

TOWN OF MARION ORDINANCE 2024-1

AN ORDINANCE TO CREATE SECTION 4-5-7 OF THE CODE OF ORDINANCES FOR THE TOWN OF MARION

THE TOWN BOARD OF THE TOWN OF MARION DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 4-5-7 of the Code of Ordinances is hereby created to read as follows:

Sec. 4-5-7 Launching and Loading of Watercraft

(a) Definitions.

- (1) Watercraft shall include all motorized and on-motorized boats, personal watercraft, hydroplanes, amphibious vehicles, jet skis, sailboats, hovercraft, or any other craft or vehicle used upon the water.
- (2) Power Loading is defined as the practice of putting on, or taking off from a trailer, carriage or device, a watercraft while under motor power, whether by main, auxiliary or trolling power devices.

(b) Power Loading Prohibited. Watercraft must be loaded and unloaded from the watercraft trailer, or carriage or other device used to transport said watercraft without use of the watercraft's main, auxiliary or trolling power devices. A rope, strap or similar device is to be used. It shall be unlawful to otherwise launch or trailer a watercraft.

(c) Applicability. This ordinance shall be effective at all boat landings in the Town of Marion.

(d) Citation and Enforcement.

- (1) Any person who violates a provision of this ordinance shall be subject to a forfeiture plus court costs as follows:
 - (a) For the first offense, a forfeiture not to exceed \$25.00, plus court costs.
 - (b) For the second offense, a forfeiture of not less than \$25.00 nor more than \$100.00, plus court costs.
 - (c) For the third and subsequent offenses, a forfeiture of not less than \$100.00 nor more than \$250.00, plus court costs.
- (2) Each violation shall be considered a separate offense.

(3) Legal action may be initiated against a violator by issuance of a citation pursuant to Wis. Stats. 66.0113(1)(a). This citation may be issued by a law enforcement officer acting on behalf of the Town of Marion.

(4) The citation shall contain the following:

- (a) The name and address of the alleged violator;
- (b) The factual allegations describing the alleged violation;
- (c) The time and place of the offense;
- (d) The section of the ordinance violated;
- (e) A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so;
- (f) The time at which the alleged violator may appear in court;

- (g) A statement which in essence informs the alleged violator;
- i. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
 - ii. That if the alleged violator makes such a deposit, he or she need not appear in court unless appearance is mandated by the court or he or she is subsequently summoned.
 - iii. That if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to the forfeiture plus costs or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
 - iv. That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may consider the nonappearance to be a plea of no contest and enter judgment for the amount of the penalty listed on the citation, and the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed.
 - v. That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under Wis. Stat. 800.093.
- (h) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under subsection (g) of this ordinance and shall send the signed statement with the cash deposit.
- (i) Such other information as may be deemed necessary.
- (5) Wis. Stat. 66.0113(3) relating to violator's options and procedures on default is hereby adopted and incorporated herein by reference.

SECTION II. Severability: In the event that any provision of this ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portions of this ordinance shall be deemed separate, distinct and independent provisions of the ordinance and all remaining portions of this ordinance shall remain in full force and effect.

SECTION III. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

SECTION IV. This ordinance shall take effect and be in full force and effect if it is passed by the Town Board of the Town of Marion.

Dated this 12th day of December 2024.

TOWN OF MARION
BY: Garrel Walejko
Chairman, Town Board
BY: Vicki Snyder
Town Clerk

PASSED: December 12, 2024
APPROVED: December 12, 2024
PUBLISHED: January 2 & 9, 2025