

**ORDINANCE
ROCK COUNTY BOARD OF SUPERVISORS**

JEFFREY S. KUGLITSCH
INITIATED BY



JEFFREY S. KUGLITSCH
DRAFTED BY

PUBLIC SAFETY & JUSTICE
COMMITTEE
SUBMITTED BY

JULY 5, 2011
DATE DRAFTED

**REPEAL AND RECREATE CHAPTER 25, ROCK COUNTY ORDINANCES, REGARDING SLOW-
NO-WAKE RESTRICTIONS ON RIVERS AND STREAMS IN ROCK COUNTY**

1 WHEREAS, the Rock River and the other rivers and streams in Rock County provide important
2 recreational opportunities for residents; and

3
4 WHEREAS, pursuant to Section 30.77 of the Wisconsin Statutes, the County is authorized to
5 enact and enforce ordinances regulating the use, equipment and operation of boats on rivers and streams
6 within the County in the interest of public health, safety and welfare; and

7
8 WHEREAS, the Board of Supervisors finds that restrictions on the speed of watercraft on the
9 Rock River and other rivers and streams in the County, is necessary in the interest of public health, safety
10 and welfare, including the public's interest in preserving the state's natural resources; and

11
12 WHEREAS, in enacting this Ordinance, the Board has considered the type, size, shape, depth and
13 any features of special environmental significance of the Rock River, the other rivers and streams in the
14 County; the amount, type and speed of boating traffic on these water bodies, boating congestion and
15 safety; the degree to which the boating traffic on these water bodies affects other recreational uses and the
16 public's health, safety and welfare, including the public's interest in preserving the state's natural
17 resources; and

18
19 WHEREAS, the County previously adopted Chapter 25, Boating and Safety Laws and Slow-No-
20 Wake Restrictions on April 14, 1994.

21
22 NOW, THEREFORE, be it ordained by the Rock County Board of Supervisors in session this
23 12 day of January, 2011 that they repeal Chapter 25 of the Rock County Ordinances and recreate
24 an ordinance to regulate the speed of watercraft operating on the Rock River and other rivers and streams
25 in Rock County as follows:

26
27 **SLOW NO WAKE ON RIVERS AND STREAMS IN ROCK COUNTY**

- 28
- 29 Section 1 Applicability
- 30 Section 2 Purpose
- 31 Section 3 Authority
- 32 Section 4 Definitions
- 33 Section 5 Speed Restrictions
- 34 Section 6 Duties and Powers of the Rock County Sheriff
- 35 Section 7 Notice and Posting
- 36 Section 8 Enforcement and Penalties
- 37 Section 9 Severability
- 38

39 Section 1. **APPLICABILITY.** The provisions of this Ordinance shall apply to the reaches of the
40 Rock River and each named and unnamed river and stream located within Rock County, Wisconsin.

41
42 Section 2. **PURPOSE.** The purpose of this Ordinance is to promote safe boating conditions and
43 to prevent damage to aquatic ecosystems by: (A) limiting boats on the Rock County rivers and streams to
44 slow-no-wake speed when the water level of the river exceeds the recommended levels, (B) establishing
45 slow-no-wake areas in certain locations where that is warranted by boating congestion, (C) authorizing

11-12A-528

46 the Rock County Sheriff to impose slow-no-wake speed limits on other rivers and streams in the county
47 during permitted special events or when that is warranted by exceptional circumstances.

48
49 Section 3. AUTHORITY. This Ordinance is adopted by the Rock County Board of Supervisors
50 pursuant to the powers granted by Section 30.77 of the Wisconsin Statutes.

51
52 Section 4. DEFINITIONS. The definitions as set forth in Section 30.01 of the Wisconsin Statutes
53 are incorporated herein by reference as though fully set forth herein, except as follows:

54
55 (A) BOAT, WATERCRAFT. "Boat" or "Watercraft" means any device used for navigation on
56 water, including personal watercraft.

57
58 (B) SLOW-NO-WAKE SPEED. "Slow-No-Wake Speed" means that speed at which a boat
59 moves as slowly as possible while still maintaining steerage control.

60
61 Section 5. SPEED RESTRICTIONS.

62
63 (A) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed on any
64 portion of the Rock River downstream from the northern Rock County line to the Indianford Dam, when
65 the gauge water level at the US Geological Survey Gauge 05427235 (Lake Koshkonong near Newville,
66 Wisconsin) is above 7.5 feet. This information can be obtained from the NOAA website. [[http://water.
67 weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=nvlw3&view=1,1,1,1,1,1,1](http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=nvlw3&view=1,1,1,1,1,1,1) (Graph NVLW3)]

68
69 (B) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed on any
70 portion of the Rock River downstream from the Indianford Dam to southern Rock County line when the
71 gauge water level at the US Geological Survey gauge 05430500 (Rock River at Afton, Wisconsin) is
72 above 6.5 feet. This information can be obtained from the NOAA website. [[http://water.weather.
73 gov/ahps2/hydrograph.php?wfo=mkx&gage=aftw3&view=1,1,1,1,1,1,1](http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=aftw3&view=1,1,1,1,1,1,1) (Graph AFTW3)]

74
75 (C) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed in the
76 following areas, which are more specifically described as follows:

- 77
78 (1) From a point 100 feet west of Interstate 90 to point 1,500 feet east of the Newville
79 Bridge (Highway 59).
80 (2) An area 250 feet on either side of the railroad bridge over the Rock River in the Town
81 of Fulton.
82 (3) From the Indianford Bridge to approximately 1,000 feet north of the Indianford
83 Bridge on the Rock River in the Town of Fulton.

84
85 (D) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed within
86 any area subject to a Special Event Permit issued by the Rock County Sheriff pursuant to Section 6(A).

87
88 (E) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed within
89 any area declared to be a Boating Hazard Zone by the Rock County Sheriff pursuant to Section 6(B).

90
91 Section 6. DUTIES AND POWERS OF THE ROCK COUNTY SHERIFF.

92
93 (A) SPECIAL EVENTS. On the application of a person proposing to conduct a special event on
94 any river or stream in the County and with the approval of the governing body of each city, village or
95 town within which such event is proposed, the Rock County Sheriff may issue a Special Aquatic Event
96 Permit and may impose a slow-no-wake speed on the operation of boats or water craft not participating in
97 the special event. Any permit issued under this Section shall specify the time, date and location of the
98 event and the boundaries of the slow-no-wake area so designated and shall be posted in accordance with
99 Section 7.

100
101 (B) BOATING HAZARD ZONE. The Rock County Sheriff may designate all or any part of any
102 river or stream within Rock County as a Boating Hazard Zone if the Sheriff determines that high water
103 levels or emergency conditions resulting from storms or other conditions warrant the imposition of a
104 slow-no-wake speed restriction. Each such designation shall specify the boundaries of the Boating

105 Hazard Zone so designated and notice of the imposition of the slow-no-wake speed restriction shall be
106 posted in accordance with Section 7.

107
108 Section 7. NOTICE AND POSTING. The Rock County Sheriff shall notify media sources
109 serving the area affected by any slow-no-wake speed restriction imposed pursuant to this Ordinance and
110 shall place and maintain regulatory notice of such restrictions at all public access points within such areas.
111 Such notices shall be sent and posted as soon as practicable after the issuance of the permit or designation
112 and when the Rock River water level reaches or is anticipated to reach the level specified in Section 5(A)
113 and or 5(B) within 24 hours. The Sheriff shall notify the media and remove such notices as soon as
114 possible when the conditions resulting in the slow-no-wake speed restriction have passed.

115
116 Section 8. ENFORCEMENT AND PENALTIES.

117
118 (A) ENFORCEMENT. This Ordinance may be enforced by law enforcement officers of the
119 Rock County Sheriff's Office and the Wisconsin Department of Natural Resources.

120
121 (B) OBSTRUCTION. No person shall resist or obstruct any law enforcement officer in the
122 performance of his or her duties under this Ordinance.

123
124 (C) ENFORCEMENT PROCEDURE. The provisions of Sections 66.0109, 66.0113, 66.0114
125 and 30.50 to 30.71 of the Wisconsin Statutes are adopted and by reference made a part of this Ordinance
126 as if fully set forth herein. Any future additions, amendments, revisions or modifications of the statutes
127 incorporated herein are intended to be made part of this Ordinance in order to secure uniform state-wide
128 regulation and enforcement of boating ordinance violations. The County elects to use the citation method
129 of enforcement.

130
131 (D) OTHER REMEDIES. The issuance of a citation hereunder shall not preclude the County or
132 any authorized person from proceeding under any other ordinance of law or by any other enforcement
133 method to enforce any ordinance, regulation or order.

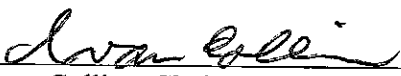
134
135 (E) PENALTIES AND DEPOSITS. Any person violating the provisions of this Ordinance shall
136 be subject to penalties as provided for in Section 30.80 of the Wisconsin Statutes and deposits as
137 established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference,
138 which are hereby adopted by reference with all references therein to "fines" amended to "forfeitures" and
139 all references to "imprisonment" deleted.

140
141 Section 9. SEVERABILITY. The provisions of this Ordinance shall be deemed severable and it
142 is expressly declared that the County would have passed the other provisions of this Ordinance
143 irrespective of whether or not one or more provisions may be declared invalid. If any provision of this
144 Ordinance or the application to any person or circumstances is held invalid, the remainder of the
145 ordinance and the application of such provisions to other persons or circumstances shall be in effect.

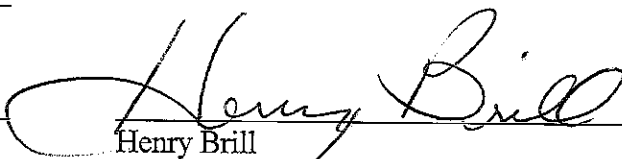
146
147 This Ordinance shall take effect immediately upon passage and publication as provided by law.


Respectfully submitted:

PUBLIC SAFETY AND JUSTICE COMMITTEE


Ivan Collins, Chair


Larry Wiedenfeld, Vice Chair

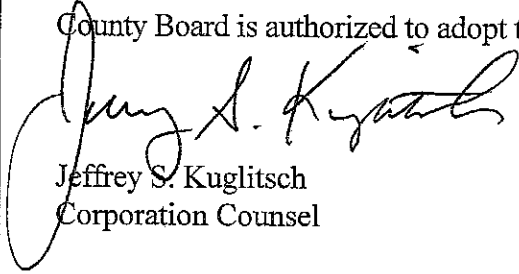

Henry Brill


Mary Beaver


Brian Knudson

LEGAL NOTE:

County Board is authorized to adopt this ordinance pursuant to sec. 30.77, Wis. Stats.



Jeffrey S. Kuglitsch
Corporation Counsel

ADMINISTRATIVE NOTE:

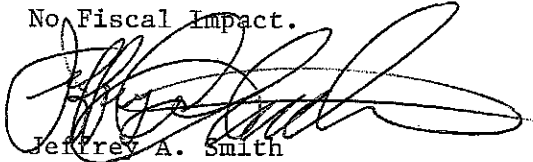
Matter of Policy.



Craig Knutson
County Administrator

FISCAL NOTE:

No Fiscal Impact.



Jeffrey A. Smith
Finance Director

SPEED RESTRICTIONS

Section 5

F) Persons or groups may operate a boat or watercraft at greater than slow-no-wake speed within an area of any river that is currently designated a slow-no-wake area only for the purposes of participating in a permitted ski show or like event (e.g. Rock Aqua Jays) provided such event is approved by all governing bodies of each city, village or town within which such event is to be performed and by the Rock County Sheriff.

Kraft / Fizzell
(U)

Ordinance Adopted
as Amended (Unanimous)