

CHAPTER 30

NAVIGABLE WATERS, HARBORS AND NAVIGATION

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30.49 STATUTORY SECTIONS ADOPTED BY REFERENCE.

(1) La Crosse County does hereby adopt by reference the following enumerated sections of the Wisconsin Statutes, excluding therefrom the penalty or punishment provisions for said statutes, as if said statutes were fully set out herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance.

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30.79 WATERWAY MARKERS AND REGULATORY SIGNAGE REGULATIONS.

(1) Purpose. The County Board of Supervisors finds that regulating the placement and maintenance of regulatory waterway markers and signage problematic and resource consuming and the improper placement and maintenance of regulatory waterway markers and signage endangers the health, welfare, and public safety. The City and County of La Crosse find it necessary to regulate the administration of waterway markers and signage pursuant to s. 30.77(3)(a), Wis. Stats.

(2) Area Defined. The placement and maintenance of regulatory waterway markers (buoys) and signage in pool 7 and pool 8 of the Mississippi and Black Rivers within La Crosse County in conformance with Wisconsin Statutes.

(3) Delegation of Authority. The County Board of Supervisors hereby delegates the authority to administer this ordinance to the Joint Board of Harbor Commissioners.

(4) Annual Inspection and Local Permit Required. The placement of regulatory waterway markers and signage shall first be approved by the Joint Board of Harbor Commissioners and the Wisconsin DNR through a Waterway Marker Permit pursuant to NR 5.09. By March 31 of each calendar year the riparian property owner(s) shall obtain an annual permit locally from the Joint Board of Harbor Commissioners prior to installation of waterway markers which have been approved in accordance with NR 5.09. The Joint Board of Harbor Commissioners shall no less than annually inspect the property placement of all waterway markers and signs for conformance with the applicable waterway marker permits. The Joint Board of Harbor Commissioners shall cause to be removed any and all waterway markers and signs that are not permitted, properly maintained or do not conform with NR 5.09.

(5) Fees. The annual fee for a local waterway marker permit issued by the Joint Board of Harbor Commissioners shall be set by the Joint Board of Harbor Commissioners and approved by the County Board of Supervisors from time to time. Waterway markers and signage owned and placed by the City or County of La Crosse are exempt from this annual fee but an annual permit shall still be required. The fees collected in any calendar year shall accrue to either the City or County corresponding to the staffing and administration of the Joint Board of Harbor Commissioners for that calendar year. If accrued to the County, the County Clerk shall collect the fees.

30.80 SHORELAND AREAS.

(1) Developed shoreline areas shall be designated as "Slow - No Wake" areas during the time the official river stage at La Crosse, Wisconsin, shall reach at least 10 feet.

(2) "Developed shoreline areas" shall be defined as being land adjacent to navigable water which is used or occupied by private or public owners.

(3) This ordinance shall apply to all vessels, boats or motorboats for which there is no exclusive jurisdiction of the State of Wisconsin or of the United States as to its effect.

30.81 NO WAKE ZONES

(1) There shall be a slow no-wake zone in part of the waterway known as Wigwam Slough located in the SE 1/4 of the NE 1/4 of Section 32 and the West one-half of the NW 1/4 of Section 33, Township 15 North, Range 7 West, Town of Shelby, La Crosse County, Wisconsin, more particularly described as follows: That part of Wigwam Slough lying adjacent to a point 100 feet North of a public boat landing located in the NW 1/4 of the NW 1/4 of Section 33, Township 15 North, Range 7 West, thence South to a point 300 feet South on the southern end of a beach known as the Goose Island Beach, located in the SW 1/4 of the NW 1/4 of Section 33, Township 15 North, Range 7 West.

(2) There shall be a slow no-wake zone in that part of the waterway known as the Black River described as: That part of Sections 19 and 30, Township 16 North, Range 7 West, in the Town of Campbell and City of La Crosse, La Crosse County, Wisconsin; being that part of the Black River, lying between the East and West shore lines thereof and lying Southerly of Clinton Street and the Clinton Street Bridge and Northerly of a line 300 feet South of and parallel to the Soo Line Railroad Bridge (formerly the Chicago, Milwaukee and St. Paul Railroad Bridge.)

(3) There shall be a slow no-wake zone in that part of the waterway described as within 100 feet of any dock, raft, pier, buoyed restricted area or public boat landing on Pool 8 in La Crosse County.

(4) There shall be a slow, no-wake zone in that part of the waterway, known as the Black River, described as: That part of the SE 1/4 of Section 9, Township 17 North, Range 8 West, Town of Onalaska, La Crosse County, Wisconsin, more particularly described as follows: Being all that part of Lytle Lake bounded by the east end of the Department of Natural Resources Bike Trail Bridge abutment extended northerly and the east section line of said Section 9.

(5) There shall be a slow, no-wake zone in that part of the waterway described known as Domke Bay, described as: "That part of Government Lot 4 (being part of the NW1/4 of the NE1/4 and of the NE1/4 of the NW1/4) in Section 17, Township 16 North, Range 7 West, City of La Crosse, lying Northerly and Easterly of the Moorings Addition, and Westerly and Southerly of the Southshore Condominiums and Lauderdale Addition".

(6) There shall be a slow no-wake zone in that part of the waterway known as the West Channel of the Mississippi River (adjacent to the Bikini Yacht Club and the Company Store) described as: that part of Section 13, Township 104 North, Range 4 West, bounded as follows: including all waters lying Westerly of Hoeschler Park Plaza Addition to the City of La Crosse; and Northerly of a line which is parallel to and 250 feet South of the centerline of the utility road which runs along the South line of Lot 2 of said Addition; and Southerly of a line which is 900 feet North of and parallel to the centerline of said utility road.

(7) There shall be a slow no-wake zone in that part of the waterway known as Coleman Slough, which is a backwater of the Mississippi River located in the South 1/2 of the SW 1/4 of Section 8 and in the NW 1/4 of Section 17 all in Township 15 North, Range 7 West, in the Town of Shelby and City of La Crosse, more particularly described as: that part of Coleman Slough, lying between Green Island and the islands that separate it from the main channel of the Mississippi River, beginning at the North end of the City boat landing ramp off 7th Street, thence South proceeding to a point 100 feet South of the South line of the property at 2878 Hanifl Road (being the last set of buildings on Hanifl Road).

(8) There shall be a slow no-wake zone in the part of the waterway known as the Main Channel of the Mississippi River and the Black River between the southern tip of Taylor Island on the north and extending south to the northern most tip of Isle la Plume and extending directly west

across the Main Channel of the Mississippi River to the most southerly point of the small island lying south of the Pettibone Beach Club Resort. Vessels or boats participating in marine events sanctioned by the City of La Crosse in connection with the annual Riverfest event shall be exempt from the provisions of this subsection, so long as they are engaged in activities relating to Riverfest. This ordinance shall be effective throughout the entire calendar year.

(9) There shall be a slow no-wake zone in that part of the waterway known as Bluff Slough, which is a backwater of the Mississippi River, located in the City of La Crosse and the Town of Shelby, legally described as: All that part of the East $\frac{1}{2}$ of the SW $\frac{1}{4}$ and part of the West $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 8, Township 15 North, Range 7 West in the City of La Crosse and part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 17, Township 15 North, Range 7 West in the City of La Crosse and part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 17, Township 15 North, Range 7 West in the Town of Shelby described as follows: Commencing at the northeast corner of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 17, thence South along the east line of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ 532 feet to the Point of Beginning; thence Northeasterly 200 feet more or less to the Southernmost corner of Lot 17 Huber Homes Addition, which is the lot line between 2808-2810 and 2816-2818 Huber Court; thence Northwesterly along the easterly shoreline of Bluff Slough (also known as Swift Creek or Running Slough) 2300 feet more or less to the North line of Lot 5, Block 21 of ED Clinton and Blackwells Addition, now vacated; which is the lot line between 2414 and 2418 13th Street South, thence Southwesterly at a right angle to the shoreline 300 feet more or less to the Westerly shoreline of Bluff Slough; thence Southeasterly along said westerly shoreline 2,550 feet more or less to the Point of Beginning.

(10) There shall be a slow no-wake zone in that part of the waterway known as French Slough, which is a backwater of the Mississippi River, located in the Town of Campbell, legally described as: Part of Government Lots 2, 3, 4 & 5 being part of the NE $\frac{1}{4}$ of Section 13; Township 16 North; Range 8 West and Part of Government Lots 1 and 6 being part of the North half of the SE $\frac{1}{4}$ of Section 13; Township 16 North; Range 8 West, all being located in the Town of Campbell, described as follows: Commencing at the Northeast corner of said Section 13; thence Westerly along the North line of said Section 13, 1400 feet more or less; thence South 75 feet more or less to the Westerly side of the boat landing at the West end of Plainview Road and the East shoreline of French Slough and the point of beginning; thence West 225 feet more or less to the West shoreline of French Slough, thence Southerly along said West shoreline to a point 1300 feet West of and 1425 feet South of the Northeast corner of said Section 13; thence Southerly to a point on the West shoreline of said French Slough which is 1450 feet West of and 2,075 feet South of the Northeast corner of said Section 13; thence Southerly and Easterly along said Westerly shoreline to the North edge of the I-90 bridge westbound; thence Easterly along the North edge of the bridge to the East shoreline of French Slough; thence Northerly along said East shoreline of French Slough 2900 feet more or less to the South edge of said boat landing; thence Westerly and Northerly along said boat landing to the point of beginning.

(11) There shall be a slow no-wake zone in that part of the waterway known as French Slough, which is a backwater of the Mississippi River located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 19 and in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 30 all in Township 16 North, Range 7 West, in the Town of Campbell, more particularly described as: that part of French Slough, lying between French Island and the islands that separate it from the main channel of the Mississippi River, beginning at the confluence of Smith and French Sloughs, thence proceeding south along the channel of French Slough approximately 3,750 feet to a point parallel with the south line of the property at 1105 La Crescent St.

30.83 WATER SKI PICKUP AND DROP AREA.

(1) A water ski pickup and drop area is hereby established, pursuant to s. 30.69(3), Wis. Stats., in that portion of the Black River, marked with regulatory markers and described as follows: That part of the SW 1/4 of Section 8, Township 16 North, Range 7 West, City of La Crosse, La Crosse County, Wisconsin, more particularly described as follows: Being that part of the Black River extending 100' into the channel from the boat dock placed on the Black River adjacent to the area of land leased to the La Crosse River City Ski Club.

(2) Definitions. Water ski means a boat towing a person using water skis, an aquaplane, or similar device.

(3) The County of La Crosse shall place and maintain a copy of this section at all public access points within the jurisdiction of the County of La Crosse.

30.84 ABANDONED BOATS.

(1) STATUTORY AUTHORIZATION. This section is adopted pursuant to s. 30.77(3)(b), Wis. Stats. It is hereby declared that it is in the best interest of the public health, safety or welfare, including the public's interest in preserving the state's natural resources, to enact an ordinance regulating abandoned boats in navigable waters within the jurisdiction of La Crosse County. The presence of abandoned boats or vessels on the Mississippi River and other navigable waters in La Crosse County can cause a safety hazard if such vessels are unattended and detracts from the aesthetic beauty of the waterways of La Crosse County.

(2) DEFINITIONS.

(a) "Abandoned Boats" means any boat left unattended on navigable waters or within the ordinary high-water mark of the navigable waters for more than 21 consecutive days.

(b) "Boat/Vessel" means every description of watercraft used or capable of being used as a means of transportation on the water, except a seaplane or a fishing raft.

(c) "Navigable Waters" means any navigable waters within the territorial limits of La Crosse County.

(3) ABANDONMENT PROHIBITED. No person shall leave unattended any boat on any navigable water or within the ordinary high-water mark of the navigable water for such time and under such circumstances to cause the boat to be an abandoned boat.

(4) PUBLIC NUISANCE DECLARED. An abandoned boat hereby constitutes a public nuisance.

(5) REASONABLE ACCESS. Any owner of property where an abandoned boat is located shall allow reasonable access to the owner's property to inspect and remove the boat.

(6) REMEDIES.

(a) Penalties. The person who abandoned the boat or the last registered owner of the abandoned boat shall be subject to a forfeiture of not less than \$200 for the first offense and shall forfeit not less than \$400 for any second or subsequent offense within a 5 year period. Each day a violation occurs shall constitute a separate offense. The last registered owner shall have an affirmative defense to the citation if he/she can establish that he/she sold the boat prior to the date of the offense.

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(b) Removal. The person subject to a penalty under this section shall be responsible for removal, storage and proper disposal of the abandoned boat. In addition to the forfeiture imposed, a court of competent jurisdiction shall have authority to order such removal, storage and/or disposal of the abandoned boat by the offender to abate the public nuisance.

30.85 PENALTY. Any person found guilty of violating these provisions, with the exception s. 30.84 of this Chapter, shall be subject to such forfeitures as designated in the State of Wisconsin Uniform Deposit and Bail Schedule applicable to boating offenses for which a penalty is provided by ss. 30.80(2) to (6), Wis. Stats. If no forfeiture is designated, the forfeiture shall be not less than \$50 for the first offense within a 12 month period and not less than \$100 for a second or subsequent offense within a 12 month period. Failure to pay the forfeiture when due may result in imprisonment in the county jail 1 day for each \$20 or portion thereof remaining unpaid.