

ORDINANCE NO. 45

AN ORDINANCE TO REGULATE BOAT OPERATION IN THE VILLAGE OF WILD ROSE, WAUSHARA COUNTY, WISCONSIN, AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The Village Board of the Village of Wild Rose, Waushara County, Wisconsin, do ordain as follows:

SECTION 1. APPLICABILITY AND ENFORCEMENT

The provisions of this ordinance shall apply to all lakes, ponds or bodies of water lying wholly within the boundaries of the Village of Wild Rose, and to all persons, vessels, objects or things thereupon and within the jurisdiction of the Village of Wild Rose.

SECTION 2. MOTORBOATS PROHIBITED

No person shall operate or rent or loan for operation upon any of the hereinbefore described waters in the Village of Wild Rose any boat or vessel driven or powered by any kind of motor, engine or other artificially or mechanically produced power of locomotion.

SECTION 3. RACES, REGATTAS, SPORTING EVENTS AND EXHIBITIONS

(A) Permits Required No person; shall direct or participate in any boat race, regatta, water ski meet or other water sporting event or exhibition unless such event has been authorized and a permit issued therefore by the Village Marshall.

(B) Permit A permit issued under this Section shall specify the course or area of water to be used by participants in such event and the permittee shall be required to place markers, flags or buoys approved by the Village Marshall designating the specified area. Permits shall be issued only if the Village Marshall shall determine that the proposed use

of the water can be carried out safely and without danger or substantial obstruction to other vessels or persons using the waters involved. Permits shall be valid only for the hours and area specified thereon.

(C) Right-of-Way of Participants Boats and participants in any such permitted event shall have the right-of-way on the marked. area and no other person shall obstruct such area during the race or event or interfere therewith.

SECTION 4 PENALTIES AND DEPOSITS

(A) Any person who shall violate any provision of this ordinance shall upon conviction thereof forfeit not less than \$1.00 nor more than \$100.00 together with the costs of prosecution and default of payment thereof, shall be imprisoned in the County Jail until full payment is made, but not exceeding 30 days.

Any officer arresting a person for violation of a provision this ordinance who is unable to bring the persons arrested before a court of competent jurisdiction without unnecessary delay shall permit such person to make a deposit of money as provided

in Section 30.76 of the Wisconsin Statutes.

SECTION 5 EXERCISE OF POLICE POWER

The Village Board of the Village of Wild Rose, hereby declares that this ordinance is an exercise of the police power of the Village of Wild Rose.

SECTION 6 REPEAL AND SEVERABILITY

(A) All ordinances or parts of ordinances regulating water traffic, boats, boating or water sports upon the waters covered by this ordinance conflicting with the terms and provisions of this ordinance, are hereby repealed.

(B) The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provision of this ordinance and the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or other circumstances shall not be affected thereby.

SECTION 7 POSTING: CLERK'S DUTY

(A) The Village Board of the Village of Wild Rose does hereby elect pursuant to Section 985.05 (1) to give notice of the enactment hereof by posting under Section 985.02(2) of the Wisconsin Statutes. This ordinance shall take effect and be enforced from and after its passage, posting, and the filing of proof of such posting as provided by law.

(B) The Village Clerk is directed to file a copy of this ordinance with the State Conservation Commission, the Department of Natural Resources, in Madison, Wisconsin, and also prominently post copies hereof at all public access points to waters within the jurisdiction of the Village of Wild Rose, in addition to the posting hereinbefore provided and required.

The foregoing ordinance was duly adopted at a regular meeting of the Village Board of the Village of Wild Rose on the 5th day of May, 1969.