

## **ORDINANCE**

### **-AN ORDINANCE TO REGULATE WATER TRAFFIC, BOATING AND WATER SPORTS UPON THE WATERS OF BOB LAKE IN THE TOWNSHIP OF CLEVELAND, CHIPPEWA COUNTY, WI AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF-**

**THE TOWN BOARD OF THE TOWN OF CLEVELAND, CHIPPEWA COUNTY, DOES HEREBY ORDAIN AS FOLLOWS:**

Section One: That the following Ordinance, Title 5, Chapter 6, is hereby adopted by the Town Board on behalf of the Town of Cleveland to be codified in the Town Code of Ordinances:

#### **CHAPTER 6**

- 5-6-1 Intent
- 5-6-2 Applicability and Enforcement
- 5-6-3 State boating and Water Safety Laws Adopted
- 5-6-4 Definitions
- 5-6-5 Speed Restrictions
- 5-6-6 Water Skiing
- 5-6-7 Penalties and Deposits
- 5-6-8 Wisconsin Statutes
- 5-6-9 Separability Clause

**SEC. 5-6-1 INTENT.**

The intent of this ordinance is to provide safe and fealthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.

**SEC. 5-6-2 APPLICABILITY AND ENFORCEMENT.**

The provisions of this ordinance shall apply to the waters of Bob Lake, being a lake located in the Town of Cleveland, Chippewa County, WI., in Sections 13, 14, 23, and 24 of Township 31 North, Range 8 West. The provisions of this ordinance shall be enforced by the Town of Constable, Town Policement appointed pursuant to Section 60.29 (8) and other authorized officers of the Town of Cleveland.

**SEC. 5-6-3 STATE BOATING AND WATER SAFETY LAWS ADOPTED.**

The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities and safety in the following enumerated sections of the Wisconsin Statues, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statues, are hereby adopted and by reference made a part of this ordinance.

30.50	Definitions
30.51	Operation of unnumbered motorboats prohibited
30.52	Certificates of number
30.53	Identification number to be displayed on boat; certificate to be carried
30.54	Transfer of ownership or numbered boat
30.55	Notice of abandonment or destruction of boat or change of address
30.60	Classification of motorboats
30.61	Lighting equipment
30.62	Other equipment
30.63	Motorboat prohibition
30.64	Patrol boats exempt from certain traffic regulations
30.65	Traffic rules
30.66	Speed regulations
30.67	Accidents and accident reports
30.675	Distress signal flag
30.68	Prohibited operation
30.69	Water skiing
30.70	Skin Diving
30.71	Boats equipped with toilets

**SEC. 5-6-4 DEFINITIONS.**

(a) "Slow-no-wake" means the slowest possible speed so as to maintain steerage.

**SEC. 5-6-5 SPEED RESTRICTIONS.**

In view of the recognized need to protect life, property, and the public health safety and welfare, no person shall operate a motor driven water craft at a speed greater than "slow-no-wake" on Bob Lake at any hour of any day. This speed restriction shall apply on each day. To the extent that this section is more restrictive than State law, the provisions of this section of the local ordinance shall supercede State Law.

**SEC. 5-6-6 WATER SKIING.**

In view of the recognized need to protect life, property and public health safety and welfare, no person may engage in water skiing, aquaplaning or similar activity on Bob Lake each day. To the extent that this section is more restrictive than State Law, the provisions of this section of the local ordinance shall supercede State Law.

**SEC. 5-6-7 PENALTIES and DEPOSITS.**

(a) First Offense. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not more than \$50.00 together with the costs of prosecution.

(b) Second Offense. Any person found guilty of violating any provisions of this ordinance who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not more than \$100.00 together with the costs of prosecution.

(c) A person arrested without a warrant for a violation of this ordinance and who is not released at the time of arrest or without unnecessary delay brought before a magistrate or a court shall be allowed to make a deposit of money pursuant to Section 30.76 of the Wisconsin Statutes. Such a deposit shall be mailed to the Clerk of Court of Chippewa County, Wisconsin.

**SEC. 5-6-8 WISCONSIN STATUTES.**

Whenever reference is made in this ordinance to sections of the Wisconsin Statutes or to State law, such reference shall mean the Wisconsin Statutes of 1973 and subsequent amendments.

**SEC. 5-6-9 SEPARABILITY CLAUSE.**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as separate, distinct and independent provisions and such holding shall not affect the validity of the remaining portions thereof. The Town Board hereby declares that it would have sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

Section Two: That this Ordinance shall take effect upon its adoption and publications as required by law, and all ordinances or portions of ordinance in conflict herewith be and the same are hereby repealed.

The foregoing ordinance was adopted at a meeting of the Town Board of the Town of Cleveland on July 14, 1980.

Dennis St. Aubin  
Chairman

ATTEST:

Linda Laird  
Clerk

Douglas Hilger  
Supervisor

Raleigh Ewing  
Supervisor

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Cleveland, on the 14 day of July, 1980, and was posted by me in 3 of the most public places of the Town on the 15 day of July, 1980.

Dated: July 15, 1980

Linda Laird  
Linda Laird, Clerk  
Town of Cleveland, Chippewa Co.  
Wisconsin