

**TOWN OF CEDARBURG, WISCONSIN
ORDINANCE NO. 2021-10**

An Ordinance to Amend Chapter 305 Creating Language Regarding Temporary Regulation of Watercraft During Bridge Construction of the Town Code of Ordinances of the Town of Cedarburg, Wisconsin.

- WHEREAS,** The Town of Cedarburg is a body corporate and politic; and
- WHEREAS,** the Town Board exercises village powers by Ch. 61, Wis. Stats.; and
- WHEREAS,** Wisconsin Statute § 30.77(2) provides that, "any municipality may enact ordinances relating to the local regulation of boating which are in strict conformity with ss. 30.50 to 30.71 or rules of the department promulgated under those sections"; and
- WHEREAS,** the Town Board of the Town of Cedarburg finds that, pursuant to Wisconsin Statute §30.77(3)(a), it is in the interest of public health, safety, and welfare, including the public's interest in preserving the state's natural resources, to enact the ordinances applicable on the waters within its jurisdiction that are not contrary to or inconsistent with chapter 30, and that such ordinances do relate to the equipment, use or operation of boats or to any activity regulated by Wisconsin Statutes sections 30.60 to 30.71; and
- WHEREAS,** the Town of Cedarburg has an agreement with the Wisconsin Department of Transportation to remove the existing bridge Cedar Creek along Covered Bridge Road and construct a new bridge at this same location from June 2022 to November 2022; and
- WHEREAS,** the Town Board of the Town of Cedarburg finds that during the periods of bridge removal and construction, temporary closure of Cedar Creek is necessary to protect public safety and welfare,

NOW, THEREFORE the Town Board of the Town of Cedarburg, Wisconsin, do ordain as follows:

**(The text modified with a strikethrough shall be deleted).
(The text modified with an underline shall be added).**

§ 305-7. Operators to obey traffic control devices.

Every operator of a vehicle approaching an intersection at which an official traffic control device is erected in accordance with this chapter shall obey the direction of such official traffic control device as required by the Wisconsin Statutes incorporated by reference in § 305-1 of this chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by § 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by § 346.18(6), Wis. Stats.

A. Temporary Regulation of Watercraft During Bridge Construction

1. Definitions.

- a. "Bridge Replacement Project area" means the area of a creek within the Town, extending 100 feet upstream and 100 feet downstream, as measured from the nearest edge of the existing or planned road on the bridge .
- b. "Recreational watercraft" means a boat, vessel, canoe, kayak, paddleboard, inner tube, raft, non-motorized boat, personal watercraft, or a device of any kind used or capable of being used for navigation on water.

2. Intent, Applicability and Enforcement.

- a. Pursuant to §30.77(2) and §30.77(3)(a), Wis. Stats., the purpose and intent of this

Ordinance is to provide safe and healthful conditions for the use of recreational watercraft within a limited area near and during a bridge construction /replacement project as specified by the Town.

- b. The provisions of this Ordinance shall apply to the waters of Cedar Creek within the Town.
 - c. This chapter shall be enforced by the officers and agents of the Town, including the Director of Public Works.
3. Regulations. For purposes of bridge removal, replacement and construction, no person shall be located in, or operate a recreational watercraft, within a Bridge Replacement Project area within the Town during any of the following periods:
- a. During any consecutive four month period, for a maximum period of twenty individual calendar days to be determined by the Public Works Director, if s/he so determines that construction related activities within the Bridge Replacement Project area would present a danger to the public health, safety or welfare. These construction related activities include, but are not limited to the following: existing structure demolition; pile driving; constructing formwork for the new bridge; concrete placement for the new bridge; and removal of formwork for the new bridge.
4. Signing/Posting of the Closure. The Town of Cedarburg Public Works Department shall be the local authority responsible for the designation of the closure and assuring installation of the proper waterway markers.
- a. Channel closure informational buoys or steel posts shall be placed in the navigational channel; located on both sides of the river, both upstream and downstream, from each end of the Covered Bridge Road Bridge Replacement Project area.
 - b. Hazard warning buoys or steel posts shall be placed in the navigational channel; located on both sides of the river, both upstream and downstream, from each end of the Covered Bridge Road Bridge Replacement Project area.
 - c. A portage route will be in place for the duration that Cedar Creek is closed that directs waterway users around the work zone.
5. Severability. Any provision of this section, which shall prove to be invalid, void, or illegal, shall in no way affect, impair, or invalidate any other provision thereof and the remaining provisions hereof shall nevertheless remain in full force and effect.
6. Penalties. Upon conviction in court, any person found to be in violation of this section shall be subject to a forfeiture not to exceed \$500.00 per occurrence.

(The above text modified with a strikethrough shall be deleted).

(The above text modified with an underline shall be added).

State Law Reference – Regulation of Boating, Wis. Stat. § 30.30; Penalties, Wis. Stat. § 30.80.


This ordinance shall be in full force and effect upon its passage and posting as provided by law.

Passed and approved this 1st day of September, 2021.



David Salvaggio, Town Chairman

ATTEST:


Jack Johnston
Assistant Administrator/Clerk