



Town of Troy

Walworth County, Wisconsin

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STATE OF WISCONSIN

TOWN OF TROY

WALWORTH COUNTY

ORDINANCE NO. 2021-2

AN ORDINANCE TO REPEAL ORDINANCE NO. 2018-3 ENTITLED “AN ORDINANCE TO REGULATE BOATING AT SPEEDS GREATER THAN SLOW NO WAKE DURING HIGH WATER PERIODS

WHEREAS, the Town of Troy Town Board is authorized by Wisconsin Statutes Section 30.77(3) to enact ordinances that are not contrary to or inconsistent with Chapter 30, Wisconsin Statutes, in the interest of public health, safety or welfare, including the public's interest in preserving the State's natural resources, if the ordinances relate to the equipment, use or operation of boats; and

WHEREAS, the Town of Troy Town Board is specifically authorized pursuant to Wisconsin Statutes Section 30.77(3)(cr) to establish restrictions on speed; and

WHEREAS, in approximately October of 2018 the Town of Troy adopted an ordinance to regulate speeds at greater than slow no wake during high water periods on Booth Lake, due to certain health, safety and welfare concerns; and

WHEREAS, since the adoption of the slow no wake limitations on Booth Lake, the Town has improved its Town infrastructure by raising the elevation of certain segments of Town roads, thereby minimizing the risk that speeds greater than slow no wake will adversely affect Town infrastructure; and

WHEREAS, the Booth Lake Management District through its representatives and numerous residents on Booth Lake have raised concerns with the Town of Troy Town Board regarding the slow no wake regulations of the Town, contending that the regulations are not necessary and are unduly restrictive; and

WHEREAS, Wisconsin State laws empower the Booth Lake Management District to adopt ordinances establishing restrictions on speed, exercising exactly the same powers that are otherwise held by the Town Board, if the Town of Troy Town Board has empowered the District to adopt such regulations by resolution; and

WHEREAS, the Town of Troy Town Board believes that the residents that abut Booth Lake, through the Booth Lake Management District, are in the best position to govern themselves regarding appropriate boating regulations for Booth Lake; and

WHEREAS, prior to acting on this matter, the Town submitted the proposed ordinance to the Department of Natural Resources pursuant to Wisconsin Statutes Section 30.77(3)(d) at least 60 days prior to final action on the matter by the Town Board; and

WHEREAS, contemporaneously with the adoption of this Ordinance, the Town of Troy intends to adopt a resolution to empower the Booth Lake Management District to adopt ordinances concerning boating on Booth Lake.

NOW THEREFORE, the Town Board of the Town of Troy, Walworth County, Wisconsin, does hereby ordain as follows:

SECTION 1: REPEAL.

Ordinance No. 2018-3 Entitled "An Ordinance to Regulate Boating at Speeds Greater Than Slow No Wake During High Water Periods" is hereby repealed.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.


This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 8 day of September, 2021.

TOWN OF TROY


John Kendall, Town Chair

ATTEST:


Michael Ramps, Town Clerk

Published and posted this 9 day of September, 2021