GENERAL CODE OF SAUK COUNTY, WISCONSIN

**ORDINANCE AMENDMENT # \_\_\_\_\_-23**

Ordinance Amendment to Chapter 11 Public Peace and Order

**Ordinance Amendment offered by the Executive and Legislative Committee, and the Law Enforcement and Judiciary Committee**

BACKGROUND: Michel’s has a contract with Wisconsin and Southern Railroad to complete work on the Merrimac Bridge. To ensure that those enjoying Lake Wisconsin are safe within the work zone, an ordinance for recreational lake users is necessary to enforce buoys and/or closures that may be necessary for construction activities. Michel’s provided a navigation control marker plan for the project, in which the ordinance enforces the provisions associated with the various types of buoys needed.

 NOW, THEREFORE, THE SAUK COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions, or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

 Section 4. Chapter 11 of the General Code of Sauk County, Wisconsin, is amended to include the following [additions noted by underline, deletions noted by strikethrough]:

Sec. 11.17 Regulating Boating Upon Water of Lake Wisconsin

1. Applicability and Enforcement. The provisions of this Section shall apply to the waters of Lake Wisconsin within the Wisconsin and Southern Railroad Merrimac Bridge Construction and Demolition work limits. This section shall be enforced by the officers of the Sauk County Sheriff’s Department.
2. Intent. The intent of this Section is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capacity of the water resources.
3. State Boating and Safety Laws Adopted. State boating laws as found in ss. 30.50 to 30.71, Wis. Stats, are adopted by reference here.
4. Definitions.
	1. “Boat” or “Vessel” means a watercraft used or capable of being used as a means of transportation.
	2. “Bridge Work Area” means the Wisconsin and Southern Railroad Merrimac Bridge Construction and Demolition work limits.
	3. “Slow-no-wake” means that speed at which a boat moves as slowly as possible while still maintaining steerage control.
5. Local Boating Ordinance Adopted. Sauk County Ordinance regarding buoys, channel markings, and boating restrictions relative to the Wisconsin and Southern Railroad Bridge Construction and Demolition work limits is to remain in effect in concurrence with this ordinance. The bridge work area will be designated with “Slow No Wake”, “No Boats”, or “Work Zone Keep Out” buoys from the Sauk County line to the southwest and to the northwest of the Merrimac Bridge in the Wisconsin River.
6. Placement of Buoys. Under the authority granted in NR 5.09(7)(d), Wis. Admin. Code, the County of Sauk hereby authorizes the permittee to place buoys as indicated in the approved waterway marker permit application and signage providing direction to lake users in Lake Wisconsin that either runs northwest or southwest up-stream and down-stream from the Merrimac Bridge to warn users of Lake closures required for bridge construction and demolition, as described in the buoy permit for the length of the permit.
7. Exclusive Use Area (Lake Channel Closure for Bridge Reconstruction and Demolition). An exclusive use event location on Lake Wisconsin is described as follows: northwest or southwest of Lake Wisconsin within the Merrimac Bridge Work Area. The Wisconsin and Southern Railroad Merrimac Bridge construction and demolition contractor, Michel’s, shall be granted exclusive use of the work limits in the closed lake channel described above during the authorized day(s) or date(s) and hours of the permitted lake closure period for the bridge construction and demolition. This section does not apply in the case of an emergency, to the water patrol or to rescue craft, or for the ingress and egress of private riparian owners within the exclusive use area. When one of either the northwest or southwest areas are closed at the bridge work area, motorized watercraft must use the opposite open channel for through-traffic.
8. Severability. The provisions of this ordinance shall be deemed severable, and it is expressly declared that Sauk County would have passed the provisions of this ordinance irrespective of whether 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 person or circumstances shall not be affected.
9. Penalties. Wisconsin state boating penalties as found in s. 30.80, Wis. Stats., and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conferences, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment are deleted.

Sec. 11.~~17~~ 18 Penalty

Approved for presentation to the County Board by the Executive & Legislative Committee, and Law Enforcement and Judiciary Committee this 18th day of July 2023.

Consent Agenda Item: [ ] YES [X] NO

Fiscal Impact: [X] None [ ] Budgeted Expenditure [ ] Not Budgeted

Vote Required: Majority = \_\_\_\_\_\_\_ 2/3 Majority = \_\_\_\_\_\_\_\_\_ ¾ Majority = \_\_\_\_\_\_\_\_\_

The County Board has the legal authority to adopt: Yes \_\_\_\_\_\_\_ No \_\_\_\_\_\_\_\_ as reviewed by the Corporation Counsel, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .

Offered and passage moved by the **Executive and Legislative Committee**:

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Timothy McCumber, Chair John Dietrich, Vice Chair

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Brian Peper Carl Gruber

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Marty Krueger

Offered and passage moved by the **Law Enforcement and Judiciary Committee**:

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John Deitrich, Chair Kevin Schell, Vice Chair

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Sheila Carver Delmar Scanlon

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David Clemens

Fiscal Note: None

MIS Note: None