

ORDINANCE NO 10D

AN ORDINANCE TO REGULATE BOATING UPON THE WATERS OF
THE TOWN OF WOLF RIVER DURING TIMES OF FLOODING AND
PRESCRIBING PENALTIES FOR VIOLATIONS

The Town Board of the Town of Wolf River, Winnebago County, Wisconsin do ordain as follows:

SECTION 1. 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 2. State Boating and Safety Laws Adopted. State boating laws as found in Sections 30.50 to 30.71, Wisconsin Statutes, are adopted by reference.

SECTION 3. Applicability and Enforcement. The provisions of this Ordinance shall apply to the entire waters of the Wolf River within the jurisdiction of the Town of Wolf River. The provisions of this Ordinance shall be enforced as provided in Wisconsin Statutes applicable under Sections 30.66, 30.68, 30.74, 30.745, and 30.77 by any law enforcement officer as defined under Wisconsin Statute Section 23.51(3) or 939.22(22). The primary law enforcement agency shall be the Winnebago County Sheriff's Office which shall respond to complaints directed to that department.

SECTION 4. Definitions. In this Ordinance:

(1) "Boat" means every description of watercraft used or capable of being used as a means of transportation on water.

(2) "Motorboat" means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion.

(3) "Operation of Motorboat" means controlling the speed or direction of the motorboat.

(4) "Operator" means a person who is engaged in the operation of a motorboat, who is responsible for the operation of a motorboat, or supervising the operation of a motorboat.

(5) "Slow-no-wake" means that speed at which a boat moves as slowly as possible while maintaining steerage control.

SECTION 5. Control of River. No person shall operate a boat faster than slow-no-wake in the waters of the Wolf River within the Town of Wolf River within 500 feet of any permanent building when the river level exceeds elevation of 748.59 based upon the USGS bench mark or 5 feet 1 inch as based on the scale attached to the inside post of the ramp dock at Chico's Landing.

(NOTE: The scale is placed with the 5 foot mark on the scale located at the top of the cross member of the dock which is at 748.46 elevation.)

SECTION 6. Posting Requirements. The Town of Wolf River shall place and maintain a synopsis of this Ordinance at all public access points within the jurisdiction of the Town pursuant to the requirements of NR 5.15 Wis. Admin. Code.

SECTION 7. Penalties. Wisconsin State boating penalties as found in Wisconsin Statute Section 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

SECTION 8. Severability. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board 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 applications of such provisions to other persons or circumstances shall not be affected.

SECTION 9. Effective Date. This Ordinance will become effective upon passage and publication as provided by law.

ADOPTED this 27th day of June, 2011.

Randal S. Rutten, Town Chairperson

ATTEST:

Susan J. Gilbert, Town Clerk