

TOWN OF ST. GERMAIN ORDINANCE NO. SG-1999-6-1

(As Amended by Ordinance NO. SG-2001-5)

RELATING TO REGULATIONS ON BOATING AND OTHER ACTIVITIES ON INLAND LAKES IN THE TOWN OF ST. GERMAIN

WHEREAS, Alma Lake, Anderson Lake, Beaver Lake, Big St. Germain Lake, Deadman Lake, Engel Lake, Fawn Lake, Hiawatha Lake, Kuehn Lake, Kosomo Lake, Lange Lake, Little Bass Lake, Little Cloud Lake, Little Mamie Lake, Little St. Germain Lake, Lost Lake, Moon Lake, Mud Lake and Wakefield Lake and numerous unnamed inland lakes within the Town of St. Germain are valuable natural resources which provide habitat for plants and animals and recreational opportunities for residents and visitors to the town and merit protection in order to maintain and enhance their ecological, recreational and economic value; and

WHEREAS, pursuant to Section 30.77 of the Wisconsin Statutes, the Town is authorized to enact and enforce ordinances regulating the use, equipment and operation of boats on inland lakes located wholly or partly within the town in the interest of public health, safety and welfare, including the public's interest in the preservation of natural resources; and

WHEREAS, the Town Board finds that restrictions on the use and operation of watercraft on all or parts of the inland lakes within the jurisdiction of the town consistent with Sections 30.50 to 30.71 of the Wisconsin Statutes, are necessary in the interest of public health, safety and welfare, including the public's interest in preserving the state's natural resources; and

WHEREAS, in enacting this Ordinance, the Town has considered the type, size, shape and depth of the various inland lakes within the town; their 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 Town Board of the Town of St. Germain, pursuant to the authority granted under the laws of the State of Wisconsin, including Section 30.77 of the Wisconsin Statutes, DO ORDAIN as follows:

SECTION I. An ordinance to regulate the use and operation of boats and to regulate other activities on the surface waters of Alma Lake, Anderson Lake, Beaver Lake, Big St. Germain Lake, Deadman Lake, Engel Lake, Fawn Lake, Hiawatha Lake, Kuehn Lake, Kosomo Lake, Lange Lake, Little Bass Lake, Little Cloud Lake, Little Mamie Lake, Little St. Germain Lake, Lost Lake, Moon Lake, Mud Lake and Wakefield Lake and all other named and unnamed inland lakes at least 60 percent of the footage of shoreline of which is located within the Town is hereby created to read as follows:

Section I General Provisions

Section II Interpretation

Section III State Boating and Water Safety Laws Adopted Section IV Definitions

Section V Speed Restrictions

Section VI Enforcement

Section VII Severability

Section VIII Posting

Section I. GENERAL PROVISIONS.

(A) APPLICABILITY. Except as expressly provided below, the provisions of this ordinance shall apply to each named and unnamed inland lake at least 60 percent of the footage of shoreline of which is located within the Town is within the Town of St. Germain, Vilas County, Wisconsin.

(B) PURPOSE. The purpose of this Ordinance is to promote the public health, safety and welfare, including the public's interest in preserving the state's natural resources.

(C) AUTHORITY. This Ordinance is adopted by the Town Board of the Town of St. Germain pursuant to the powers granted by Section 30.77 of the Wisconsin Statutes.

Section II. INTERPRETATION. The sections of this Ordinance pertaining to the use, operation or equipment of boats and other vehicles as well as the activities which are regulated by Sections 30.50 to 30.71 of the Wisconsin Statutes and the rules and regulations of the Department of Natural Resources established pursuant thereto, shall be construed and interpreted, if possible, to be

consistent with and not contrary to said statute sections, rules and regulations, nothing to the contrary herein notwithstanding.

Section III. STATE BOATING AND WATER SAFETY LAWS ADOPTED. State boating and water safety laws as found in Sections 30.50 through 30.71 of the Wisconsin Statutes and in the rules and regulations of the Department of Natural Resources established pursuant to said statutory provisions are adopted herein by reference, including those laws or rules and regulations adopted therein by the State or the Department of Natural Resources subsequent to the enactment of this Ordinance. Any act required to be performed or prohibited by the provisions of any said statute, rule or regulation adopted herein by reference is required to be performed or prohibited by this Ordinance.

Section IV. DEFINITIONS. The definitions as set forth in Section 30.01 of the Wisconsin Statutes are incorporated herein by reference as though fully set forth herein, except as follows:

- (A) BOAT, WATERCRAFT. "Boat" or "Watercraft" means any device used for navigation on water, including personal watercraft.
- (B) SHORE ZONE. "Shore Zone" means all surface water within 200 feet of the shoreline.
- (C) SLOW-NO-WAKE SPEED. When used herein, "Slow-No-Wake Speed" shall mean that speed at which a boat moves as slowly as possible while still maintaining steerage control.
- (D) SLOW-NO-WAKE AREA MAP. "Slow-No-Wake Area Map" means the map illustrating the Slow-No-Wake Area attached to this Ordinance SG-1999-6-1 incorporated herein.
- (E) TOWN. "Town" means the Town of St. Germain, Vilas County, Wisconsin.

Section V. SPEED RESTRICTIONS.

- (A) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed on any waters located between a swimming raft and a pier which is located landward from such swimming raft.
- (B) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed in the following waters as more specifically delineated on the Slow-No-Wake Area Map:
 - (1)
 - (a) the channel between No Fish Bay and West Bay of Little St. Germain Lake;
 - (b) the channel between No Fish Bay and South Bay of Little St. Germain Lake;
 - (c) the channel between No Fish Bay and East Bay of Little St. Germain Lake;
 - (2)
 - (a) the channel between Big St. Germain Lake and Lake Content;
 - (b) the channel between Big St. Germain Lake and Fawn Lake;
 - (3) the channel between Moon Lake and Alma Lake
- (C) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed on any portion of any named or unnamed lake at least 60 percent of the shoreline of which is located within the Town which contains less than 60 acres in surface area, including all of the following lakes:
 - 1. Alma
 - 2. Anderson Lake
 - 3. Beaver Lake
 - 4. Deadman Lake
 - 5. Engel Lake
 - 6. Fawn Lake
 - 7. Hiawatha Lake
 - 8. Kuehn Lake
 - 9. Lange Lake
 - 10. Little Bass Lake
 - 11. Little Cloud Lake
 - 12. Little Mamie Lake
 - 13. Mud Lake
 - 14. Wakefield Lake
 - 15. Kosomo Lake
- (D) No person shall operate a boat or watercraft in excess of Slow-No-Wake on Moon Lake between the hours of 5:00 p.m. and 10:00 a.m.

Section VI. ENFORCEMENT.

(A) ENFORCEMENT AUTHORITY.

This Ordinance may be enforced by law enforcement officers of the Town, the Vilas County Sheriff's Department, and the Wisconsin Department of Natural Resources.

(B) RESISTING OR OBSTRUCTING LAW ENFORCEMENT OFFICERS. No person shall resist or obstruct any law enforcement officer in the performance of his or her duties under this Ordinance.

(C) ENFORCEMENT PROCEDURE. The statutory provisions of Sections 66.115, 66.119, 66.12, 30.50 to 30.71, and Chapter 799 of the Wisconsin Statutes are adopted and by reference made a part of this Ordinance as if fully set forth herein. 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 Town specifically elects to use the citation method of enforcement.

(D) OTHER REMEDIES. The issuance of a citation hereunder shall not preclude the Town or any authorized officer from proceeding under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation or order. (E) PENALTIES AND DEPOSITS. Any person violating the provisions of this ordinance shall be subject to penalties as provided for in Section 30.80 of the Wisconsin Statutes and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, which are hereby adopted by this references with all references therein to "fines" amended to "forfeitures" and all references to "imprisonment" deleted.

Section VII. SEVERABILITY. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section VIII. POSTING. In conformity with Section 30.77(4) of the Wisconsin Statutes, this Ordinance shall be prominently posted at all public access points on all lakes to which this ordinance is applicable.

SECTION 2. Town of St. Germain Ordinance No. 1 TO REGULATE THE USE AND SPEED OF MOTOR BOATS ON ALL WATERS WITHIN THE TOWN OF ST GERMAIN, adopted July 19, 1955 as amended June 4, 1969 and an ORDINANCE TO REGULATE WATER TRAFFIC, BOATING AND WATER SPORTS UPON THE WATERS OF ALMA LAKE AND MOON LAKE AND PROSCRIBING PENALTIES FOR VIOLATION THEREOF, adopted June 2, 1984 are repealed as of the effective date of this Ordinance.

SECTION 3. This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

May 2001