

ORDINANCE NO. 37

ICEBOUND WATERS OF LAKE COMO

The Town Board of the Town of Geneva, Walworth County, Wisconsin, does ordain Town of Geneva Ordinance No. 37 as follows:

Section 1. Purpose.

This Ordinance is adopted pursuant to the provisions of Section 30.81, Wisconsin Statutes, in the interest of public health and safety, to regulate the use of the icebound waters of Lake Como.

Section 2. Racing.

No operator of a motor vehicle shall participate in any race or speed contest on the icebound waters of Lake Como except as hereinafter provided.

Section 3. Reckless Driving.

- A. No person shall endanger the safety of his own person or property, or the safety of another's person or property, by a high degree of negligence in the operation of a motor vehicle on the icebound waters of Lake Como.
- B. A high degree of negligence is conduct which demonstrates ordinary negligence to a high degree, consisting of an act which the person should realize creates a situation of unreasonable risk and high probability of serious property damage or of death or great bodily harm to himself or another.

Section 4. Reasonable and Prudent Speed Limit.

No person shall operate a motor vehicle on the icebound waters of Lake Como 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 motor vehicle shall be so controlled as may be necessary to avoid colliding with any object, person, vehicle, or other conveyance on the icebound waters.

Section 5. Fixed Speed Limits.

In addition to complying with the speed restrictions imposed by Section 4, no person shall operate a motor vehicle on the icebound waters of Lake Como within 200 feet of the shoreline at a speed in excess of 10 miles per hour nor elsewhere on the icebound waters at a speed in excess of 25 miles per hour.

Section 6. Operation Within 200 Feet of Shoreline

No person shall operate a motor vehicle on the icebound waters of Lake Como within 200 feet of the shoreline of said lake except in a direction at right angles to the shoreline and for the sole purpose of ingress and egress to the portion of the icebound waters lying more than 200 feet distant from the shoreline.

Section 7. Motor Vehicle Races, Speed, or Endurance Contests.

- A. Permit Required. No person shall direct or participate in any motor vehicle race, speed, or endurance contest on the icebound waters of Lake Como unless such event has been authorized and a permit issued by the Town Board.

Permit. A permit issued under this Section shall specify the course of area of the icebound waters to be used by participants in such event, and the permittee shall be required to place markers, flags, or signs approved by the Town Board designating the specified area. Permits shall be issued only if in the opinion of the Town Board the proposed use of the icebound waters can be carried out safely and without danger or substantial obstruction to other users of the lake. Permits shall be valid only for the hours and areas specified thereon.

- B. Right-Of-Way of Participants. Motor vehicles and participants in any such permitted event shall have the right-of-way in the marked area, and no other person shall obstruct such area during the race or event or interfere with the same.

Section 8. Penalty.

Any person who violates any provision of this Ordinance shall, upon conviction thereof, forfeit not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars, and costs of prosecution for each violation, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days.

Section 9. Severability.

In any Section, Subsection, Sentence, Clause, or Phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other Section, Subsection, Sentence, Clause, or Phrase hereof. The Town Board of the Town of Geneva hereby declares that it would have passed this Ordinance and each Section, Subsection, Sentence, Clause, Phrase or Portion thereof irrespective of the fact that any one or more Sections, Subsections, Sentences, Clauses, Phrases, or Portions thereof may be declared invalid or unconstitutional.

Section 10. Effective Date.

This Ordinance shall be effective from and after its adoption by the Town Board and its posting or publication thereof as provided by the Statutes of the State of Wisconsin.

Adopted the 5th day of January, 1983.

THE TOWN BOARD OF THE TOWN OF GENEVA,
WALWORTH COUNTY, WISCONSIN

Joseph Deignan, Chairman (Signature on File)

Tim Lockwood, Supervisor (Signature on File)

James W. Walsh, Supervisor (Signature on File)

ATTEST:

Alice Schumacher, Clerk (Signature on File)