

ORDINANCE NO 10

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

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.

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

SECTION 1. AUTHORITY: This Ordinance is adopted pursuant to the authority provided in Chapter 323, Wisconsin Statutes.

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 Sections 30.50 to 30.71, Wisconsin Statutes, are adopted by reference.

SECTION 4. APPLICABILITY AND ENFORCEMENT. The provisions of this Ordinance shall apply to those portions of the waters of the Wolf River hereinafter designated 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). 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. which shall respond to complaints directed to that department.

SECTION 5. 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.

(6) “Waters of the Town of Wolf River” means waters of the Wolf River within the jurisdiction of the Town of Wolf River, including all navigable streams and channels leading to such waters.

(7) “Holiday” means Memorial Day, 4th of July, and Labor Day.

SECTION 6. CONTROLLED AREA. No person shall operate a boat faster than slow-no-wake from Ice Out to October 1 in the following described portions of the waters of the Town of Wolf River within 500 feet of any permanent structure in the following areas:

(1). In the cut-off (Government Channel) between the south or Poygan end (GPS Coordinates N44° 10.147’, W88° 47.062’) and the north or River end (GPS Coordinates N44° 10.771’, W88° 48.065’).

(2). On the Rat River from approximately 100 yards east of Kiesow’s Landing (GPS Coordinates N44° 11.393’, W88° 46.878’) to approximately 100 yards west of Kiesow’s Landing (GPS Coordinates N44° 11.423’, W88° 46.989’).

(3). On the Wolf River from Lenz Point (GPS Coordinates N44° 10.416’, W88° 48.868’) to Page’s Slough (GPS Coordinates N44° 10.572’, W88° 48.790’).

(4). On the Wolf River from Naparalla’s Ditch (GPS Coordinates N44° 12.615’, W88° 49.570’) to the north end of the Triangle Farms Campground boat ramp (GPS Coordinates N44° 13.638’, W88° 50.440’).

SECTION 7. EFFECTIVE HOURS: No person shall operate a boat faster than slow-no-wake in the following described portions of the waters of the Town of Wolf River between the hours of 6 PM on Friday to 12:00 Midnight Sunday and holidays from 12:01 AM to 12:00 Midnight.

(6) “Holiday” means

- a) Observed Memorial Day
- b) 4th of July
- c) 3rd day of July in years when the 4th falls on a Tuesday, Friday, or Saturday
- d) 5th day of July in years when the 4th falls on a Sunday or Thursday.
- e) Labor Day

SECTION 8. DECLARING EMERGENCY AND IMPOSING NO WAKE RESTRICTIONS ON WOLF RIVER:

1. 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.)
2. 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.
3. This Emergency Slow, No Wake order shall expire, absent further action by the Wolf River Town Board of Supervisors. The Town Board shall terminate the effect of this order upon finding that the waters have receded to the extent that enforcement of the Ordinance is no longer necessary.

SECTION 9. 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 10. 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 11. 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 12. EFFECTIVE DATE. This Ordinance will become effective upon passage and publication as provided by law.

ADOPTED this 25th day of March, 2024

Randal S. Rutten, Town Chairperson

ATTEST:

Susan J. Gilbert, Town Clerk