

**The Town Board of the Town of Sanborn under authorization by the Town of Sanborn electors hereby submits as follows:**

**The Town Board of the Town of Sanborn ordains that the following shall be enacted as an Ordinance of the Town of Sanborn:**

### **TOWN OF SANBORN SLOUGHS PROTECTION ORDINANCE**

**Title.** This ordinance shall be known as "The Town of Sanborn Sloughs Protection Ordinance."

**Authority.** This ordinance is enacted pursuant to Wisconsin Statutes 60.10(2)(c) and (i) and (3)(a) and Wisconsin Statute 30.77.

**Effective Date.** This ordinance shall be effective as of the date on which it is adopted by the Town Board of the Town of Sanborn under authorization by the Town electors and publication of the ordinance as required by law.

#### **Definitions:**

1. "Bad River NRD" means the Natural Resources Department of the Bad River Band of the Lake Superior Tribe of Chippewa Indians.
2. "Boat" or "vessel" means every description of watercraft used or capable of being used as a means of transportation on water, including but not limited to motorboats, canoes, jet-skis, seaplanes, and fishing rafts.
3. "Emergent Vegetation Area" means any area within any slough in which emergent vegetation is growing, or in which such emergent vegetation is expected. to grow.
4. "GLIFWC" means the Great Lakes Indian Fish and Wildlife Commission.
5. "Growing Season" means the period between the time that the emergent vegetation begins to grow and the time in which it ceases to grow (May 15 through September 15).
6. "Motorboat" means any boat or vessel equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion. The term specifically includes, but is not limited to, watercraft such as jet skis, seaplanes, and similar craft.
7. "Parking Area" means an area officially designated for parking by the Town of Sanborn.
8. "Respondent" means any person accused of violating the prohibitions described below.
9. "Sloughs" means the Kakagon Sloughs, the Sand Cut Sloughs, Honest John Sloughs, the Bad River Sloughs, and any other sloughs located within the exterior boundaries of the Town of Sanborn.

10. "Slow-No-Wake" means the speed at which a boat moves as slowly as possible while still maintaining steering control.

11. "Slow-No-Wake Zone" means any area within the entire Kakagon Sloughs and Bad River wetland complex designated as such and identified by Slow-No-Wake buoys.

12. "Town" shall mean the Town of Sanborn, Ashland County, Wisconsin.

13. "Tribe" means the Bad River Band of the Lake Superior Tribe of Chippewa Indians.

14. "Warden" means any officer authorized to enforce the terms of this ordinance.

15. "Waters" means any waters within the exterior boundaries of the Town of Sanborn, including but not limited to rivers, streams, creeks, ponds, sloughs and wetlands.

16. "WDNR" means the Wisconsin Department of Natural Resources.

Applicability. This ordinance shall be applicable to all areas within the exterior boundaries of the Town of Sanborn, including any waters located within or traversing such areas.

### **Prohibitions.**

**1. Motorboats.** No person shall operate any motorboat within any sensitive vegetation area of any riparian zone during growing season. Any boat located within any area of emergent aquatic vegetation shall have its motor lifted to its lock position. Inboard/outboard motors shall be lifted to their furthest lift position.

**2. Slow-No-Wake Zone.** No person shall operate any boat or vessel at a speed in excess of Slow-No-Wake within any area designated as a slow-no-wake zone. Notwithstanding this prohibition, officers of the Bad River NRD, GLIFWC, and the WDNR will be allowed to exceed the Slow-No-Wake speed if necessary, to fulfill the duties and obligations of their employment.

**3. Courtesy.** A Slow-No-Wake requirement shall be in effect at all times for all watercraft passing any other watercraft.

**4. Paddles Prohibited in Emergent Vegetation.** Propulsion through any area of emergent aquatic vegetation shall be done with a push-pole.

**Enforcement.** The authority to enforce the prohibitions set forth above shall be vested in any law enforcement officials employed or contracted by the Town and/or the Tribe's Wardens pursuant to an Intergovernmental Cooperation Agreement.

**Jurisdiction.** The Ashland County Court shall have jurisdiction over any alleged violations of this ordinance.

Pursuant to Wis. Stat. 66.0114, an action for violation of this ordinance enacted by the Town of Sanborn is a civil action. Any forfeiture or penalties imposed by this ordinance may be collected in an action in the name of the Town of Sanborn in Ashland County Circuit Court.

**Penalties.**

1. The penalties for violations of any provision of this ordinance shall be as follows:
  - (a) a civil forfeiture not to exceed \$500.00;
  - (b) performance of community service, as determined by the Court;
  - (c) both (a) and (b), above.



Chairman Town of Sanborn



Clerk/Treasurer Town of Sanborn

Effective on this 14<sup>th</sup> day of April, 2020.