

Ordinance # L050511-1
Slow-No-Wake During High Water Ordinance for the Wolf River

Section I – Title and Purpose

This ordinance is entitled the Town of Liberty Slow-No-Wake during high water for the Wolf River. The purpose of this ordinance is to establish a slow-no-wake section of the Wolf River where it enters the Town of Liberty on the East and leaves the Town of Liberty on the West within Outagamie County. This ordinance regulates boating upon these waters and prescribes penalties for violation thereof.

Section II – Applicability and Enforcement

- A. The provisions of this Ordinance shall apply on the main channel of the Wolf River where it enters the Town of Liberty on the East and leaves the Town of Liberty on the West.
- B. This Ordinance Shall be enforced by the Town of Liberty and any State or County law enforcement official.

Section III – Intent and Authority

- A. 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 water resources during periods of high water.
- B. This ordinance is adopted pursuant to §30.77(3), Wis. Stats., which authorizes any Town, Village or City, to adopt, in the interests of public health, safety or welfare, location regulations not contrary or inconsistent with Chapter 30, Wis. Stats., relative to the equipment, use or operations of boats or relative to any activity regulated by §30.60 to 30.71, Wis. Stats.

Section IV – State Boating and Safety Laws Adopted

State boating laws as found in §30.50 to 30.71, Wis. Stats., are adopted by reference.

Section V – Definitions

- A. “Slow-No-Wake” means that speed at which a boat moves as slowly as possible while still maintaining steerage control.
- B. “Person” includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any other legal entity.
- C. “Operate” means to navigate or otherwise use a watercraft.
- D. “Watercraft” means any contrivance used or designed for navigation on water.
- E. “Controlled Area” means no person shall operate a boat, watercraft, or any other marine recreational vehicle faster than Slow-No-Wake in the waters of the Wolf River while the Slow-No-Wake remain in the river and when the river level exceeds elevation 756.0 (the

8 foot mark) as based on the USGS Benchmark on the concrete wall near the northwest corner of the Pearl Street Bridge (N44 23.541' W088 44.384').

- F. "Slow-No-Wake Buoys" will not be placed in the Wolf River where it enters the Town of Liberty on the East or where it leaves the Town of Liberty on the West when the Slow-No-Wake During High Water Ordinance for the Wolf River is in effect. A sign will be placed at the boat landing at County Highway M and notice will be posted in three public places in the Town of Liberty.

Section VI – Hours of Operation and Exceptions

- A. No person shall operate a watercraft faster than Slow-No-Wake in the waters of the Controlled Area at any time.
- B. The following shall be exempt from the provisions of this ordinance; authorized resources management personnel, emergency personnel, and enforcement personnel, when acting in the performance of their duties.

Section VII – Posting Requirements

The Town of Liberty 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. Adm. Code.

Section VIII – Penalties

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, and hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section IX – Subdivision and Numbering of this Ordinance

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided in subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Reference to a "section," "subsection," or "paragraph" includes all divisions of the referenced section, subsection, or paragraph.

Section X – Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town of Liberty Board would have passed the other provisions irrespective of whether or not one or more provisions may be declared invalid. If any provision of the 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 XI – Effective Date

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this _____ day of _____, 2011.

By: _____
Fran Vorachek, Chairman

Tom Lambie, Supervisor

Scott Retzlaff, Supervisor

I, Heidi Thern, Clerk of the Town of Liberty do hereby certify that this is an exact and true copy of ordinance L050511-1 passed by a majority vote, with a quorum present by the Town Board of Liberty.

Given under my hand and seal this _____ day of _____, 2011.

Heidi Thern, Clerk