

Ordinance # L101409-1
Slow-No-Wake Ordinance for Wolf River

Section I – Title and Purpose

This ordinance is entitled the Town of Liberty Slow-No-Wake Ordinance for the Wolf River. The purpose of this ordinance is to establish a slow-no-wake section of the Wolf River, between the Town of Liberty and the Town of Hortononia within Outagamie County Section 20, in tandem with the Town of Hortononia Slow-No-Wake Ordinance as designated by regulatory buoys clearly marking the Slow-No-Wake Controlled Area. 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 located in the SW ¼ of the NE ¼, Section 20, T22n, R15E, 150 feet downstream (GPS coordinates N44 22.243 W088 42.339) and 150 feet upstream (GPS coordinates N44 22.195 W088 42.340) where the Wolf River intersects with the Volz boat landing (“Controlled Area”).
- B. This Ordinance Shall be enforced by the Town of Hortononia and 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.
- 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. “Regulatory Buoy” means a white buoy with a single orange band at the top and bottom of the exposed buoy. A control symbol is spaced between these bands and is also orange in color. Any wording or message shall be in black letters.
- F. “Controlled Area” as defined in Section II is designated by regulatory buoys. For a Controlled Area the control symbol is an open circle.

Section VI – Hours of Operation and Exceptions

- A. The Town of Liberty and the Town of Hortonville shall be responsible for the placement and maintenance of regulatory buoys that will mark the Controlled Area.
- B. No person shall operate a watercraft faster than slow-no-wake in the waters of the Controlled Area at any time.
- C. 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 _____, 2009.

By: _____
Fran Vorachek, Chairman

Tom Lambie, Supervisor

Scott Retzlaff, Supervisor

I, Darlene Krake, Clerk of the Town of Liberty do hereby certify that this is an exact and true copy of ordinance L101409-1 passed by a majority vote, with a quorum present by the Town Board of Liberty.

Given under my hand and seal this _____ day of _____, 2009.

Darlene Krake, Clerk