

ORDINANCE NO. 10C

TOWN OF WOLF RIVER

ORDINANCE DECLARING EMERGENCY AND IMPOSING
NO WAKE RESTRICTIONS ON WOLF RIVER

WHEREAS, the Town Board finds that the water levels in the Wolf River in the Town of Wolf River, Winnebago County, Wisconsin have risen to the point that wave action can cause damage to personal property, including boats, and real property along the river and that debris and water contaminants therein and the swiftness of the current constitutes an emergency; and

WHEREAS, Wisconsin Statute Section 323.11 authorizes the local unit of government to declare an emergency whenever conditions such as exist constitute an imminent threat of a disaster that impairs transportation, health or police protection among other things; and

WHEREAS, Wisconsin Statute Section 323.14 authorizes the governing body during such emergency to order whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property.

NOW, THEREFORE, the Town Board of the Town of Wolf River, Winnebago County, Wisconsin does ordain as follows:

Section 1. Authority. This Ordinance is adopted pursuant to the authority provided in Chapter 323, Wisconsin Statutes.

Section 2. Definitions. That for the purposes of this Ordinance the following definitions apply:

“Boat” is defined as every description of water craft used or capable of being used as a means of transportation on water.

“Slow-No-Wake” means that speed at which a boat moves as slowly as possible while still maintaining steering control.

Section 3. Purpose. That during the period that this Ordinance is in effect, no person shall operate a boat at a speed faster than slow-no-wake on any portion of the Wolf River lying within the Town of Wolf River, within 500 feet of any permanent structure.

Section 4. Expiration Date. This Ordinance shall expire, absent further action by the Wolf River Town Board of Supervisors. The Town Board shall terminate the effect of this Ordinance upon finding that the waters have receded to the extent that enforcement of the Ordinance is no longer necessary.

Section 5. Enforcement and Penalties. This Ordinance may be enforced by the Winnebago County Sheriff's Department, the Wisconsin Department of Natural Resources, or the Wolf River Town Board of Supervisors. The penalties imposed by Wisconsin Statutes for violation of Wisconsin Statute Section 30.66 are hereby adopted by reference as applicable to violations of this Ordinance.

Section 6. Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 7. Repeal of Inconsistent Ordinance. All existing Town ordinances, parts of ordinances, and amendments thereto in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance shall take effect upon passage and publication or posting.

Adopted this 28th day of July, 2010.

Randal S. Rutten, Chairperson

ATTEST:
Susan J. Gilbert, Clerk