

TOWN OF MERCER
COUNTY OF IRON
MERCER WISCONSIN 54547

**WATERCRAFT ACTIVITY ORDINANCE: NO. 2012-8
(amends Personal watercraft Ordinance 1998-6 and 1998-8)**

The Town of Mercer Board of Supervisors do ordain as follows:

Town of Mercer Code of Ordinances is hereby amended to regulate Personal Water Craft upon the waters in the Town of Mercer and prescribe penalties thereof:

1. **Purpose and Authority:** The Town of Mercer finds that it is necessary to amend Ordinances 1998.6 and 1998.8 which were enacted to provide for safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource to handle such activity in the Town of Mercer. This ordinance was enacted and is amended under the authority of Section 30.77(3) of the Wisconsin Statutes.

2. **Definitions:** As used in this Section, the following words have the meanings indicated:

- a. "Shoreland zone" shall mean all surface water within 200 feet of the mainland shoreline or island shoreline.
- b. "Public access" means any access to the water by means of public property.
- c. "Slow-no-wake" shall mean the slowest possible speed so as to maintain steerage control, as reflected in Wisconsin State Statute Section 30.50.
- d. "Personal Watercraft" (PWC) shall mean a motorboat that uses an inboard motor powering a water jet pump or a caged propeller as its primary source of motive power and that is designed to be operated by a person standing on, kneeling, or sitting astride the watercraft, as reflected in Wisconsin State Statute Section 30.50.
- e. "Waters or Bodies of Water" shall mean any lake, pond, stream, river, riverine stretches or navigable water within the Town of Mercer.

3. **State Boating and Safety Laws Adopted** State boating laws as found in Sections 30.50 to 30.99 of the Wisconsin Statutes are adopted by reference.

4. **Prohibited Conduct** Upon waters located in the Town of Mercer, no persons shall:

a) **Prohibited Operation:** Upon all waters within the Township of Mercer the use of a PWC shall be prohibited at greater than slow no wake speed on any such body of water not so designated or at a time which falls outside the permitted hours of operation:

Time - Personal water craft will be permitted to operate at greater than slow-no-wake speed between the hours of 11:00 A.M. and 4:00 P.M. local time daily.

b) **Designated Waters** – the waters open to operation of PWC at greater than slow-no-wake are:

Catherine Lake	Turtle Flambeau Flowage	Sand Lake
Cedar Lake	Grand Portage Lake	Spider Lake
Clear Lake	Lake of the Falls	Trude Lake
Crystal Lake	Little Pike Lake	Wilson Lake
Echo Lake	Mercer Lake	
Fischer Lake	Pike Lake	

Use within Shoreland Zone - Operation of a motor boat or PWC within a Shoreline Zone on any designated water shall be at slow no wake speed.

5. **Exceptions** Upon submission to the Town Board by a 2/3 majority of the landowners surrounding any body of water in the Town of Mercer, the landowners may request the Mercer Town Board consider altering the hours in which slow no wake operation is required, or whether greater than

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slow no wake operation is permitted on such lake, as defined in Section 4a, such that no more restrictive action shall be taken on any body of water which is serviced by public access, provided that any body of water may request that the restrictions be lessened upon said 2/3 majority showing. In determining said 2/3 majority, each landowner shall have one (1) vote for each separate parcel of water frontage owned, such that any entity owning such property shall receive one vote per parcel (e.g. Condominium Associations or Corporations). Nothing in this Section shall limit the Town of Mercer, through its Town Board or otherwise from Amending this ordinance from time to time as it deems necessary.

6. Reference to other Ordinances. All Ordinances regulating water traffic, boats, boating, or water sports upon the waters covered by this ordinance and all ordinances or parts of ordinances in conflict with this ordinance heretofore enacted by the Town Board of the Town of Mercer are hereby repealed.

7. Penalties and Deposits. Wisconsin State Boating penalties, as found in Section 30.80, Wisconsin Statutes and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference are hereby adopted by reference with all references to fines amended to forfeitures and all references to imprisonment deleted.

8. Enforcement. This Ordinance shall be enforced by officers of the Town of Mercer and their designees.

9. Effective Date. This Ordinance shall take effect and be in force from the date of passage and publication as provided by law.

10. Posting Requirements The Town of Mercer shall place and maintain a copy of this ordinance at all lake and river public access points within the Town's jurisdiction.

11. SEVERABILITY. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town of Mercer would have passed the other provisions of this ordinance irrespective of whether or not 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 persons or circumstances shall not be affected thereof.

Moved by Supervisor Lambert

Seconded by Supervisor Banaszak

5 Supervisors voting Aye.

0 Supervisors voting Nay.

James Kichak, Chairman

Jim Lambert, Supervisor

Jeff Stenberg, Supervisor

Bonnie Banaszak, Supervisor

Chuck Schroepfer, Supervisor

I hereby certify that the foregoing resolution was duly adopted by the Town Board of the Town of Mercer at a legal meeting on the 20th day of September 2012.

Opal Roberts, Clerk: Town of Mercer