

FILE

DNR ID: 1950

ORDINANCE NO. 2019-8-1

**Slow-No-Wake Ordinance for Peshtigo River
Town of Peshtigo, Marinette County, State of Wisconsin**

SECTION I - TITLE AND PURPOSE

This ordinance is entitled the Town of Peshtigo Slow-No-Wake Ordinance for the Peshtigo River. The purpose of this ordinance is to establish slow-no-wake sections of the Peshtigo River within the jurisdiction of the Town of Peshtigo.

SECTION II – SLOW NO WAKE AREA AND ENFORCEMENT

- A. No person shall operate a boat faster than slow-no wake in the main channel of the Peshtigo River beginning at the mouth of Peshtigo River in the Bay of Green Bay and ending at the Black Bridge (railroad bridge) in the City of Peshtigo during the Period of Enforcement. The approximate GPS coordinates of the two locations are as follows:

Mouth of the Peshtigo River at the Bay of Green Bay

a. N 44° 58' 21.80", W 87° 39' 17.80"

Black Bridge (railroad bridge)

b. N 45° 02' 50.50", W 87° 44' 42.10"

Total distance between the two locations is approximately twelve (12) miles.

- B. This Ordinance shall be enforced by the law enforcement officers or constables of the Town of Peshtigo and any State or County law enforcement official.

SECTION III – INTENT AND AUTHORITY

- A. The intent and purpose of this ordinance is to provide for the protection of the shoreline of the Peshtigo river as well as the personal property placed in and along the shoreline of the Peshtigo River. The intent is also to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with the public rights and interests and the capability of the water resources.
- B. This ordinance is adopted pursuant to §30.77(3)(a), Wis. Stats., which authorizes any Town, Village or City, to adopt, in the interests of public health, safety or welfare, local regulations not contrary or inconsistent with Chapter 30, Wis.

Stats., relative to the equipment, use or operation of boats or relative to any activity regulated by §30.60 to 30.71, Wis. Stats.

SECTION IV – STATE BOATING AND SAFETY LAWS ADOPTED

State boating laws as found in §30.50 to 30.71, Wis. Stats., are adopted by reference.

SECTION V - DEFINITIONS

- A. "Slow-No-Wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.
- B. "Period of Enforcement" means from March 15th at 12:00 a.m. midnight through May 15th at 12:00 a.m. midnight.
- C. "Person" includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any other legal entity.
- D. "Operate" means to navigate or otherwise use a watercraft.
- E. "Watercraft" means any contrivance used or designed for navigation on water.

SECTION VI – HOURS OF OPERATION AND EXCEPTIONS

- A. No person shall operate a watercraft faster than slow-no-wake in the waters of the Controlled Area at any time during the Period of Enforcement.
- B. The following shall be exempt from the provisions of this ordinance: authorized resources management personnel, emergency personnel, and enforcement personnel, when acting in the performance of their duties.

SECTION VII – POSTING REQUIREMENTS

The Town of Peshtigo shall place and maintain a synopsis of this Ordinance at all public access points within the jurisdiction of the Town pursuant to the requirements of NR 5.15, Wis. Adm. Code.

SECTION VIII - PENALTIES

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, and hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

SECTION IX - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Reference to a "section," "subsection," or "paragraph" includes all divisions of the referenced section, subsection, or paragraph.

SECTION X - SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town of Peshtigo Board would have passed the other provisions irrespective of whether or not one or more provisions may be declared invalid. If any provision of the 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.

SECTION XI - EFFECTIVE DATE

This ordinance is effective on publication or posting. The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 20th day of AUGUST, 2019.

OFFERED BY: JON DREES
Supervisor

SECONDED BY: TOM HOLTERMAN
Supervisor

APPROVED:

ATTEST:

Herman Pottratz
Herman Pottratz, Chairman

Clarence E. Coble
Clarence Coble, Town Clerk

I hereby certify that the foregoing ordinance was duly adopted by the Town of Peshtigo at a legal meeting on this 20th day of August, 2019.

Clarence E. Coble
Clarence Coble, Town Clerk