

ROCK COUNTY, WISCONSIN



Board of Supervisors
51 South Main Street
Janesville, WI 53545
(608)757-5510
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**PUBLIC SAFETY & JUSTICE COMMITTEE
MONDAY – JUNE 24, 2013 - 3:00 P.M.
CONFERENCE ROOM N-1/N-2 - FIFTH FLOOR
ROCK COUNTY COURTHOUSE-EAST**

**NOTE: Date,
Location & Time**

Agenda

1. Call to Order
2. Adoption of Agenda
3. Citizen Participation, Communications, Announcements, Information
4. Resolution
 - A. Repeal and Recreate Chapter 3, Part 5 of the Rock County Code of Ordinances, Regarding Slow-No-Wake Restrictions on Rivers and Streams in Rock County
5. Committee Requests and Motions
6. Adjournment

ORDINANCE
ROCK COUNTY BOARD OF SUPERVISORS

SUPERVISOR IVAN COLLINS
INITIATED BY



JEFFREY S. KUGLITSCH
DRAFTED BY

SUPERVISOR IVAN COLLINS
SUBMITTED BY

JUNE 21, 2011
DATE DRAFTED

REPEAL AND RECREATE CHAPTER 3, PART 5 OF THE ROCK COUNTY CODE OF
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20 Wake Restrictions on April 14, 1994 which was repealed and recreated on January 12, 2012. This
21 ordinance was later re-codified as Chapter 3, Part 5, Boating Safety; Slow-No-Wake by the County Board
22 on January 10, 2013.

23
24 NOW, THEREFORE, be it ordained by the Rock County Board of Supervisors in session this
25 27th day of June, 2013 that they repeal Chapter 3, Part 5, Boating Safety; Slow-No-Wake of the Rock
26 County Code of Ordinances and recreate Chapter 3, Part 5, Boating Safety; Slow-No-Wake of the Rock
27 County Code of Ordinances to regulate the speed of watercraft operating on the Rock River and other
28 rivers and streams in Rock County as follows:

29
30 **Part 5 – Boating Safety; Slow-No-Wake**

31
32 **3.501. Applicability.**

33
34 The provisions of this Ordinance shall apply to the reaches of the Rock River and each named and
35 unnamed river and stream located within Rock County, Wisconsin.

36
37 **3.502. Purpose.**

38
39 The purpose of this Ordinance is to promote safe boating conditions and to prevent damage to aquatic
40 ecosystems by: (A) limiting boats on the Rock County rivers and streams to Slow-No-Wake Speed when
41 the water level of the river exceeds the recommended levels, (B) establishing Slow-No-Wake areas in
42 certain locations where that is warranted by boating congestion, (C) authorizing the Rock County Sheriff
43 to impose Slow-No-Wake Speed limits on other rivers and streams in the county during permitted special
44 events or when that is warranted by exceptional circumstances.

13-6B-363

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45 **3.503. Authority.**

46

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

49

50 **3.504. Definitions.**

51

52 The definitions as set forth in Section 30.01 of the Wisconsin Statutes are incorporated herein by
53 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 water,
56 including personal watercraft.

57

58 (B) Slow-No-Wake Speed. "Slow-No-Wake Speed" means that speed at which a boat moves as
59 slowly as possible while still maintaining steering control.

60

61 **3.505. 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 8.0 feet. This information can be obtained from the NOAA website.

67 [[http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=nvlw3&view=1,1,1,1,1,1,1,1,\(Graph](http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=nvlw3&view=1,1,1,1,1,1,1,1,(Graph)
68 NVLW3)]

69

70 (B) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed on any
71 portion of the Rock River downstream from the Indianford Dam to the West B-R Town Line Road Bridge
72 when the gauge water level at the US Geological Survey gauge 05430500 (Rock River at Afton,
73 Wisconsin) is above 6.5 feet. This information can be obtained from the NOAA website.

74 [[http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=afw3&type=0&view=1,1,1,1,1,1,1,1,\(Graph](http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=afw3&type=0&view=1,1,1,1,1,1,1,1,(Graph)
75 AFTW3)]

76

77 (C) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed on any
78 portion of the Rock River downstream from the West B-R Town Line Road Bridge to the southern Rock
79 County line when the gauge water level at the US Geological Survey gauge 05430500 (Rock River at
80 Afton, Wisconsin) is above 8.5 feet. This information can be obtained from the NOAA website.

81 [[http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=aftw3&type=0&view=1,1,1,1,1,1,1,1,\(Graph](http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=aftw3&type=0&view=1,1,1,1,1,1,1,1,(Graph)
82 AFTW3)]

83

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

86

87 (1) From a point 100 feet west of Interstate 90 to point 1,500 feet east of the Newville
88 Bridge (Highway 59).

89 (2) An area 250 feet on either side of the railroad bridge over the Rock River in Town of
90 Fulton.

91 (3) From the Indianford Bridge to approximately 1,000 feet north of the Indianford
92 Bridge on the Rock River in the Town of Fulton.

93

94 (E) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed within
95 any area subject to a Special Event Permit issued by the Rock County Sheriff pursuant to 3.506(A).

96

97 (F) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed within
98 any area declared to be a Boating Hazard Zone by the Rock County Sheriff pursuant to 3.506(B).

99

100 (G) Persons or groups may operate a boat or watercraft at greater than Slow-No-Wake Speed
101 within an area of any river that is currently designated a Slow-No-Wake area only for the purposes of
102 participating in a permitted ski show or like event (e.g. Rock Aqua Jays) provided such events are

103

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104 approved by all governing bodies of each city, village or town within which such event is to be performed
105 and by the Rock County Sheriff.

106

107 **3.506. Duties and Powers of the Rock County Sheriff.**

108

109 (A) Special Events. On the application of a person proposing to conduct a special event on any
110 river or stream in the County and with the approval of the governing body of each city, village or town
111 within which such event is proposed, the Rock County Sheriff may issue a Special Aquatic Event Permit
112 and may impose a Slow-No-Wake speed on the operation of boats or water craft not participating in the
113 special event. Any permit issued under this Section shall specify the time, date and location of the event
114 and the boundaries of the Slow-No-Wake area so designated and shall be posted in accordance with
115 Section 3.507.

116

117 (B) Boating Hazard Zone. The Rock County Sheriff may designate all or any part of any river or
118 stream within Rock County as a Boating Hazard Zone if he determines that high water levels or
119 emergency conditions resulting from storms or other conditions warrant the imposition of a Slow-No-
120 Wake Speed restriction. Each such designation shall specify the boundaries of the Boating Hazard Zone
121 so designated and notice of the imposition of the Slow-No-Wake Speed restriction shall be posted in
122 accordance with Section 3.507

123

124 **3.507. Notice and Posting.**

125

126 The Rock County Sheriff shall notify media sources serving the area affected by any Slow-No-Wake
127 Speed restriction imposed pursuant to this Ordinance and shall place and maintain regulatory notice of
128 such restrictions at all public access points within such areas. Such notices shall be sent and posted as
129 soon as practicable after the issuance of the permit or designation and when the Rock River water level
130 reaches or is anticipated to reach the levels specified in Section 3.505 within 24 hours. The Sheriff shall
131 notify the media and remove such notices as soon as possible when the conditions resulting in the Slow-
132 No-Wake Speed restriction have passed.

133

134 **3.508. Enforcement and Penalties.**

135

136 (A) Enforcement. This Ordinance may be enforced by law enforcement officers of the Rock
137 County Sheriff's Office and the Wisconsin Department of Natural Resources.

138

139 (B) Obstruction. No person shall resist or obstruct any law enforcement officer in the
140 performance of his or her duties under this Ordinance.

141

142 (C) Enforcement Procedure. The provisions of Sections 66.0109, 66.0113, 66.0114 and 30.50 to
143 30.71 of the Wisconsin Statutes are adopted and by reference made a part of this Ordinance as if fully set
144 forth herein. Any future additions, amendments, revisions or modifications of the statutes incorporated
145 herein are intended to be made part of this Ordinance in order to secure uniform state-wide regulation and
146 enforcement of boating ordinance violations. The County elects to use the citation method of
147 enforcement.

148

149 (D) Other Remedies. The issuance of a citation hereunder shall not preclude the County or any
150 authorized person from proceeding under any other ordinance of law or by any other enforcement method
151 to enforce any ordinance, regulation or order.

152

153 (E) Penalties and Deposits. Any person violating the provisions of this Ordinance shall be
154 subject to penalties as provided for in Section 30.80 of the Wisconsin Statutes and deposits as established
155 in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, which are
156 hereby adopted by reference with all references therein to "fines" amended to "forfeitures" and all
157 references to "imprisonment" deleted.

158

159 **3.509. Severability.**

160

161 The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County

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162 would have passed the other provisions of this Ordinance irrespective of whether or not one or more
163 provisions may be declared invalid. If any provision of this Ordinance or the application to any person or
164 circumstances is held invalid, the remainder of the ordinance and the application of such provisions to
165 other persons or circumstances shall be effect.

166

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

Respectfully submitted:

PUBLIC SAFETY AND JUSTICE COMMITTEE

Ivan Collins, Chair

Henry Brill, Vice Chair

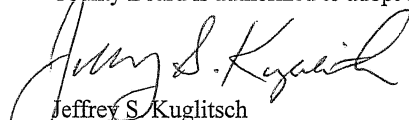
Mary Beaver

Brian Knudson

Larry Wiedenfeld

LEGAL NOTE:

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


Jeffrey S. Kuglitsch
Corporation Counsel

FISCAL NOTE:

No Fiscal Impact.


Sherry Oja
Finance Director

ADMINISTRATIVE NOTE:

Matter of Policy.

Craig Knutson
County Administrator