

GREEN LAKE SANITARY DISTRICT

Green Lake County, Wisconsin

ORDINANCE 97-01

RELATING TO AN ORDINANCE REGULATING BOATING ON THE WATERS OF A PART OF NORWEGIAN BAY OF BIG GREEN LAKE GREEN LAKE COUNTY, WISCONSIN

WHEREAS, Big Green Lake is a valuable natural resource which provides habitat for plants and animals and recreational opportunities; and

WHEREAS, the District's Board of Commissioners believe that boat traffic in the near shore area of Norwegian Bay on Big Green Lake in the Town of Brooklyn has damaged aquatic vegetation in that area of Big Green Lake which provides significant fish spawning habitat and otherwise benefits the ecosystem of Big Green Lake and that regulations on the use of watercraft in that area are necessary for the protection of natural resources; and

WHEREAS, Sec. 30.77(3)(am)lm, Wis. Stats., authorizes a town sanitary district to enact and enforce ordinances regulating the use, equipment and operation of boats on all or part of a lake in the interest of public health, safety and welfare, provided that at least 60 percent of the footage of shoreline of the lake is within its boundaries if at least fifty percent of the towns, villages and cities having jurisdiction over the lake adopt resolutions authorizing the town sanitary district to enact and enforce such ordinances and at least 60 percent of the frontage of shoreline of the lake is within the boundaries of these towns, villages and cities; and

WHEREAS, the Green Lake Sanitary District includes approximately eighty-five percent of the frontage of Big Green Lake within its boundaries and approximately eighty-five percent of the frontage of shoreline of the lake is within the boundaries of the Towns of Brooklyn, Green Lake and Princeton, which constitute a majority of the cities, villages and towns having jurisdiction over the lake; and

WHEREAS, the Towns of Brooklyn, Green Lake and Princeton have each adopted Resolutions pursuant to Sec. 30.77(3)(am)lm.b, Wis. Stats., authorizing the District to enact and enforce one ordinance applicable to Big Green Lake regulating the use, equipment and operation of boats and activities in the near shore area of Norwegian Bay to protect the fish spawning habitat and ecosystem of Big Green Lake and in particular the area commonly known as the "bulrushes" and have entered into an AGREEMENT TO PROVIDE FOR THE GREEN LAKE SANITARY DISTRICT TO ENACT AND ENFORCE A BOATING ORDINANCE ON BIG GREEN LAKE pursuant to Sec. 66.30, Wis. Stats.; and

WHEREAS, the District wishes to protect and maintain public health, safety and welfare, including the public's interest in preserving the state's natural resources, through the environmentally sound management of the vegetation, fishery and wildlife populations in and around Big Green Lake, specifically Norwegian Bay; and

WHEREAS, in enacting this ordinance, the District has considered the type, size, shape and depth of Big Green Lake and its ecologically significant areas; boating congestion and safety; the amount, type and speed of boating traffic; and the effect of boating traffic on other recreational uses and the public health, safety and welfare, including the public's interest in preserving the state's natural resources.

NOW, THEREFORE, the Board of Commissioners of the Green Lake Sanitary District, pursuant to the authority granted under the laws of the State of Wisconsin, including without limitation, Secs. 30.77, 60.77, 60.785, Wis. Stats., DO ORDAIN as follows:

SECTION I. An ordinance to regulate the use and operation of boats and to regulate water sports upon and under the waters of Big Green Lake is hereby created to read as follows:

1. Purpose and Authority. This Ordinance is adopted in order to protect the public health, safety and welfare, including the public's interest in preserving the state's natural resources, pursuant to Sec. 30.77(3)(am)lm, Wis. Stats.
2. Applicability. The provisions of this ordinance shall apply to the waters of Norwegian Bay of Big Green Lake, located in.-Section 25, Town 15 North, Range 13, East (Town of Brooklyn), Green Lake County, Wisconsin.
3. Definitions. The definitions as set forth in Sec. 30.01, Wis. Stats., are incorporated herein by reference as though fully set forth herein, except as follows:
  - A. "No Motor Operation Area" means an area where the operation of boat motors is prohibited in order to protect native aquatic plant vegetation suitable for fish habitat and which has been designated by ordinance and delineated by the placement of regulatory buoys.
  - B. "No Motor operation Area Map" means the map illustrating the No Motor Operation Area attached to this Ordinance No. 97-01 and incorporated herein.
4. No Motor Operation Area. No person shall operate a boat motor of any type in the No Motor Operation Area.
5. Posting. In conformity with Sec. 30.77(4), Wis. Stats., this ordinance shall be prominently posted at all public access points on Big Green Lake.
6. Enforcement Authority. This Ordinance may be enforced by the District, the Green Lake County Sheriff's Department and the Wisconsin Department of Natural Resources.
7. Enforcement Procedure. The statutory provisions of Secs. 66.115, 66.119, 66.12, 30.50 to 30.71, and Chapter 799, Wis. Stats., are adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Any future additions, amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this ordinance in order to secure uniform state-wide regulation and enforcement of boating ordinance violations. The Green Lake Sanitary District specifically elects to use the citation method of enforcement.
8. Other Remedies. The issuance of a citation hereunder shall not preclude the District or any authorized officer from proceedings under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation or order.
9. Penalties. Any person violating the provisions of this ordinance shall be subject to a forfeiture in the amount of \$50.00 for the first offense and \$300.00 for any subsequent offense within one year.
10. Deposits. The deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference with all references to fines amended to forfeitures and all references to imprisonment deleted.
11. Severability. The provisions of this ordinance shall be deemed severable. If any provision of this ordinance or the application 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. It is expressly declared that the District would have enacted the other provisions of this ordinance irrespective of whether any provision hereof may be declared invalid.

SECTION 2. This ordinance shall take effect upon passage and posting or publication as provided by law, but no earlier than July 15, 1997.

Passed and adopted this 24th day of June, 1997, at a duly convened meeting of the Board of Commissioners of the Green Lake Sanitary District, at Princeton, Wisconsin.