

AN ORDINANCE TO REGULATE WATER TRAFFIC, BOATING AND WATER SPORTS UPON THE WATERS OF POPPLE LAKE IN THE TOWNSHIP OF EAGLE POINT, CHIPPEWA COUNTY, WISCONSIN AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF

The Town Board of the Town of Eagle Point, Chippewa County, Wisconsin do ordain as follows:

Section 1. Intent. The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of 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 Popple Lake, being a lake located in the Town of Eagle Point, Chippewa County, Wisconsin, in Sections 24 and 25 of Township 30 North, Range 8 West. The provisions of this ordinance shall be enforced by the Town Constable, Town Policement appointed pursuant to Section 60.29(8) and other authorized officers of the Town of Eagle Point.

Section 3. State Boating and Water Safety Laws Adopted.

The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities and safety in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes, are hereby adopted and by reference made a part of this ordinance.

30.50 Definitions

30.51 Operation of unnumbered motorboats prohibited

30.52 Certificates of number

30.53 Identification number to be displayed on boat; certificate to be carried

30.54 Transfer of ownership or numbered boat

30.55 Notice of abandonment or destruction of boat or change of address

30.60 Classification of motorboats

30.61 Lighting equipment

30.62 Other equipment

30.635 Motorboat prohibition

30.64 Patrol boats exempt from certain traffic regulations

30.65 Traffic rules

30.66 Speed restrictions

30.67 Accidents and accident reports

30.675 Distress signal flag

30.68 Prohibited operation

30.69 Water skiing

30.70 Skin diving

30.71 Boats equipped with toilets

Section 4. Definitions in this ordinance:

(a) "Slow-no-wake" means the slowest possible speed so as to maintain steerage.

Section 5. Speed Restrictions.

In view of the recognized need to protect life, property, and the public health safety and welfare, no person shall operate a motorboat at a speed greater than "slow-no-wake" on Popple Lake between the hours of 5:30 P.M. to 10:30 A.M. of the following day. This speed restriction shall apply on each day. To the extent that this section is more restrictive than State law, the provisions of this section of the local ordinance shall supercede State law.

Section 6. Water Skiing.

In view of the recognized need to protect life, property and public health safety and welfare, no person may engage in water skiing, aquaplaning or similar activity on Popple Lake, each day, between the hours of

5:30 P.M. and 10:30 A.M. of the following day. To the extent that this section is more restrictive than State law, the provisions of this section of the local ordinance shall supercede State law.

Section 7. Penalties and Deposits.

(a) First Offense. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not more than \$50.00 together with the costs of prosecution.

(b) Second Offense. Any person found guilty of violating any provisions of this ordinance who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not more than \$100.00 together with the costs of prosecution.

(c) A person arrested without a warrant for a violation of this ordinance and who is not released at the time of arrest or without unnecessary delay brought before a magistrate or a court, shall be allowed to make a deposit of money pursuant to Section 30.76 of the Wisconsin Statutes. Such deposit shall be mailed to the Clerk of Court for Chippewa County, Wisconsin.

Section 8. Wisconsin Statutes.

Whenever reference is made in this ordinance to sections of the Wisconsin Statutes or to State law, such reference shall mean the Wisconsin Statutes of 1973 and subsequent amendments.

Section 9. Severability Clause.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof. The Town Board hereby declares that it would have passed this ordinance irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

Section 10. Effective Date.

This ordinance shall be in full force and effect from and after its adoption and publication as required by law, and all ordinances or portions of ordinances in conflict herewith be and the same are hereby repealed.

Passed June 20, 1977.