

TOWN OF TOWNSEND ORDINANCE NO. 1-97

A sole ordinance to regulate boating upon the waters of the Town of Townsend, County of Oconto, Wisconsin

The Town Board of the Town of Townsend, County of Oconto, Wisconsin ordains as follows:

Section 1

(a) Applicability and Enforcement: A sole ordinance to regulate boating upon the following waters: Surprise Lake, Pickerel Lake, Townsend Flowage, Upper Wheeler Pond (Townsend Flowage), Horn Lake, Little Horn Lake, Explosion Lake, Upper Reservoir Pond, Lower Reservoir Pond and Archibald Lake located in the Town of Townsend in the County of Oconto and prescribing penalties for violations thereof. This chapter shall be enforced by officers of the Town of Townsend.

(b) Restriction

Slow-No-Wake

No person shall operate a boat faster than slow-no-wake in the waters of Explosion Lake or Little Horn Lake at any time.

No person may operate a boat or personal watercraft faster than slow-no-wake in the designated areas, bays, or zones of Townsend Flowage, Upper Wheeler Pond (Townsend Flowage), Upper Reservoir Pond, Lower Reservoir Pond and Archibald lake that are clearly marked and identified by slow-no-wake waterway markers using GPS coordinates. The following Waterway Marker Buoys will be placed at intervals that accommodate boating traffic and are in line of sight of each other.

Reservoir Pond-----Inland Lakes P&R District #1

	(Upper)		
Buoy #1	Latitude N 45 18' 59"	Longitude	W 88 38' 16"
	(Lower)		
#2	Latitude N 45 18' 48"	Longitude	W 88 38' 10"
#3	Latitude N 45 18' 38"	Longitude	W 88 37' 59"
#4	Latitude N 45 18' 31"	Longitude	W 88 37' 50"
#5	Latitude N 45 18' 24"	Longitude	W 88 37' 50"
#6	Latitude N 45 18' 22"	Longitude	W 88 37' 53"
#7	Latitude N 45 18' 25"	Longitude	W 88 38' 06"
#8	Latitude N 45 18' 19"	Longitude	W 88 38' 09"
#9	Latitude N 45 18' 27"	Longitude	W 88 38' 42"
#10	Latitude N 45 18' 24"	Longitude	W 88 38' 47"
	<u>McCauslin Brook</u> (Upper Townsend Flowage)		
#11	Latitude N 45 18' 38"	Longitude	W 88 37' 05"
#12	Latitude N 45 18' 35"	Longitude	W 88 37' 10"

Townsend Flowage-----Townsend Flowage District

	(Upper Wheeler Pond-North of Nicolet Road)		
Bouy #1	Latitude N 45 19' 50"	Longitude	W 88 35' 46"
#2	Latitude N 45 19' 45"	Longitude	W 88 35' 46"
#3	Latitude N 45 19' 43"	Longitude	W 88 35' 45"
	(Townsend Flowage-South of Nicolet Road)		
#4	Latitude N 45 19' 37"	Longitude	W 88 35' 43"
	(McCauslin Bay-Dam area)		
#5	Latitude N 45 19' 10"	Longitude	W 88 35' 92"
#6	Latitude N 45 19' 14"	Longitude	W 88 35' 94"
	(McCauslin Brook-Upper Townsend Flowage)		
#7	Latitude N 45 19' 04"	Longitude	W 88 36' 30"
#8	Latitude N 45 18' 56"	Longitude	W 88 36' 40"
#9	Latitude N 45 18' 48"	Longitude	W 88 36' 53"

Archibald Lake-----Archibald Lake Association

Bouy #1 Latitude N 45 17' 04"	Longitude W 88 35' 20"
#2 Latitude N 45 17' 02"	Longitude W 88 35' 15"
#3 Latitude N 45 17' 09"	Longitude W 88 34' 28"
#4 Latitude N 45 17' 14"	Longitude W 88 34' 28"

2. Hours of Operation

No person may operate a boat faster than slow-no-wake between the hours of 5:00 pm and 10:00 am local time on all lakes named herein in Section 1.

3. Motorboat Prohibition

No person may operate a motorboat, as defined in 30.50(6) of Wisconsin Statutes that is propelled by internal combustion engine or engines, or an electric motor, on the waters of Archibald Lake in the conservancy area known locally as the "swamp" located on the Northeast end of Archibald Lake and marked with information signs on the shoreline.

4. Water Skiing

No people shall water ski or operate any motorboat towing a person engaged in water skiing or similar activity during the hours of 5:00 pm to 10:00 am local time. This does not apply to duly authorized water ski tournaments, competitions, exhibitions or trials where permission to stage such events has been received from the Town Board of the Town of Townsend, Oconto County, Wisconsin.

(5) Repeal of Conflicting Ordinances

Any and all former ordinances or parts of ordinances regulating boating upon the waters listed in this ordinance that are in conflict with this ordinance heretofore enacted by this governing body are hereby repealed.

Section 2 Intent

The intent of this ordinance is to provide for the safety, welfare, healthful conditions and enjoyment of recreational boating enthusiast and riparian landowners consistent with public rights, interests and capabilities of the waterways listed.

Section 3 State Boating and Definitions Adopted

State boating laws and definitions found in Wisconsin State Statutes 30.50 to 30.71 are adopted by reference.

Local Definitions

(a) "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steering control.

(b) "Boat" or "vessel" means every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water and a fishing raft.

Section 4 Waterway Marker (a) Placement (b) Maintenance (c) Buoy Standards

(a) Placement of Waterway Markers

An approved Waterway Marker Permit from the Wisconsin Department of Natural Resources is required prior to any buoy placement per Wisconsin Administrative Code NR 5.09(3).

(b) Maintenance of Waterway Markers

The Waterway Marker Permit Applicant is responsible for the placement, pulling, maintenance, storage and upkeep of said buoys pursuant to NR 5.09(4).

(c) Buoy Standards

Buoys will conform to Specifications for Waterway Markers as stated in NR 5.09(6)(d) Memorandums of Understanding (MOUs) and Contracted Services

Any and all waterway marker(s), buoys and or signs identified in this ordinance, after an approved waterway marker permit from the DNR has been issued may be placed by the appropriate Lake District or Lake Association specifically for the care of, placement, pulling, storage and maintenance of any and all waterway marker(s), buoys and or signs identified in this ordinance. In addition, the Town of Townsend of Oconto County or the appropriate Lake District or Lake Association or association; may at any time change, amend or terminate such agreement for any cause and will shall give immediate written notice of such change, amendment or termination of such agreement to the Town of Townsend of Oconto County.

(e) The appropriate Lake District or Lake Association shall have in their possession before placement of any and all waterway marker(s), buoys and or signs identified in this ordinance an approved Waterway Marker Permit (WWMP) or copy of WWMP, from the Wisconsin Department of Natural Resources, as required prior to any buoy placement.

Section 5 Posting and Publicizing of Boating Related Ordinance (b) Recording and Filing of Boating Related Ordinance

(a) Posting and Publicizing of Boating Related Ordinance

The Town of Townsend of Oconto County shall provide and maintain a sign with a minimum of 3 inch lettering stating "Local Ordinance" and be posted at each public landing. The sign shall list, in letters with a minimum height of one inch, a summary, synopsis, or outline of those regulations more restrictive than state law, or shall contain a map made of a durable material showing those areas with local restrictions, or both.

(b) Recording and Filing of Boating Related Ordinance

The Town of Townsend of Oconto County shall send a complete signed copy of the enacted ordinance to their local Department of Natural Resource Office or Recreational Safety Warden, per Wisconsin State Statute [30.77\(4\)](#) and [NR 5.15](#) Wisconsin Administrative Code.

Section 6 Penalties

Wisconsin State boating penalties as found in Wisconsin State Statutes [30.80](#), and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section 7 Severability

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town of Townsend of Oconto County 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.

Section 8 Effective Date

This ordinance will become effective upon passage and the day after publication.

This ordinance passed on the _____ day of _____ 20_____.

Chairman _____

Supervisor _____

Supervisor _____

Clerk _____

