village/Town Board/governing agency).

Section 2 – Intent: The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resources.

Section 3 - State Boating and Safety Laws Adopted: State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference here.

Section 4 – Penalties: Wisconsin state boating penalties as found in s. 30.80, Wis. Stats., and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conferences, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment are deleted.

Section 5 – Severability: The provisions of this ordinance shall be deemed severable and it is expressly declared that the (County/City/Village/Town Board/governing agency) 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.

Section 6 - Motorboat Prohibition Area: No person shall operate a motorboat, as defined in s. 30.50(6), Wis. Stats., that is propelled by internal combustion engine or engine(s) on the waters of (Name of Waterbody). Electric motors only are permitted on said waters.

Section 7 - Posting Requirements: The (County/City/Village/Town Board/governing agency) shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County, City, Town, Village) pursuant to the requirements of NR 5.15, Wis. Adm. Code.

Section 8 - Effective Date: This section will become effective upon its passage.

Passed this _____ day of _____, _____

A Sole Ordinance to Regulate Boating Upon the Water of _____ and Prescribing Penalties for Violation Thereof.

The (County/City/Town/Village) Board of the (County/City/Town/Village) does ordain as follows:

Section 1 - Applicability and Enforcement: The provisions of this Ordinance shall apply to the waters of (Name of Waterbody). This chapter shall be enforced by the officers of the (County/City/Village/Town Board/governing agency).

Section 2 – Intent: The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resources.

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Section 4 –Penalties: Wisconsin state boating penalties as found in s. 30.80, Wis. Stats., and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conferences, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment are deleted.

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Section 6 – Definitions: “Slow-no-wake” means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

Section 7 - Slow No Wake Area: No person shall operate a boat faster than slow-no-wake in the waters of (Name of Waterbody) beginning (specific location) and ending (specific location) at any time.

Section 8 - Posting Requirements: The (County/City/Village/Town Board/governing agency) shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County, City, Town, Village) pursuant to the requirements of NR 5.15, Wis. Adm. Code.

Section 9 - Effective Date: This section will become effective upon its passage.

Passed this _____ day of _____, _____

A Sole Ordinance to Regulate Boating Upon the Water of _____ and Prescribing Penalties for Violation Thereof.

The (County/City/Town/Village) Board of the (County/City/Town/Village) does ordain as follows:

Section 1 - Applicability and Enforcement: The provisions of this Ordinance shall apply to the waters of (Name of Waterbody). This chapter shall be enforced by the officers of the (County/City/Village/Town Board/governing agency).

Section 2 – Intent: The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resources.

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Section 6 – Definition: “Slow-no-wake” means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

Section 7 - Slow No Wake During High Water Periods: No person shall operate a boat faster than slow-no-wake in the waters of (name of lake/river, etc.) when the water levels exceeds elevation (insert elevation) as based on the bench mark located at (location). This slow-no-wake restriction will be posted at all public access points when in effect.

Section 8 - Posting Requirements: The (County/City/Village/Town Board/governing agency) shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County, City, Town, Village) pursuant to the requirements of NR 5.15, Wis. Adm. Code.

Section 9 - Effective Date: This section will become effective upon its passage.

Passed this _____ day of _____, _____

A Sole Ordinance to Regulate Boating Upon the Water of _____ and Prescribing Penalties for Violation Thereof.

The (County/City/Town/Village) Board of the (County/City/Town/Village) does ordain as follows:

Section 1 - Applicability and Enforcement: The provisions of this Ordinance shall apply to the waters of (Name of Waterbody). This chapter shall be enforced by the officers of the (County/City/Village/Town Board/governing agency).

Section 2 – Intent: The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resources.

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Section 4 – Penalties: Wisconsin state boating penalties as found in s. 30.80, Wis. Stats., and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conferences, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment are deleted.

Section 5 – Severability: The provisions of this ordinance shall be deemed severable and it is expressly declared that the (County/City/Village/Town Board/governing agency) 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.

Section 6 – Definition: “Slow-no-wake” means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

Section 7 - Slow No Wake Hours of Operation: No person shall operate a boat faster than slow-no-wake during the hours of _____ to _____ local time in the waters of (Name of Waterbody).

Section 8 - Posting Requirements: The (County/City/Village/Town Board/governing agency) shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County, City, Town, Village) pursuant to the requirements of NR 5.15, Wis. Adm. Code.

Section 9 - Effective Date: This section will become effective upon its passage.

Passed this _____ day of _____, _____

A Sole Ordinance to Regulate Boating Upon the Water of _____ and Prescribing Penalties for Violation Thereof.

The (County/City/Town/Village) Board of the (County/City/Town/Village) does ordain as follows:

Section 1 - Applicability and Enforcement: The provisions of this Ordinance shall apply to the waters of (Name of Waterbody). This chapter shall be enforced by the officers of the (County/City/Village/Town Board/governing agency).

Section 2 – Intent: The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resources.

Section 3 - State Boating and Safety Laws Adopted: State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference here.

Section 4 – Penalties: Wisconsin state boating penalties as found in s. 30.80, Wis. Stats., and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conferences, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment are deleted.

Section 5 – Severability: The provisions of this ordinance shall be deemed severable and it is expressly declared that the (County/City/Village/Town Board/governing agency) 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.

Section 6 – Definitions: “Waterski” means a boat towing a person using water skis, aquaplane, or similar device.

Section 7 - Water Skiing: No person shall water ski or operate any motorboat towing a person engaged in water skiing, tubing, or similar activity on [Name of Waterbody] during the hours of _____ to _____ local time on weekdays and _____ to _____ local times on weekends from (Date) to (Date).

Example for pick-up / drop area if needed: A Water Ski Pick-Up/Drop area is hereby established, pursuant to Wisconsin Statute 30.69(3), in that area of (Lake/River) adjacent to the (launch area/pier at Location). The Ski Pick-Up/Drop area shall be defined as an area no more than 100 feet (100') from the location of the (area of dock or pier) as marked by regulatory markers. The Ski Pick-Up/Drop area hereby established will only be in effect when appropriate regulatory marker(s) are in place. The Ski Pick-up/Drop area shall only be in effect during times and dates designated in a (City/Town/Village Board/governing agency) issued permit, as provided for in Section (fill in from ordinance).

Section 8 - Posting Requirements: The (County/City/Village/Town Board/governing agency) shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County, City, Town, Village) pursuant to the requirements of NR 5.15, Wis. Adm. Code.

Section 9 - Effective Date: This section will become effective upon its passage.

Passed this _____ day of _____, _____

A Sole Ordinance to Regulate Boating Upon the Water of _____ and Prescribing Penalties for Violation Thereof.

The (County/City/Town/Village) Board of the (County/City/Town/Village) does ordain as follows:

Section 1 - Applicability and Enforcement: The provisions of this Ordinance shall apply to the waters of (Name of Waterbody). This chapter shall be enforced by the officers of the (County/City/Village/Town Board/governing agency).

Section 2 – Intent: The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resources.

Section 3 - State Boating and Safety Laws Adopted: State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference here.

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Section 5 – Severability: The provisions of this ordinance shall be deemed severable and it is expressly declared that the (County/City/Village/Town Board/governing agency) 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.

Section 6 -Water Exhibition and Race Permit: The permit shall include the following: Permittee, address, telephone number, day(s) or date(s) of the event, hours of the event, day(s) or date(s) of necessary practice, hours of the practice, legal description of the event area, legal description of the practice area, and expiration date.

Section 7 - Placement of Buoys: Under the authority granted in NR 5.09(7)(d), Wis. Adm. Code, the (County/City/Town/Village) Board hereby authorizes the permittee to place water-ski buoys at the event location described in the permit for the length of the permit.

Section 8 - Exclusive Use Area: An exclusive use event location on (name of water body) is described as follows: (Legal description). The permittee shall be granted exclusive use of the event location described above during the authorized day(s) or date(s) and hours of the permitted event. This section does not apply in the case of an emergency, to the water patrol or to rescue craft, or for the ingress and egress of private riparian owners within the exclusive use area.

Section 9 - Water Exhibition and Race Authorized Area: A water exhibition and race authorized practice area on (name of the water body) is described as follows: (Legal description). The permittee's use of this area is limited to the following days and hours: (List the days and hours).

Section 10 - Posting Requirements: The (County/City/Village/Town Board/governing agency) shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County, City, Town, Village) pursuant to the requirements of NR 5.15, Wis. Adm. Code.

Section 11: **Effective Date**

This section will become effective upon its passage.

Passed this _____ day of _____, _____

Waterway Markers

Uniform State Waterway Marking System

Waterway markers may be placed in all state waters. The type of waterbody being considered determines the type and degree of permitting allowed. View the [Register of Waterbodies System \(ROW\)](#) website to determine the type of waterbody you are dealing with.

All waterway markers placed in, on, or near the water must comply with the uniform waterway marking system established in NR 5.09, Wisconsin Administrative Code.

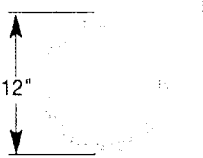
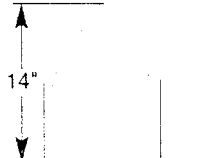
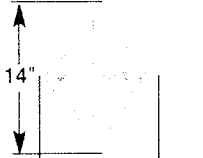
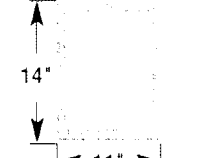
Waterway markers can be authorized only by an agency or political subdivision of the state having jurisdiction over the waters and must be approved by the Department of Natural Resources.

Displaying Waterway Markers

A waterway marker may be displayed as a sign on a fixed support, as a buoy bearing a symbol on its surface, or as a sign mounted on a buoy. When a waterway marker is displayed as a sign it should conform to the Uniform State Waterway Marking System by:

- Being displayed on a white background with a band of international orange at the top and bottom.
- Using Letters and Numerals that are black, in block characters of good proportion, spaced in a manner which will provide maximum legibility, and of a size which will provide the necessary degree of visibility.
- Displaying Uniform State Waterway Marking System symbols in international orange. Symbols shall be not less than 2" in width and shall at least 2/3 of the display area height.

Buoy Types and Requirements

STANDARD INLAND WATERWAY SYMBOLS AND MESSAGES	CONTROLLED AREA SYMBOL	HAZARD WARNING SYMBOL	RESTRICTED AREA SYMBOL	INFORMATION SYMBOL
	 12" 11" 2" band width	 14" 11" 2" band width	 14" 11" 2" band width	 14" 11" 2" band width
Special messages are available. Request a quotation.	STANDARD MESSAGES SLOW 5 MPH SLOW NO WAKE SKI AREA NO SKI SLOW 10 MPH SPEED ZONE NO WAKE IDLE SPEED	STANDARD MESSAGES ROCK DANGER RAPIDS SHOAL STUMP SHALLOW AREA HAZARD AREA DANGER DAM	STANDARD MESSAGES SWIM AREA KEEP OUT NO BOATS BOATS KEEP OUT CLOSED AREA NO BOATING DANGER DAM	STANDARD MESSAGES REST ROOM 1 MILE STATE PARK AHEAD MARINA ENTRANCE FISH ATTRACTOR

Control Buoy - Marks an area where boating is restricted, including but not limited to slow no wake speeds or hours. It is colored white, with an orange, open-faced circle on two opposite sides and two horizontal orange bands, one above and one below the circles; a black figure or symbol within the orange circles shows what the restriction is.

- A local ordinance and DNR approval is required for control buoys. The ordinance must specifically describe the location of the restricted area and location of the buoys.
- A Waterway Marker Application & Permit (Form 8700-58) must be completed. Local government approval is required in Section III of the form.
- The "Control" buoy will be white with an orange circle, cylindrical in shape, located a minimum of 36 inches above the waterline, with a minimum diameter of 7 inches.
- The buoys must be placed by individuals with authorization from the governing entity having jurisdiction over the waters involved.



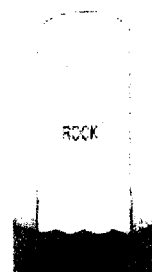
Boats Prohibited Buoy - Indicates swimming areas, waterfalls, rapids, dams, etc. All boats, both motorized and non-motorized, are prohibited from entering the area.

- A local ordinance and DNR approval is required for boats prohibited buoys, except for those identifying swimming areas. The ordinance must specifically describe the location of the restricted area and location of the buoys.
- The justification for creating the restriction must be the protection of public health, safety, or welfare, and not primarily for the benefit of private interests.
- Swim area buoys can only be approved for placement in conjunction with swim areas operated by resorts, clubs, or civic organizations that are open to the public or used by large number of people.
- A Waterway Marker Application & Permit (Form 8700-58) must be completed. Local government approval is required in Section III of the form.
- The "Boats Prohibited" buoy will be white with an orange diamond with an orange cross inside, cylindrical in shape, located a minimum of 36 inches above the waterline, with a minimum diameter of 7 inches.
- The buoys must be placed by individuals with authorization from the municipality having jurisdiction over the waters involved.



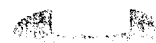
Danger Buoy - Used to warn boaters of rocks, cables, stumps, dams, etc.

- A Waterway Marker Application & Permit (Form 8700-58) must be completed.
- The "Danger" buoy will be white with an orange diamond. Any information will be printed on this buoy in black. It must be cylindrical in shape, a minimum of 36 inches above the waterline, with a minimum diameter of 7 inches.
- The buoys must be placed by individuals with authorization from the governing entity having jurisdiction over the waters involved.



Information or Direction Buoy - Informs boaters of direction, distances, locations, rules, etc.

- A Waterway Marker Application & Permit (Form 8700-58) must be completed.
- The "Information" or "Direction" buoy will be white with an orange square. The information on the buoy must be printed in black. It must be cylindrical in shape, a minimum of 36 inches above the waterline, with a minimum diameter of 7 inches.
- The buoys must be placed by individuals with authorization from the municipality having jurisdiction over the waters involved.



Waterway Marker Application & Permit

A Waterway Marker Application & Permit (Form 8700-58) and approval is required for buoys related to research, weather recording, etc., that are placed by a research department of a government agency or contracted firm.

There is no statutory or administrative code exemption that would preclude the requirement for an application and approval for placement.

The Scientific Collector's Permit or Research License Application and Authorization-Form 9400-379 includes this requirement on Page 4 – "*All buoys and buoy staffs shall be marked and maintained as required by the department. The permit number, name and address of the permittees shall be maintained in plain figures on the bowl of the buoy.*"

Waterway Marker Application & Permit

A Waterway Marker Application & Permit (Form 8700-58) and approval is required for waterway markers to identify Aquatic Invasive Species Treatment Areas. The application should specify a limited number of markers and include the dates that the buoys will be in the water to inform boaters of treatment areas. Include a statement regarding treatment or project plans, who will be conducting the treatment, the exact dates of the treatment/project, what the treatment/project hopes to accomplish, and if any long-term benefit will be seen.

Specific waterway marker locations will not be required; therefore, the governing entity may move the markers to treatment areas within the waterbody during the treatment project. These buoys are not meant to be permanently installed in any specific area. Examples of messages to include on the marker are: "AIS Area Keep Away" or "AIS Treatment Area Keep Away"

Channel Marker Application & Permit - These buoys are used in pairs and boaters should pass between them. If the buoys are numbered, the red buoys have white even numbers and the green buoys have white odd numbers. When traveling upstream, the green buoys mark the left side of the channel and the red buoys mark the right side of the channel.



Most Navigable Route of Safe Passage Marker Application & Permit - These buoys mark the most navigable route of safe passage and should be passed closely on either side.



Most Navigable Route of Safe Passage Marker Application & Permit - These buoys mark the most navigable route of safe passage and should be passed closely on either side.



Slalom Course Application & Permit

The following are the steps necessary for application for a slalom permit.

If your slalom course involves the placement of a structure on the bed of the waterbody, you may need to obtain a permit per Chapter 30.12, Wis. Stats. Contact the Area Water Management Specialist at your DNR Region office. The permit requires you to do the following:

1. Complete Section I of Waterway Marker Application & Permit (Form 8700-58). You must have the written signature(s) of the riparian owner(s) whose property the course will lie in front of. If there is more than one riparian owner involved, simply write "See Attached" in the property owner section of the form and attach a separate sheet containing names, addresses, phone numbers and signatures of all riparian owners. If any of the riparian owners do not agree in writing to the placement of the slalom course, the application cannot be approved. Indicate the number of informational buoys which will be used to mark the boundaries of the slalom course and also the number of slalom course buoys which you plan to install. Refer to NR 5.09(7)(b), Wis. Adm. Code, which specifies the size and shape requirements for the actual slalom buoys.

2. Attach map(s) showing the configuration of the buoys with the GPS coordinates for the slalom course boundary markers. You need to include on the map(s) the property boundaries and owner's names for the riparian properties which the slalom course will lie in front of. See the attached diagrams on the next page which demonstrate how to determine riparian boundaries.
3. The local jurisdiction must complete Section II of Waterway Marker Application & Permit (Form 8700-58). If there is no local approval, the permit application will not be approved.
4. Submit the completed, signed application, with the map(s), riparian signatures, and the approved Chapter 30.12 permit (for placement of the structure on the waterbody bed), to your local conservation warden for review. The local warden will indicate his/her approval or disapproval, and forward the application on to the Regional Recreation Safety Warden.

If you have further questions, you will need to contact your local warden or the Regional Recreation Safety Warden assigned to your county.

Waterway Marker Permit Application Process

Applications for placement of waterway markers must be filed on Waterway Marker Application & Permit (Form 8700-58) and must be accompanied by a map or diagram showing the proposed location of the markers. Exact location must be expressed in GPS coordinates or in specific feet distance from one or more fixed objects whose location is easily identifiable. The governing entity should verify that the application is filled out properly and complete Section II of the application form indicating the entities approval or disapproval. The responsibility for the placement and maintenance of waterway markers lies with the applicant and governing entity. If alternate arrangements have been made for the placement and maintenance of buoys, this should be specifically stated on the waterway marker permit application form.

Completed applications and information material should be sent to the DNR Regional Recreational Safety Warden assigned to your County. The Recreational Safety Warden and Local Warden will review the permit application and if approved will forward the permit, map, diagram, GPS Coordinate information, to the DNR Recreational Boating Program Specialist for approval or disapproval. You will receive the completed permit application in the mail with a letter from the Department indicating approval or disapproval.

Applications received by the Department which do not have Section II completed by the governing entity will be returned to the applicant.

Regulatory waterway markers (slow-no-wake, prohibited entry, etc.) require an ordinance. See Local Boating Ordinance section of these Guidelines.

- A draft ordinance must be reviewed by the local Recreational Safety Warden (RSW) 60 days before the approved governing entity can vote on it.
- The approved governing entity must provide a public hearing.
- The approved governing entity shall give public notice of the date, location and boating ordinance to be discussed, in at least one local newspaper, 30 days before the vote.
- Upon enactment, the approved governing entity must send a signed copy of the ordinance and proof of public notice to the local RSW.
- Generally speaking, only approved governing entities and counties (not individuals or associations) have the authority to apply for regulatory waterway markers permits and pass local ordinances.

Non-regulatory waterway markers (Navigational, Informational, Hazard, Danger, etc...) do not require an ordinance.

- If the applicant is not the governing entity for the waterbody, written permission is required from the riparian landowner. For example, a lake association would need to get written permission from the riparian landowner.
- Swim area waterway markers do not require an ordinance. Swim area permits are generally approved for use where large numbers of people are likely to congregate such as swim beaches of municipalities, campground, hotels, resorts, civic organizations and clubs.

- Mooring Buoys, if placed within 150 feet of a riparian landowners' shore, do not usually require a waterway marker permit. If placed beyond 150 feet of the riparian landowner's shoreline, a waterway marker permit and a mooring worksheet are required. Because there is a wide range of exceptions associated with moorings, please contact your local RSW to determine the requirements for your specific mooring needs.

Local Ordinance Requirements for Waterway Markers

This process applies to local or state road or energy projects that impact navigable waters during one or two boating seasons. A local ordinance will be required if regulatory waterway markers are required.

- DNR/DOT liaison communicates with the Recreational Safety Warden and/or local Field Warden regarding the need to place any waterway markers. This assessment is based on how project impacts waterway, volume of boating traffic, project timeframe, needs of project contractor, etc.
- If the Recreational Safety Warden and/or Field Warden assessment indicates waterway markers are not needed, the DNR Project letter to DOT or its contractor will indicate this.
- If the Recreational Safety Warden and/or Field Warden assessment indicates waterway markers are needed, the DNR Project letter will indicate such and will provide the instructions below:

This reach of XX waterway is regularly used by recreational watercraft. It will be necessary to place navigational aids around the construction area during construction. Some types of waterway markers have special requirements for placement. A Waterway Marker Application and Permit is required to place Danger, Information, or Navigation (red, green, black/white or red/white striped) type buoys. To place any type of Control buoy (such as Slow-no-wake Boats Prohibited) requires a Waterway Marker Application and Permit, along with a local ordinance authorizing the placement of these types of buoys. Adequate time should be allowed for the passage of an ordinance with the local municipality.

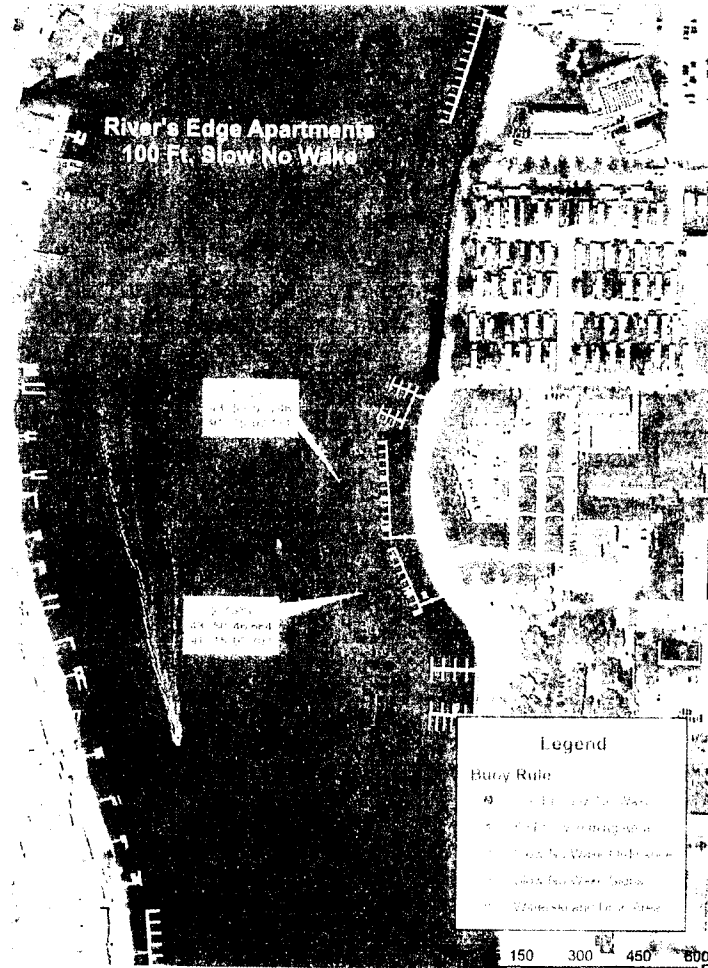
The general steps for submission of a Waterway Marker Application and Permit are as follows:

1. *Complete the Waterway Marker Application & Permit (Form 8700-58). The Department of Transportation should be listed as the applicant.*
2. *Include an aerial map-diagram or engineered-diagram of the work location and the placement of the waterway markers (buoys). If proposed GPS coordinates for each buoy are not provided, then markers placed on the diagram must show distance (in feet) from each marker location and from one permanent fixture to be used as a benchmark.*
3. *Provide the completed application/permit to the local municipality(ies) having jurisdictional authority over the area in which the waterway markers will be placed. They will review your plan and provide a signature if they concur.*
4. *A final permit approval letter and copy of the signed application/permit will be sent to you and local Recreational Safety Warden by the Recreational Boating Program Specialist.*

Drawings must show the location of the marker(s) from one or more fixed objects whose precise location is known. This will enable a person to take the application and the map and find the permanent fixed object, and from there, be able to locate the waterway marker(s).

If the waterway marker(s) restrict or prohibit operation of a motorboat (such as a swim area), the restricted area must be very noticeable to a boater. In most of these situations, more than one waterway marker will be needed.

Usually the drawing criteria can be satisfied by marking on a map the precise location of the area, and then drawing or producing an additional map that shows the location of the marker(s) from a fixed object. GPS coordinates are the best way to identify the location of the intended waterway marker location.



Recreational Safety Warden Map

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