

ORDINANCE NO. 106  
ORDINANCE ESTABLISHING NO WAKE ZONE

The Town Board of the Towns of Algoma and Oshkosh, both of Winnebago 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 travel and recreation consistent with public rights and interest and the capability of the water resources.

SECTION 2. Applicability and Enforcement. The provisions of this ordinance shall apply to those portions of the waters of Lake Butte des Morts hereinafter designated within the jurisdiction of the Towns of Algoma and Oshkosh. The provisions of this ordinance shall be enforced as provided in Wisconsin Statutes applicable under Sections 30.66, 30.68, 30.74, 30.745, and 30.77 by any law enforcement officer as defined under Wisconsin Statute Section 23.51(3) or 939.22(22). The primary law enforcement agency shall be the Winnebago County Sheriff's Office which shall respond to complaints directed to that department.

SECTION 3. Definitions. In this ordinance:

- (1) "Boat" means every description of watercraft used or capable of being used as a means of transportation on water.
- (2) "Motorboat" means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion.
- (3) "Operation of Motorboat" means controlling the speed or direction of the motorboat.
- (4) "Operator" means a person who is engaged in the operation of a motorboat, who is responsible for the operation of a motorboat, or supervising the operation of a motorboat.
- (5) "Slow-no-wake" means that speed at which a boat moves as slowly as possible while maintaining steerage control.
- (6) "Fox River Channel under US 41 Bridge" means all waters of Lake Butte des Morts lying beneath the main span of the US Highway 41 bridge between the causeways on the north and south and the easterly and westerly extremities of the bridge structure carrying both the north and south bound lanes of the highway. It is through this span that the channel of the Fox River flows and is this span which is marked for navigation.

SECTION 4. Speed Restrictions. No person shall operate a motorboat on such portion of the Fox River Channel, under the US Highway 41 bridge at a speed in excess of slow-no-wake.

SECTION 5. Slow-no-wake Zone Marking. The proper Town Officials are authorized to place, or cause to be placed, the appropriate signs and navigational aids and buoys to mark the locations of the speed limit restrictions of this ordinance.

SECTION 6. Penalties. Wisconsin State Boating Penalties as found in Section 30.80 of the Wisconsin Statutes are adopted by reference.

SECTION 7. Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board 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 effected.

SECTION 8. Effective Date. This ordinance shall be effective upon passage, by the Town Boards of both the Towns of Algoma and Oshkosh, filing with the Wisconsin Department of Natural Resources, and publication in the Oshkosh Northwestern.