

PUBLIC SAFETY & JUSTICE COMMITTEE
Minutes – June 24, 2013

Call to Order. Chair Collins called the meeting of the Public Safety and Justice Committee to order at 3:00 P.M. on June 24, 2013 in the Conference Room N-1/N-2.

Committee Members Present: Supervisors Collins, Brill, Beaver, Knudson and Wiedenfeld.

Committee Members Excused: None.

Staff Members Present: Nick Osborne, Assistant to County Administrator; Jeff Kuglitsch, Corporation Counsel; Sheriff Robert Spoden, Chief Deputy Barbara Tillman and Captain Jude Maurer, Sheriff's Office.

Others Present: Supervisors Russ Podzilni and Sandra Kraft; Mark Gun, Town of Rock Chair; Bryan Meyer, Town of Milton Chair; Brian Wilson, Town of Beloit Administrator; Evan Sayre, Town of Fulton Chair; Cathy Idzerda, Janesville Gazette; Joel Shapiro, Rock Aqua Jays President; Archie Henkelmann, Town of Janesville Constable; Tom Beaver, Scott Purlee, Bryce Patch, Jim Watson, Julie Watson, Sheldon Lloyd, H.W. Stockwell, Ed Sheehy, Richard Lally, Tony Huml, Craig Furseth, Joe Havland, Bob Kaiser, John Brey, Donald Giese, Trent Tinder, Tom Cullen, Karen Lisser, Brian Mark, David Markson, Ronald Anderson, Curt Rankins, Patrick McCarville, Michael Lee, Timothy Cullen, Ron and Jean Cook, Lynn Gustafson, Gerry Leuting, Matt Pine.

Adoption of Agenda. Supervisor Wiedenfeld moved approval of the agenda as presented, second by Supervisor Brill. ADOPTED.

Citizen Participation, Communications, Announcement, Information. Mr. Watson said the lettering on the railroad bridge by the carp pens letting people know they are on a channel needs to be repainted on both sides as it is illegible.

Resolution.

Repeal and Recreate Chapter 3, Part 5 of the Rock County Code of Ordinances, Regarding Slow-No-Wake Restrictions on Rivers and Streams in Rock County

“NOW, THEREFORE, be it ordained by the Rock County Board of Supervisors in session this 27th day of June, 2013 that they repeal Chapter 3, Part 5, Boating Safety; Slow-No-Wake of the Rock County Code of Ordinances and recreate Chapter 3, Part 5, Boating Safety; Slow-No-Wake of the Rock County Code of Ordinances to regulate the speed of watercraft operating on the Rock River and other rivers and streams in Rock County as follows:

Part 5 – Boating Safety; Slow-No-Wake

3.501. Applicability.

The provisions of this Ordinance shall apply to the reaches of the Rock River and each named and unnamed river and stream located within Rock County, Wisconsin.

3.502. Purpose.

The purpose of this Ordinance is to promote safe boating conditions and to prevent damage to aquatic ecosystems by: (A) limiting boats on the Rock County rivers and streams to Slow-No-Wake Speed when the water level of the river exceeds the recommended levels, (B) establishing Slow-No-Wake areas in certain locations where that is warranted by boating congestion, (C) authorizing the Rock County Sheriff to impose Slow-No-Wake Speed limits on other rivers and streams in the county during permitted special events or when that is warranted by exceptional circumstances.

3.503. Authority.

This Ordinance is adopted by the Rock County Board of Supervisors pursuant to the powers granted by Section 30.77 of the Wisconsin Statutes.

3.504. Definitions.

The definitions as set forth in Section 30.01 of the Wisconsin Statutes are incorporated herein by reference as though fully set forth herein, except as follows:

(A) Boat, Watercraft. “Boat” or “Watercraft” means any device used for navigation on water, including personal watercraft.

(B) Slow-No-Wake Speed. “Slow-No-Wake Speed” means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

3.505. Speed Restrictions.

(A) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed on any portion of the Rock River downstream from the northern Rock County line to the Indianford Dam, when the gauge water level at the US Geological Survey Gauge 05427235 (Lake Koshkonong near Newville, Wisconsin) is above ~~8.0~~ 7.5 feet. This information can be obtained from the NOAA website.

[[http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=nvlw3&view=1,1,1,1,1,1,1,1,\(Graph NVLW3\)](http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=nvlw3&view=1,1,1,1,1,1,1,1,(Graph NVLW3))]

(B) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed on any portion of the Rock River downstream from the Indianford Dam to the West B-R Town Line Road Bridge when the gauge water level at the US Geological Survey gauge 05430500 (Rock River at Afton, Wisconsin) is above 6.5 feet. This information can be obtained from the NOAA website.

[[http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=afw3&type=0&view=1,1,1,1,1,1,1,1,\(Graph AFTW3\)](http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=afw3&type=0&view=1,1,1,1,1,1,1,1,(Graph AFTW3))]

(C) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed on any portion of the Rock River downstream from the West B-R Town Line Road Bridge to the southern Rock County line when the gauge water level at the US Geological Survey gauge 05430500 (Rock River at Afton, Wisconsin) is above 8.5 feet. This information can be obtained from the NOAA website.

[<http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=aftw3&type+0&view=1,1,1,1,1,1> (Graph AFTW3)]

(D) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed in the following areas, which are more specifically described as follows:

(1) From a point 100 feet west of Interstate 90 to point 1,500 feet east of the Newville

Bridge (Highway 59).

(2) An area 250 feet on either side of the railroad bridge over the Rock River in Town of

Fulton.

(3) From the Indianford Bridge to approximately 1,000 feet north of the Indianford

Bridge on the Rock River in the Town of Fulton.

(E) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed within any area subject to a Special Event Permit issued by the Rock County Sheriff pursuant to 3.506(A).

(F) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed within any area declared to be a Boating Hazard Zone by the Rock County Sheriff pursuant to 3.506(B).

(G) Persons or groups may operate a boat or watercraft at greater than Slow-No-Wake Speed within an area of any river that is currently designated a Slow-No-Wake area only for the purposes of participating in a permitted ski show or like event (e.g. Rock Aqua Jays) provided such events are approved by all governing bodies of each city, village or town within which such event is to be performed and by the Rock County Sheriff.

3.506. Duties and Powers of the Rock County Sheriff.

(A) Special Events. On the application of a person proposing to conduct a special event on any river or stream in the County and with the approval of the governing body of each city, village or town within which such event is proposed, the Rock County Sheriff may issue a Special Aquatic Event Permit and may impose a Slow-No-Wake speed on the operation of boats or water craft not participating in the special event. Any permit issued under this Section shall specify the time, date and location of the event and the boundaries of the Slow-No-Wake area so designated and shall be posted in accordance with Section 3.507.

(B) Boating Hazard Zone. The Rock County Sheriff may designate all or any part of any river or stream within Rock County as a Boating Hazard Zone if he determines that high water levels or emergency conditions resulting from storms or other conditions warrant the imposition of a Slow-No-Wake Speed restriction. Each such designation shall specify the boundaries of the Boating Hazard Zone so designated and notice of the imposition of the Slow-No-Wake Speed restriction shall be posted in accordance with Section 3.507

3.507. Notice and Posting.

The Rock County Sheriff shall notify media sources serving the area affected by any Slow-No-Wake Speed restriction imposed pursuant to this Ordinance and shall place and maintain regulatory notice of such restrictions at all public access points within such areas. Such notices shall be sent and posted as soon as practicable after the issuance of the permit or designation and when the Rock River water level reaches or is anticipated to reach the levels specified in Section 3.505 within 24 hours. The Sheriff shall notify the media and remove such notices as soon as possible when the conditions resulting in the Slow-No-Wake Speed restriction have passed.

3.508. Enforcement and Penalties.

(A) Enforcement. This Ordinance may be enforced by law enforcement officers of the Rock County Sheriff's Office and the Wisconsin Department of Natural Resources.

(B) Obstruction. No person shall resist or obstruct any law enforcement officer in the performance of his or her duties under this Ordinance.

(C) Enforcement Procedure. The provisions of Sections 66.0109, 66.0113, 66.0114 and 30.50 to 30.71 of the Wisconsin Statutes are adopted and by reference made a part of this Ordinance as if fully set forth herein. Any future additions, amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this Ordinance in order to secure uniform state-wide regulation and enforcement of boating ordinance violations. The County elects to use the citation method of enforcement.

(D) Other Remedies. The issuance of a citation hereunder shall not preclude the County or any authorized person from proceeding under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation or order.

(E) Penalties and Deposits. Any person violating the provisions of this Ordinance shall be subject to penalties as provided for in Section 30.80 of the Wisconsin Statutes and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, which are hereby adopted by reference with all references therein to "fines" amended to "forfeitures" and all references to "imprisonment" deleted.

3.509. Severability.

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance or the application 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 be effect.

This Ordinance shall take effect immediately upon passage and publication as provided by law."

Supervisor Brill moved approval of the above resolution, second by Supervisor Knudson.

Chair Collins gave the history on the Town of Beloit's request to raise the water level, and explained that a few of the County Board Supervisors toured the river from Town Line Bridge

down and the north end from the Interstate to Indianford. He said the Committee has not met on this yet for input from those Supervisors who went on the tour.

Mark Gun asked if the Towns would be requesting the no wake or would this resolution handle it. Chair Collins said the ordinance sets the water levels for the slow-no-wake. Sheriff Spoden said the Sheriff's Office would read the levels and put on or remove the slow-no-wake.

Bryan Meyer said the older version of the County Ordinance worked fine for Town of Milton.

Bryce Patch said he feels 3.505(C) in the new Ordinance looks good.

Brian Wilson and Brian both said it looked good to them too.

John Brey said he lives on Ellendale Road and 8 feet works well there.

Bryan Meyer agreed with the proposal for Newville. He said he has received calls on the lack of postings and buoys' at the Newville Bridge area. He said the landings seem to be posted. He asked how an uninformed person would know about events. Sheriff Spoden said an application is made to the Sheriff's Office for a permit for an event such as a fishing derby, etc.

Donald Giese said 3.505(A) raises the water level to 8 feet and that would put water over people's property and damage piers when there is a wake. Chair Collins said there is an ordinance on how far boars and watercraft are to stay away from piers.

Gerry Leuting said the middle section of Rock River is a bit more complicated, where he lives the River drops down quite quickly and should be raised to 7 feet.

Scott Purlee suggested using the Highway 14 bridge and past the boat launch, which is about 7 to 8 miles from the Indianford Dam. Chair Collins said that can be taken under consideration.

Bob Kaiser said he would be in favor of raising the water level by 6 inches also.

Joe Hovland said he lives on N. Parker Drive and feels the water level should remain at 6.5 feet.

Sheldon Lloyd said the boaters don't seem to know what the levels are supposed to be and when it is slow-no-wake.

Craig Forseth said he is in support of 6.5 feet north of the Highway 14 bridge, that it is very narrow and if boats pass each other there the wake erodes the properties there. He said he is opposed to raising the water level to 7 feet.

Tom Cullen said no to raising the water level.

Joel Shapiro said he feels using the gauge at Afton is an unfair to the middle section.as the gauge is two dams down.

Julie Watson said she feels the water levels should be left where they are now.

Jim Watson asked about speed limits on the water. Captain Maurer said there are different rules specific to speed limits, that it is more how a boat is constructed, and also how close they are able to come to a pier.

Jim Watson said the buoys' are on the land and should be in the River to inform the public.

Hank Stockwell said the areas by the railroad bridge and the Highway 51 bridge are too narrow for any high speed boating. There is also the Saunders Creek area, which is a wetland, to protect. He said he is in favor of leaving the water level at 7.5 feet.

Curt Rankins said he is in favor of leaving the water level at 6.5 feet.

Sheldon Lloyd said in 37 years he has lost 6 feet of shoreland.

Richard Lally said he is in favor of raising the water level 6 inches.

Ed Sheehy said he is near the railroad crossing in Town of Fulton, the river narrows here and this is where the skiers and jet skis like to make wide turns at excessive speed, which causes erosion.

Lynn Gustafson said she lives in the middle section and is in favor of raising the water level. She added that she was not sure if all the landings have been posted yet. Captain Maurer said all the public landings were posted in March but some of the signs have been taken.

Karen Lisser said she would like the water level raised a little.

Dave Markson said south of the railroad bridge any high speed traffic tears up the land and piers.

Ronald Anderson said he feels the water level should be left at 7.5 feet at the railroad bridge, and that this may even be a little high.

Evan Sayre said there have been a few times the slow-no-wake has been on this late in the season. He said he feels 7.5 feet is correct at this point.

Trent Tinder said he is in favor of the new proposal.

Patrick McCarville said he feels the ordinance for Town Line Road and south going to 8.5 feet is good.

Mike Lee said he feels the new ordinance is fine.

Matt Pine said we cannot replace the shoreland and that the water levels should not be raised.

Tim Cullen said he is in favor of raising the water level in the area between Centerway and Indianford.

Mark Gun said he feels the Town Chairs should have been consulted on this.

Supervisor Sandra Kraft said most of the landowners are okay with 8 feet with a few areas of concern such as Applewood and parts of Ellendale Road areas.

Joel Shapiro asked if the Committee would take into consideration raising the middle section to 6.75 feet.

Supervisor Knudson moved to change 3.505(A), line 66 back to 7.5 feet, second by Supervisor Beaver. PASSED on the following vote: Yes – Supervisors Beaver, Brill, Knudson and Wiedenfeld; No – Supervisor Collins.

Supervisor Knudson said he hopes people come to the County Board on Thursday night at 6 P.M. for the public hearing to help make the final decision on this ordinance.

Mr. Kuglitsch said the first reading and public hearing will be at the County Board on Thursday at 6 P.M., and if the Board agrees to suspend the rules a second reading and adoption will be later in the meeting.

Supervisor Wiedenfeld thanked the citizens for coming and said they had a lot of good comments.

Supervisor Beaver thanked the public and said common sense comes into play and we need to make sure properties are protected.

Chair Collins thanked everyone for coming and called for a vote on the resolution as amended. ADOPTED.

Committee Requests and Motions. None.

Adjournment. Supervisor Wiedenfeld moved adjournment at 4:37 P.M., second by Supervisor Knudson. ADOPTED.

Respectfully submitted,

Marilyn Bondehagen
Confidential Administrative Assistant

NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.