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3 **ORDINANCE: Create Section 9.41 of the General Code of Winnebago County: Enactment of**  
4 **Boating Regulations Throughout Winnebago County**

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7 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

8 **WHEREAS**, boaters utilizing high water areas within Winnebago County can cause the risk of flood and  
9 other damage to homeowners and provide an unsafe environment for fellow boaters; and

10 **WHEREAS**, creating Slow/No Wake zones within these high water areas can limit the damage to  
11 homeowners and provide a safe environment for all boaters; and

12 **WHEREAS**, authorizing the Winnebago County Sheriff to declare a flood emergency in vulnerable high water  
13 areas by creating slow/no wake zones can help limit the chances of damage; and

14 **WHEREAS**, your undersigned Committee supports providing the Winnebago County Sheriff with the  
15 authority to declare a flood emergency and create slow/no wake zones throughout affected areas within Winnebago  
16 County.

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18 **NOW, THEREFORE, THE WINNEBAGO COUNTY BOARD OF SUPERVISORES DOES ORDAIN AS**  
19 **FOLLOWS:** Section 9.41 of the General Code of Winnebago County is hereby adopted and shall read as follows:

20 **9.41 ENACTMENT OF BOATING REGULATIONS THROUGHOUT WINNEBAGO COUNTY**

21 (1) **Authority:** This Section of the General Code is created pursuant to § 30.77, Wis Stats.

22 (2) **Jurisdiction:** This Ordinance shall authorize the Winnebago County Sheriff to declare a flood emergency  
23 in consultation with the Army Corp of Engineers, Wisconsin Department of Natural Resources and/or local  
24 covenants, and enact a slow/no wake zone throughout Winnebago County waterways in the areas deemed affected.

25 **The provisions of this section of the General Code will be in effect only during a flood emergency as**  
26 **declared by the Winnebago County Sheriff. The provisions of this section shall apply to any and all**  
27 **impacted navigable waterways located within Winnebago County. The provisions of this section shall be**  
28 **enforced by officers of the Winnebago County Sheriff's Water Patrol.**

29 (3) **Definitions:** The following words, terms, and phrases, when used in this section, shall have the meanings  
30 ascribed to them in this subsection, except where the context clearly indicates a different meaning:

31 ~~Applicability and Enforcement: The provisions of this section of the General Code will be in effect only~~  
32 ~~during a flood emergency as declared by the Winnebago County Sheriff. The provisions of this section shall apply to~~  
33 ~~any and all impacted navigable waterways located within Winnebago County. The provisions of this section shall be~~  
34 ~~enforced by officers of the Winnebago County Sheriff's Water Patrol.~~

35 (a) **Boat:** ~~Every description of watercraft used~~ **Any watercraft** capable of being used as a means of  
36 transportation on water.

37 (b) **Controlled:** No individual shall operate a boat faster than slow/no-wake in any impacted navigable  
38 waters during such declared flood emergency.

39 (c) **Fishing Raft:** As defined in §30.01(1p), Wis Stats.

40 (d) **Flood Emergency:** Waters exceeding safe boating levels as determined by the Winnebago County  
41 Sheriff.

- 42 (e) Intent: Providing safe conditions for the enjoyment of aquatic recreation consistent with public rights  
43 and interest.
- 44 (f) Posting Requirements: A copy of this Ordinance shall be posted at all boat landing public access  
45 points located within Winnebago County.
- 46 (g) Public Access: Any boat landing that provides access to the water by means of public property.
- 47 (h) Slow/No-Wake: That speed at which a boat moves as slowly as possible while still maintaining  
48 steerage control.
- 49 (i) State Boating Laws Adopted: Adoption of all boating laws and regulations outlined in Chapter 30, Wis  
50 Stats, including any and all amendments or remunerations.

51 (4) Penalties: State boating penalties as outlined in §30.80, Wis Stats. Deposits as established in the  
52 Uniform Deposit and Bail Schedule established by the State Judicial Conferences, including any amendments or  
53 remunerations, are hereby adopted by reference with all references to fines amended to forfeitures and all references  
54 to imprisonment deleted.

55 (5) Effective Date: This Ordinance shall become effective as of the date following the date of its publication.

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57 Respectfully submitted by:  
58 **JUDICIARY AND PUBLIC SAFETY COMMITTEE**

59 Committee Vote: **4-0**  
60 Vote Required for Passage: **Majority of Those Present**

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62 Approved by the Winnebago County Executive this \_\_\_\_ day of \_\_\_\_\_, 2019.

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65 \_\_\_\_\_  
66 Mark L Harris  
67 Winnebago County Executive