

TOWN OF LINCOLN AMENDED ORDINANCE NO. 2005-02

A SOLE ORDINANCE REGULATING BOATING ACTIVITY IN THE TOWN OF LINCOLN

The Town Board of supervisors of the Town of Lincoln do hereby ordain as follows:

SECTION 1. INTENT

The intent of this ordinance is to provide healthful and safe conditions for the enjoyment of a aquatic recreation consistent with public rights and interest and the capability of the water resource.

SECTION 2. APPLICABILITY AND ENFORCEMENT

The provisions of this ordinance shall apply to the waters of the Eagle River, Yellow Birch Lake and Duck Lake within the jurisdiction of the Town of Lincoln. The provisions of the ordinance shall be enforced by the officers of the water safety patrol.

SECTION 3. DEFINITIONS IN THIS ORDINANCE

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

SECTION 4. SPEED RESTRICTIONS

No person shall operate a boat faster than Slow-No-Wake in the following waters at any time:

A. Eagle River - Up river from the E. Line extended of Lot GIO-7, GL10, S31, T40N, R10E, to the N. Line extended of Lot G5-27, GL5, S32, T40N, R10E.

B. Eagle River-Up river from the E. Line extended of Lot G2 J-6, GL2, S32, T40N, R10E, to the E. Line extended of Lot G2-21, S32, T40N, R10E.

C. Yellow Birch-Duck Lake Channel - From 125' S. of N. Line extended of Lot 86 to 125' N of N. Line extended of Lot 86, Keystone Park Sub, S22, T40N, R10E.

D. Wisconsin River - South from the Hwy G (Oldfield Park) boat ramp SE 1/2 NE 1/4 S20, T40N, R10E, to a point W. of a line extended from the NW corner of Lot 2, Eagle Flight Subdivision, GL12, S20, T40N, R10E.

E. Yellow Birch Lake - From S. line extended of Lot 68, Plat of Oliver Park, S28, T40N, R10E, to S. Line extended of G3-3, GL3, S28, T40N, R10E.

F. Yellow Birch Lake - From W. line extended of Lot 12, Lake Park Addition, S28, T40N, R10E, to S. line extended of G2-12, GL2, S27, T40N, R10E.

SECTION 5. PENALTIES

Any person who shall violate any of the provisions of the Ordinance shall upon conviction of such violation be subject to the penalties as found in Wisconsin Statutes adopted by reference.

SECTION 6. SEVERABILITY

If any provision of this ordinance shall be construed to be unconstitutional or prohibited by law, such be deemed to be an integral part of this ordinance but shall be deemed severable and upon such decision shall be deemed severed from this Ordinance the same as if such provision had never been enacted; any such severance shall not be deemed or construed to affect any other provision of this ordinance.

SECTION 7. PRIOR ORDINANCE

Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and are hereby repealed as far as any conflict exists.

SECTION 8. STATE LAW

Pursuant to Wis. Stat. 81.05, the Town of Lincoln shall not be liable for damages resulting from a defect of insufficiency in a waterway designated a public waterway under this ordinance.

SECTION 9. EFFECTIVE DATE

Notice of this ordinance shall be given as provided by law. This Ordinance shall take effect upon passage and publication.

Adopted this 14th day of June, 2005.