

TOWN OF MARION ORDINANCE 2019-1

AN ORDINANCE TO CREATE SECTION 4-5-9 OF THE CODE OF ORDINANCES FOR THE TOWN OF MARION.

THE TOWN BOARD OF THE TOWN OF MARION, WAUSHARA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION I. Section 4-5-9 of the Code of Ordinances is hereby created to read as follows:

**Sec. 4-5-9 Emergency Slow No Wake Speed at Times of High Water**

- (A) **Applicability and Enforcement.** The provisions of this Ordinance shall apply to all lakes located within the jurisdiction of the Town of Marion, Waushara County, Wisconsin, and shall be enforced by law enforcement officers and officials of the Town of Marion.
- (B) **Intent.** The intent of this Ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resources.
- (C) **Penalties.** Wisconsin state boating penalties as found in Wis. Stats. 30.80 and deposits established in the Uniform Deposit and Bail Schedule as established by the Wisconsin Judicial Conferences are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.
- (D) **Definitions:**
- (i) "High Water" means when the water level exceeds one (1) foot over the ordinary high water mark.
  - (ii) "Ordinary High Water Mark" (OHWM) means the area where the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, or other easily recognized characteristic.
  - (iii) "Slow No Wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.
  - (iv) "Watercraft" means motorboats as defined in Wis. Stats. 30.50(6), jet skis, and all other personal watercraft.

**(E) Implementation.** The Town Board, when provided with credible evidence that the water level of a particular lake within its jurisdiction exceeds one (1) foot over the ordinary high water mark (OHWM) of that lake, shall, upon consultation and agreement with the respective Lake District Board (where applicable), implement the emergency slow no wake restriction on that particular lake as provided for in this Ordinance.

Agreement is defined as a majority of the members of the Lake District Board and a majority of the members of the Town of Marion Board. Measurement of the lake level shall be conducted by the Waushara County Zoning and Land Conservations office upon request of the Town of Marion Board.

**(F) Slow No Wake During High Water Periods.**

- a. No person shall operate a watercraft faster than slow-no-wake in the waters of Lake Irogami, Silver Lake and Little Hills Lake when the water exceeds the OHWM or the established elevation mark;
- b. In spite of what is written in paragraph (F) (a) above, a person may operate a watercraft faster than slow-no-wake in the above described lakes between the hours of 12:00 p.m. and 4:00 p.m. when the water level exceeds the OHWM by less than one foot (12 inches) on Silver Lake, and when the water level exceeds the OHWM by less than 3 inches on Lake Irogami and Little Hills Lake. During all other hours the slow-no-wake prohibition is in force.

**(G) Posting Requirements.** The Town Board shall place and maintain a synopsis of this Ordinance at all public access points within the jurisdiction of the Town of Marion pursuant to the requirements of NR 5.15, Wis. Adm. Code.


SECTION II. Severability: In the event that any provision of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portions of this Ordinance shall be deemed separate, distinct and independent provisions of the Ordinance and all remaining portions of this Ordinance shall remain in full force and effect.

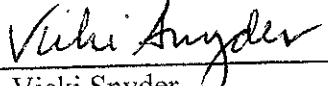
SECTION III. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

SECTION IV. This ordinance shall take effect and be in full force and effect if it is passed by the Town Board of the Town of Marion.

PASSED AND ADOPTED by the Town Board of the Town of Marion, Waushara County,  
Wisconsin this 13<sup>th</sup> day of June, 2019.

**TOWN OF MARION**

By:   
Garrel Walejko  
Town Board Chairman

Attest:   
Vicki Snyder  
Town Clerk

PASSED: June 13, 2019

APPROVED: June 13, 2019

PUBLISHED: June 19, 2019