

Ordinance 2022-03

Motorboats and Watercraft

Joint Ordinance Towns of Presque Isle and Winchester

505.1. PURPOSE.

- (1). The purpose of this ordinance is to adopt regulations for the safe operation of motorboat and personal watercraft, consistent with the public rights and interest, upon the waters of Papoose Lake in the Towns of Presque Isle and Winchester in Vilas County Wisconsin.
- (2). To adopt s. 30.50 to 30.71 Wis. Stats. by reference.

505.2. AUTHORITY. The Town Boards of Presque Isle and Winchester have the authority, pursuant to s. 30.77(3) Wis. Stats. to enact this ordinance.

505.3. DEFINITIONS

- (1). "Motorboat" means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion. (s. 30.50(6)Wis. Stats.)
- (2). "Personal watercraft" shall be any craft that uses an inboard motor powering a water jet pump or a caged propeller as its primary source of motive power and that is designed to be operated by a person standing on, kneeling on or sitting astride the watercraft. (s. 30.50(9)(d)Wis. Stats.)
- (3). "Slow-No-Wake" means that speeds at which a boat moves as slowly as possible while still maintaining steerage control. (s. 30.50(12)Wis. Stats.)
- (4). "Shore Zone" means all surface water within 200 feet of the mainland shoreline or island(s)

505.4. LOCAL ORDINANCE.

- (1). Personal Watercraft.
 - (a). Shall only be operated in a "slow-no-wake" manner within the shore zone on Papoose Lake and within 200 feet of any other personal watercraft, boat, pier, dock or buoyed restricted area.
 - (b). Hours of operation shall be limited to the hours between 10:00 A.M. and 5:00 P.M. local time.
 - (c). Shall not be used for towing of persons engaged in water skiing, aquaplaning or similar activities.
- (2). Motorboats.
 - (a). Shall only be operated in a "slow-no-wake" manner within the shore zone on Papoose Lake, except when leaving or returning from shore

while towing a water-skier, as defined in 505.04(2)(e).

- (b). Shall only be operated in a slow-no-wake manner within 200 feet of any other boat, personal watercraft or buoyed restricted area.
 - (c). No person shall operate a motorboat towing a person on water-skis, aquaplane, or similar device, nor shall any person engage in water-skiing, aquaplaning or similar activity except between the hours of 10:00 A.M. and 7:00 P.M. local time.
 - (d). No more than two (2) riders shall be in tow at any time.
 - (e). Neither the towing boat nor the towed rider shall approach another watercraft within 200 feet, nor shall they approach the mainland shoreline or island shoreline within 200 feet, except when starting out from or returning to shore.
 - (f). Ski boats leaving or returning to shore shall yield the right-of-way to all other watercraft within the 200 foot shore zone.
- (3). Competitions, such as water ski shows, water ski jumping, watercraft racing or similar activities shall require a permit from the Town Boards of Presque Isle and Winchester.

505.5. ENFORCEMENT AND PENALTIES.

- (1). Enforcement of this ordinance shall be in conformance with Chapter 30 of the Wis. Stats. The town constables and town officers shall have the power to enforce this ordinance.
- (2). Wisconsin State boating penalties as found in s. 30.80 Wis. Stats. and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference are hereby adopted.

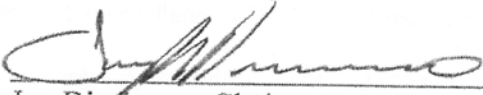
505.6. VALIDITY. Shall any section or provision of this ordinance be declared invalid by the courts, it shall not affect the validity of the balance of the ordinance.

505.7. EFFECTIVE DATE. This ordinance shall be in effect after its passage by the Town Boards of Winchester and Presque Isle and publication as required by law.

Ordinance 2022-03
Motorboats and Watercraft
Joint Ordinance Towns of Presque Isle and Winchester

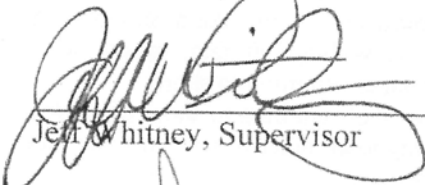
Whereas the town board has the authority pursuant to Ch. 30.77(3) Wis. Stats. to enact this ordinance,
The Winchester Town Board does adopt Ordinance 2022-03, Motorboats and Watercraft Joint
Ordinance Towns of Presque Isle and Winchester

Signed:



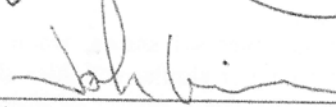
Joe Discianno, Chairman

06/06/2022
Date



Jeff Whitney, Supervisor

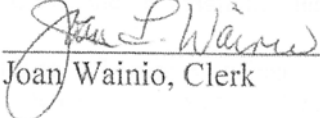
6-06-2022
Date



John Grimmer, Supervisor

06/06/2022
Date

Attest:



Joan Wainio, Clerk

6/6/2022
Date

June 6, 2022

Subchapter 505. Motorboats and Watercraft
Joint Ordinance Towns of Presque Isle and Winchester⁽²²⁻⁰³⁾

505.1. PURPOSE.

- (1). The purpose of this ordinance is to adopt regulations for the safe operation of motorboat and personal watercraft, consistent with the public rights and interest, upon the waters of Papoose Lake in the Towns of Presque Isle and Winchester in Vilas County Wisconsin.
- (2). To adopt s. 30.50 to 30.71 Wis. Stats. by reference.

505.2. AUTHORITY. The Town Boards of Presque Isle and Winchester have the authority, pursuant to s. 30.77(3) Wis. Stats. to enact this ordinance.

505.3. DEFINITIONS

- (1). "Motorboat" means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion. (s. 30.50(6)Wis. Stats.)
- (2). "Personal watercraft" shall be any craft that uses an inboard motor powering a water jet pump or a caged propeller as its primary source of motive power and that is designed to be operated by a person standing on, kneeling on or sitting astride the watercraft. (s. 30.50(9)(d)Wis. Stats.)
- (3). "Slow-No-Wake" means that speeds at which a boat moves as slowly as possible while still maintaining steering control. (s. 30.50(12)Wis. Stats.)
- (4). "Shore Zone" means all surface water within 200 feet of the mainland shoreline or island(s)

505.4. LOCAL ORDINANCE.

- (1). Personal Watercraft.
 - (a). Shall only be operated in a "slow-no-wake" manner within the shore zone on Papoose Lake and within 200 feet of any other personal watercraft, boat, pier, dock or buoyed restricted area.
 - (b). Hours of operation shall be limited to the hours between 10:00 A.M. and 5:00 P.M. local time.
 - (c). Shall not be used for towing of persons engaged in water skiing, aquaplaning or similar activities.
- (2). Motorboats.
 - (a). Shall only be operated in a "slow-no-wake"

manner within the shore zone on Papoose Lake, except when leaving or returning from shore while towing a water-skier, as defined in 505.4(2)(e)

- (b). Shall only be operated in a slow-no-wake manner within 200 feet of any other boat, personal watercraft or buoyed restricted area.
 - (c). No person shall operate a motorboat towing a person on water-skis, aquaplane, or similar device, nor shall any person engage in water-skiing, aquaplaning or similar activity except between the hours of 10:00 A.M. and 7:00 P.M. local time.
 - (d). No more than two (2) riders shall be in tow at any time.
 - (e). Neither the towing boat nor the towed rider shall approach another watercraft within 200 feet, nor shall they approach the mainland shoreline or island shoreline within 200 feet, except when starting out from or returning to shore.
 - (f). Ski boats leaving or returning to shore shall yield the right-of-way to all other watercraft within the 200 foot shore zone.
- (3). Competitions, such as water ski shows, water ski jumping, watercraft racing or similar activities shall require a permit from the Town Boards of Presque Isle and Winchester.

505.5. ENFORCEMENT AND PENALTIES.

- (1). Enforcement of this ordinance shall be in conformance with Chapter 30 of the Wis. Stats. The town constables and town officers shall have the power to enforce this ordinance.
- (2). Wisconsin State boating penalties as found in s. 30.80 Wis. Stats. and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference are hereby adopted.

505.6. VALIDITY. Shall any section or provision of this ordinance be declared invalid by the courts, it shall not affect the validity of the balance of the ordinance.

505.7. EFFECTIVE DATE. This ordinance shall be in effect after its passage by the Town Boards of Winchester and Presque Isle and publication as required by law.



June 14, 2022

Subject: Towns of Presque Isle and Winchester Joint Waterway Ordinance Review
Ordinance 2022-03 – An ordinance to amend subchapter 505

On May 31st, 2022, I received your joint ordinance to regulate boaters on the waterways in the Town of Presque Isle and Winchester. Thank you for being concerned about the safety and welfare of recreational users in Wisconsin and the protection of its natural resources. This letter serves as a review of your ordinance as required under Sec. 30.77, Wis. Stats.

During my review of the ordinance I was pleased to see that a joint ordinance had been adopted to comply with Sec. 30.77(3)(ac)1.

I did however see some issues with the amended ordinance. When regulating the waters of this state it is important that we do not restrict a certain watercraft from operating on the waterway. Section 505.4 has the majority of what I see as conformity issues with state law. These involve the following:

- Personal watercraft are restricted to certain operation times and from pulling skiers.
- Restrictions of water skiing time frames.
- Finally, you have a proposed “shoreline zone” of 200 feet. State law already keeps personal watercraft from operating above slow-no-wake speed within 200 feet from shore. Other vessels are held to a 100 foot distance.

30.77(1)(b) Except as provided in subs. (2) and (3), enact any ordinance or local regulation that in any manner excludes any boat from the free use of the waters of this state or that pertains to the use, operation or equipment of boats or which governs any activity regulated by ss. 30.50 to 30.71.

The ordinance is also missing a condition report which should include the following:

- The local conditions necessitating the regulation or regulation change.
- How the new or changed local regulation will solve the situation.
- The probable or possible negative effects of the measures considered, and who will be adversely affected by the adopted ordinance.
- An opinion statement concerning the impact the regulation will have on public health, public safety, or welfare, if this regulation is not adopted.
- A statement summarizing the arguments of the interests opposed to the regulation or regulation change.

- The Condition Report should make explicit why an ordinance is in the public interest. This is important because an ordinance that excludes a part of the general public may raise substantial and material questions of fact. A court decision may be required to settle these questions. By showing how and why an ordinance is in the public interest, the Condition Report may reduce the ordinance opposition or prevent court adjudication.

If you are able to provide factual evidence to support the ordinance amendments this may change how the department views the ordinance.

As it currently stands, I do not believe this ordinance is in compliance with state law. There would also be an enforceability issue. Wardens would not enforce these restrictions and generally County Sheriff's Departments follow state statute violations since these can be claimed under the boating grant program.

Please feel free to contact me with concerns or questions regarding this review.

Jacob Holsclaw 6-14-2022

Jacob Holsclaw
Recreation Warden
Eau Claire DNR Office