

000411

## ORDINANCE NO 141 - BOOK 2

AN ORDINANCE OF THE VILLAGE OF SHIOCTON REGULATING BOATING AND DEFINING A SLOW-NO-WAKE AREA UPON THE WATERS OF THE WOLF AND THE SHIOC RIVERS AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

THE VILLAGE BOARD OF THE VILLAGE OF SHIOCTON DO ORDAIN AS FOLLOWS:

SEC. 1 APPLICABILITY AND ENFORCEMENT

(a) THE PROVISIONS OF THIS ORDINANCE SHALL APPLY TO THE WATERS OF THE WOLF AND THE SHIOC RIVERS.

(b) THIS ORDINANCE SHALL BE ENFORCED BY THE OFFICERS OF THE VILLAGE OF SHIOCTON POLICE DEPARTMENT.

SEC. 2 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.

SEC. 3 STATE BOATING AND SAFETY LAWS ADOPTED

STATE BOATING LAWS AS FOUND IN SS. 30.50 TO 30.71, WIS. STATS., ARE ADOPTED BY REFERENCE

SEC. 4 DEFINITIONS

(a) "SLOW-NO-WAKE" MEANS THAT SPEED AT WHICH A BOAT MOVES AS SLOWLY AS POSSIBLE WHILE STILL MAINTAINING STEERAGE CONTROL.

SEC. 5 CONTROLLED AREA

NO PERSON SHALL OPERATE A BOAT, WATER CRAFT OR ANY OTHER MARINE RECREATIONAL VEHICLE, FASTER THAN SLOW-NO-WAKE IN THE WATERS IN SECTIONS A, B, C OF THE WOLF RIVER; AND SECTION D OF THE SHIOC RIVER WHEN REGULATORY MARKERS ARE IN PLACE. REGULATORY MARKERS WILL BE PLACED INDICATING THE SLOW NO WAKE AREAS AS FOLLOWS:

SECTION A: BEGINNING AT THE UTILITY POLE AT THE HEAD OF BAMBOO BEND, NORTH TO THE HANDICAPPED FISHING AND OBSERVATION DECK.

SECTION B: BEGINNING 50' SOUTH OF THE BEND AT THE LUMBER YARD, NORTH TO 50' PAST THE HWY. 54 BRIDGE.

SECTION C: BEGINNING 100' SOUTH OF THE SHIOC RIVER, NORTH TO 100' NORTH OF THE SHIOC RIVER.

SECTION D: FROM THE MOUTH OF THE SHIOC RIVER, NORTH 200'.

SEC. 6 POSTING REQUIREMENTS

THE VILLAGE OF SHIOCTON SHALL PLACE AND MAINTAIN A COPY OF THIS ORDINANCE AT ALL PUBLIC ACCESS POINTS WITHIN THE JURISDICTION OF THE VILLAGE.

SEC. 7 OWNER'S LIABILITY FOR WATER CRAFT

(a) THE OWNER OF A WATER CRAFT INVOLVED IN A VIOLATION OF ORDINANCE 141 SHALL BE LIABLE FOR THE VIOLATION AS PROVIDED IN THIS SECTION.

(b) A PERSON MAY PREPARE A WRITTEN REPORT INDICATING THAT A VIOLATION HAS OCCURRED. IF POSSIBLE, THE REPORT SHALL CONTAIN THE FOLLOWING INFORMATION:

(1) THE TIME AND APPROXIMATE LOCATION AT WHICH THE VIOLATION OCCURRED.

(2) THE LICENSE NUMBER AND COLOR OF THE WATER CRAFT INVOLVED IN THE VIOLATION.

(3) IDENTIFICATION OF THE TYPE OF WATER CRAFT, BOAT, JET SKI, OR OTHER TYPE OF CRAFT.

(c) WITHIN 24 HOURS AFTER OBSERVING THE VIOLATION, THE PERSON MAY DELIVER THE REPORT TO THE SHIOCTON POLICE DEPARTMENT.

(d) IT SHALL BE NO DEFENSE TO THE VIOLATION OF THIS SECTION THAT THE OWNER WAS NOT OPERATING THE CRAFT AT THE TIME OF THE VIOLATION.

(e) IF THE OWNER OR DEALER OF THE WATER CRAFT PROVIDES THE SHIOCTON POLICE DPEARTMENT WITH THE NAME AND ADDRESS OF THE PERSON OPERATING THE WATER CRAFT AT THE TIME OF THE VIOLATION AND THE PERSON SO NAMED ADMITS TO OPERATING THE CRAFT AT THE TIME OF THE VIOLATION, THEN THE PERSON OPERATING THE WATER CRAFT NOT THE OWNER SHALL BE CHARGED UNDER THIS SECTION.

SEC. 8 PENALTIES

WISCONSIN STATE BOATING PENALTIES AS FOUND IN SS. 30.80, WIS. STATS., ARE ADOPTED BY REFERENCE.

FORFEITURES: \$30.00 + \$6.60 PENALTY ASSESSMENT PLUS COURT COSTS FOR EACH VIOLATION.

SEC. 9 SEVERABILITY

THE PROVISIONS OF THIS ORDINANCE SHALL BE DEEMED SEVERABLE AND IT IS EXPRESSLY DECLARED THAT THE VILLAGE 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 AFFECTED.

SEC. 10 EFFECTIVE DATE

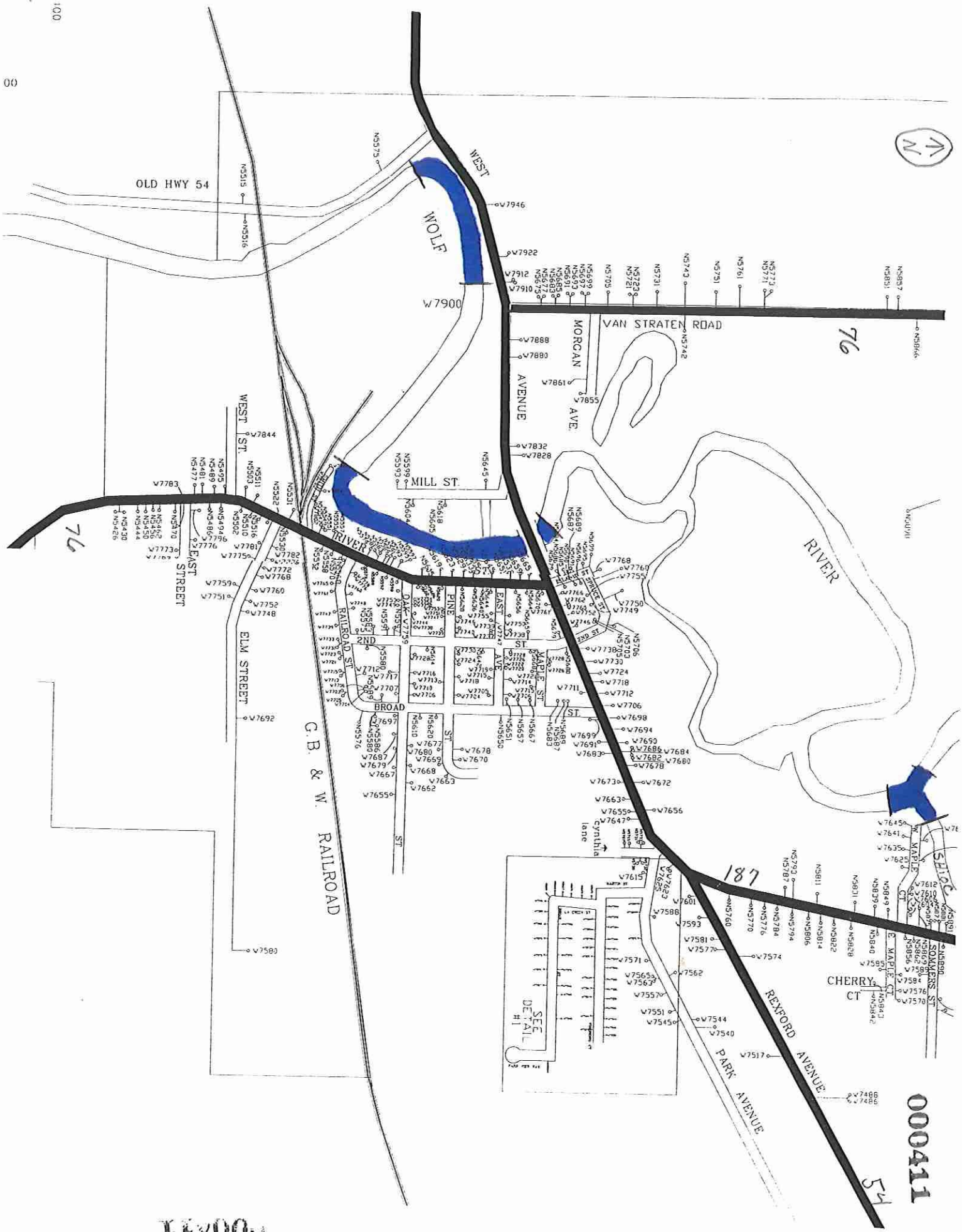
THIS ORDINANCE WILL BECOME EFFECTIVE UPON PASSAGE AND THE DAY AFTER PUBLICATION.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1995

\_\_\_\_\_  
DALE D. NICHOLS, VILLAGE PRESIDENT

ATTEST: \_\_\_\_\_  
BETTY J. BUNNELL, VILLAGE CLERK

PUBLISHED: \_\_\_\_\_



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VILLAGE OF SHIOCTON  
CONDITION REPORTS 1995  
NO WAKE ORDINANCE

000411

In the Village of Shiocton, there are numerous homes and properties as well as many casual and recreational users of the Wolf and Shioc Rivers.

I Local conditions necessitating our ordinance:

A. boat and water craft traffic is heavy in the spring to fall seasons with fast moving water craft creating wake problems such as:

1. disrupting river banks--high and low water erosion of land and rip-rap creating an undue rapid deterioration of several river-front properties
2. disrupting shallow fish spawning areas of sturgeon and walleye in the spring
3. creating safety hazards for swimmers, canoeists and small fishing boats

II The proposed regulation would help the situation by

A. slowing down the boat and water craft traffic which will:

1. lessen land and rip-rap erosion
2. lessen stress in fish spawning areas
3. make the rivers safer for swimmers, canoeists and small fishing boats

III The negative effects of the ordinance

A. Those negatively effected by the ordinance are:

1. fishermen with larger boats--more time needed to get to favorite fishing spots
2. Jet ski crafts--they would have to find less populated river segments

to cruise and "fly over" dead heads and other river obstructions

IV If the regulation is not adopted--it is the opinion of the Shiocton Village Board that if the regulation is not adopted fast moving boats and water craft creating wake problems will continue to adversely effect the safety and welfare of riverfront owners as well as to:

1. continue disrupting river banks eroding land and land saving rip-rap
2. continue disrupting walleye and sturgeon spawning habitat
3. continue endangering swimmers, canoeists and small boat fishermen

v Summarizing arguments of those opposing the ordinance--Fishermen may argue that too much time would be needed to get to certain fishing spots. Jet Ski and other watercraft operators may argue that they would have to travel further in order to get to less populated river segments.