

## ORDINANCE 562

### AN ORDINANCE TO REGULATE THE SPEED OF BOATS UPON THE WATERS OF LAKE DUROY AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF

The Common Council of the City of Phillips, Wisconsin, do ordain as follows:

**SECTION 1. Applicability and Enforcement.** The provisions of this Ordinance shall apply to the waters of Lake Duroy within the jurisdiction of the City of Phillips, which waters are described as follows: All those waters within the city limits of the City of Phillips, Wisconsin, which are located to the East and South of the point at which County Trunk Highway "H" crosses the Elk River in the City of Phillips, Wisconsin. The provisions of this Ordinance shall be enforced by any police officer of said city; or any sheriff or deputy sheriff of Price County, Wisconsin or any warden of the Wisconsin Conservation Department.

#### **SECTION 2. Speed Restrictions.**

(a) **General Limits.** No person shall operate a boat at a speed in excess of 10 m.p.h. on the waters above described; provided that this provision shall not apply to boats participating in a race duly authorized by the Common Council of the City of Phillips over a course laid out and plainly marked and adequately patrolled.

(b) **Special Limits.** No persons shall at any time operate a boat in excess of 5 m.p.h. within 100 feet of a shoreline, swimmer, marked public swimming area, diving flag, canoe, rowboat, non-operating motor boat, bridge or public boat landing or anchorage.

#### **SECTION 3. Markers and Navigation Aids; Posting Ordinance.**

(a) **Duty of Chief.** The Chief of Police is authorized and, directed to place and maintain suitable markers, navigation aids and signs in such water areas as shall be appropriate to advise the public of the provisions of this Ordinance and to post and maintain a copy of this Ordinance at all public access points within the jurisdiction of the City.

(b) **Standard Markers.** All markers placed by the Chief of Police or any other person upon the waters of Lake Duroy shall comply with the regulations of the Wisconsin Conservation Commission.

(c) **Interference with Markers Prohibited.** No person shall without authority remove, damage, or destroy or moor or attach any watercraft to any buoy, or marker placed in the waters of Lake Duroy by the authority of the United States, state or city or by any private person pursuant to the provisions of this Ordinance.

#### **SECTION 4. Penalties and Deposits.**

(a) **violations.** Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$20.00 nor more than \$100.00 together with the costs of prosecution.

(b) **Money Deposits.** Any officer arresting a person for violation of a provision of this Ordinance who is unable to bring the person arrested before the County Court without unnecessary delay shall permit such person to make a money deposit as provided by Section 30.76 of the Wisconsin Statutes. Such deposit shall be made to the police headquarters or to the City Clerk.

**SECTION 5. Severability.** The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Common Council 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 or the application thereof to any person or circumstance is held invalid the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

#### **SECTION 6. Effective Dates Clerks Duty.**

(a) This Ordinance shall take effect and be enforced from and after its passage and publication as provided by law.

(b) The Clerk is directed to file a copy of the Ordinance with the Wisconsin Conservation Commission in Madison, Wisconsin. Adopted by the Common Council of the City of Phillips, Wisconsin, this 5th day of June, 1973.