



Town of Troy

Walworth County, Wisconsin

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ORDINANCE 2018-3

AN ORDINANCE TO REGULATE BOATING AT SPEEDS GREATER THAN SLOW NO WAKE DURING HIGH WATER PERIODS

WHEREAS, the Town of Troy Town Board is authorized by Wisconsin Statutes Section 30.77(3) to enact ordinances that are not contrary to or inconsistent with Chapter 30, Wisconsin Statutes, in the interest of public health, safety or welfare, including the public's interest in preserving the State's natural resources, if the ordinances relate to the equipment, use or operation of boats; and

WHEREAS, the Town of Troy Town Board is specifically authorized pursuant to Wisconsin Statutes Section 30.77(3)(cr) to establish restrictions on speed; and

WHEREAS, the Town Board of the Town of Troy finds that boat traffic on Booth Lake within the Town of Troy when the water levels in said lake are at flood stage (as further described below) presents numerous health, safety and welfare concerns, including concerns regarding preservation of natural resources. Among the concerns are erosion of shoreline areas caused by wakes created by boat traffic, and related damage to lawns, property, and natural areas on the shore of said lake; sedimentation within the lake, and reduction of water quality which could adversely affect natural wildlife within the lake; and safety of persons traveling on the lake, due to floating materials having drifted from the shore, among other concerns; and

WHEREAS, prior to acting on this matter, the Town submitted the proposed ordinance to the Department of Natural Resources pursuant to Wisconsin Statutes Section 30.77(3)(d) at least 60 days prior to final action on the matter by the Town Board; and

WHEREAS, the Town Board of the Town of Troy has carefully considered the advisory report provided by the Department of Natural Resources and has incorporated the suggestions noted in that report;

NOW THEREFORE, the Town Board of the Town of Troy, Walworth County, Wisconsin, does hereby ordain as follows:

SECTION 1: APPLICABILITY AND ENFORCEMENT.

The provisions of this Ordinance shall apply to the waters of Booth Lake in the Town of Troy, Walworth County. This Ordinance may be enforced by any law enforcement officer having jurisdiction over Booth Lake.

SECTION 2: BOATS AND BOATING: "SLOW, NO-WAKE" RESTRICTION DURING HIGH WATER PERIODS.

When the water of Booth Lake equals or exceeds the level of 815.62 feet above sea level as posted at the East side of Booth Lake at the beach area, the Lake is considered to be at flood stage. No person may operate a watercraft at greater than "slow no wake" until such time as the water level recedes to a point below the level of 815.62 feet above sea level, as posted at the East side of Booth Lake at the beach area.

SECTION 3: POSTING REQUIREMENTS.

The Town of Troy shall place and maintain a copy of this Ordinance at all public access points on Booth Lake. The posted Ordinance shall be in compliance with the size requirements listed in NR 5.15 of the Wisconsin Administrative Code.

SECTION 4: PENALTIES.

Wisconsin state boating penalties found in Section 30.80, Wis. Stats., and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conferences, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment are deleted. Failure to pay any forfeiture hereunder shall subject such violator to the alternate penalties provided for in Section 800.095 of the Wisconsin Statutes as amended from time-to-time. Each violation and each day a violation continues or occurs shall constitute a separate offense.

SECTION 5: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 6: EFFECTIVE DATE.

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

[signatures on following page]

Dated this 14th day of November, 2018.

TOWN OF TROY

John Kendall
John Kendall, Town Chair

ATTEST:

Tracy S. Raymond
Tracy Raymond, Town Clerk

Published and posted this 14th day of November, 2018
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