

ORDINANCE

AN ORDINANCE TO REGULATE WATER TRAFFIC AND  
BOATING ACTIVITIES UPON THE WATERS OF KELLY  
LAKE, AND PRESCRIBING PENALTIES FOR VIOLATION  
THEREOF.

The Town Board of the Town of Spruce, Oconto County, Wisconsin, do ordain as follows:

SECTION 1. The provisions of this ordinance shall apply to the water and to persons and boats upon the waters of Kelly Lake within the jurisdiction of the Town of Spruce, Oconto County, Wisconsin.

SECTION 2. OPERATION OF BOATS. (a) Horsepower Limitations. No person shall operate or rent or loan for operation on the waters covered by this ordinance any boat or vessel having a motor or engine with a horsepower rating in excess of  $7\frac{1}{2}$  horsepower.

SECTION 3. INTOXICATION. (a) No person shall operate a boat upon the waters of Kelly Lake while under the influence of an intoxicant or narcotic drug.

(b) Intoxicated persons not to ride in boats. No person shall permit any person who is so intoxicated as to be unable to provide for his own safety or for the safety of others to ride as a passenger in any boat operated by him.

SECTION 4. LITTERING WATERS PROHIBITED. No person shall deposit, place or throw from any boat, raft, pier, platform or similar structure, any cans, bottles, debris, refuse, garbage, solid or liquid waste, into the waters of the lake.

SECTION 5. PENALTIES AND DEPOSITS. (a) Any person who shall violate the provisions of this ordinance as specified in Section 3 (a), shall upon conviction thereof forfeit not more than \$200.00 together with the costs of prosecution, and in default of payment thereof shall be imprisoned in the county jail until full payment is made, but not exceeding 30 days.

(b) Any person who shall violate any of the provisions of this ordinance, except Section 3 (a), shall upon conviction thereof forfeit not more than \$50.00 together with the costs of prosecution, and in default of payment thereof shall be imprisoned in the county jail until full payment is made, but not exceeding 30 days.

(c) Money Deposits. Any officer arresting a person for violation of a provision of this ordinance who is unable to bring the person arrested before the Justice of the Peace without unnecessary delay shall permit such person to make a money deposit as provided in S. 30.76 of the Wisconsin Statutes. Such deposit shall be made to the town Justice of the Peace.

SECTION 6. REPEAL OF CONFLICTING ORDINANCES. All ordinances regulating water traffic, boats and boating 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 Spruce, are hereby repealed.

SECTION 7. SEVERABILITY. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid, and if any provision of this ordinance or the application thereof 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 thereby.

SECTION 8. EFFECTIVE DATE. (a) This ordinance shall take effect and be in force from and after its passage and posting as provided by law.

(b) The Clerk is directed to file a copy of this ordinance with the State

Conservation Commission in Madison, Wisconsin

ADOPTED at a regular meeting of the Town Board of the Town of Spruce, Oconto County, Wisconsin June 28, 1960.

CHAIRMAN, Allen A. Kadlec

Attest: CLERK, Wilfred Ankerson