

# Ordinance No. 2011

## TOWN OF CRESCENT ICE RACING ORDINANCE

STATE OF WISCONSIN

ONEIDA COUNTY

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### SECTION I - TITLE AND PURPOSE

The title of this ordinance is the Town of Crescent Ice Racing Ordinance.

The purposes of this ordinance are: (1) to provide safe conditions for town residents, spectators, and race participants during ice racing events on Town of Crescent waterways, (2) to minimize risks of environmental degradation to waterways and surrounding private and public property, and (3) to balance the rights of access to and enjoyment of icebound waterways for all users.

### SECTION II – APPLICABILITY AND JURISDICTION

Public travel over ice bound public waterways is a right of navigation protected under Wis. Stat. § 30.15. The Town of Crescent's authority to regulate activities on ice-bound waterways follows under Wis. Stat. § 30.81.

The provisions of this ordinance apply only to the portions of public lakes and rivers within the boundaries of the Town of Crescent. The ordinance is not valid on portions of waterways outside of the Town of Crescent's jurisdiction unless each town, village, or city having shared jurisdiction enacts an ordinance with identical provisions under Sections II-VII. Once enacted, the force of the ordinance shall be in effect over the entire waterway.

### SECTION III – ADOPTION OF THIS ORDINANCE

This ordinance, adopted by a majority of the Town of Crescent town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for regulation of the ice racing events held in the Town of Crescent.

### SECTION IV – SPECIFIC PROVISIONS

A. Prior to November 1 of the calendar year preceding the ice race event, race organizers shall provide to the Town of Crescent Clerk and the Town of Crescent Chairman: a list of proposed dates for ice racing events, a contact list for race organizers and participants, proof of liability insurance, and an indemnification agreement that holds the Town of Crescent harmless for any injuries, damages, or losses connected to the ice racing event. The Town of Crescent shall inform residents of the proposed races at the next monthly Town Board meeting following the notification by organizers.

B. The ice racing will take place only on ice bound waterways in the Town of Crescent. Ice racing participants participating in ice racing events shall have the right-of-way only on clearly marked areas. No other persons shall obstruct or interfere with race areas during the race or event.

C. Ice racing events may only take place with a minimum 18 inch uniform ice thickness, and are limited in season to the first Saturday of January to the first Saturday in March.

D. Race course construction, maintenance, plowing, and race day events may only take place between the hours of 7am and 7pm.

E. Race organizers shall take care to minimize holes in the ice. Any breakthroughs or other holes in the ices shall be marked appropriately with high visibility markers such as flags or cones in a manner consistent with the requirements of Wis. Stat. § 167.26.

F. A distance of thirty (30) feet shall be maintained between any fencing or temporary building and the shoreline to facilitate public traffic access to the lake and potentially necessary emergency services. Fencing shall not encroach on any established snowmobile trail. Fencing near the established snowmobile trail shall contain retro-reflective markings. A minimum distance of 200 feet must be maintained between residential shoreline and race lanes.

G. Race organizers shall consult with, at minimum, the Town of Crescent Volunteer Fire Department and Oneida County Sheriff's Department to ensure event traffic and parking plans do not interfere with or in any way compromise emergency services to the community. A recorded plan shall be filed with the Town of Crescent Clerk no later than 30 days prior to the first proposed ice racing event.

H. A minimum of one public waste facility per 100 people must be available. The facilities must be removed from the ice after race events are held. A minimum of eight refuse containers of appropriate size must be available at all times. A minimum of four refuse and two recycling containers must be placed in the spectator area. All refuse containers must be removed from the ice at the conclusion of race events. All refuse must be removed from the race area, spectator area, and refuse containers and be disposed of appropriately by the race organizers. Organizers are required to separate and dispose of all recyclable and hazardous materials according to the rules of the Oneida County Solid Waste Department.

I. All temporary structures associated with the ice racing event, including but not limited to: fencing, posts, temporary buildings, waste facilities, refuse containers, and signs, must be removed no later than 48 hours after the last scheduled ice racing event.

J. The Town of Crescent reserves the right to require any additional clean-ups of the waterways and surrounding lands to be performed by race organizers and participants, including, but not limited to, a post-thaw clean up of any remaining debris.

K. Race organizers are required to clean up and restore to the fullest extent possible any spillage of hazardous materials on the ice or surrounding lands as soon as the spill occurs, including but not limited to: fuel, oil, anti-freeze, lube, and other petroleum products. All spills must be reported to the local Department of Natural Resources office in a manner consistent with the requirements of Wis. Stat. § 292.11. Race organizers are solely responsible for the costs of restoring any lands and waterways where spills occur.

L. Race organizers are responsible to level all berms and snow banks created during the preparation of the race event. Snow berms and snow banks must be leveled within 24 hours after the last race event. The surface of the ice shall be left in the same condition as it was prior to the event to the fullest extent practicable.

#### SECTION V – LIABILITY OF LOCAL GOVERNMENT

Travel of any kind at any time on icebound waterways is solely at the risk of the traveler. At no time shall the Town of Crescent assume any responsibility or liability under this ordinance for any personal injuries or property damage to ice race participants, organizers, or spectators occurring as a direct or indirect result of an ice race event.

#### SECTION VI – BOND

Race organizers must submit a refundable \$500 damage bond to the Town of Crescent Clerk no later than 30 days prior to the first proposed event.

#### SECTION VII – PENALTY PROVISION

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall be charged with a municipal ordinance violation in Oneida County Circuit Court and, upon conviction, pay a forfeiture of not less than \$500, plus any applicable court costs, surcharges, assessments, and remediation costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Town of Crescent may seek injunctive relief to enjoin further violations. This penalty provision is in addition to and independent of any applicable violations charged or assessed by the State of Wisconsin.

#### SECTION VII I – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

#### SECTION VIII – EFFECTIVE DATE

This ordinance is effective on publication or posting. The town clerk shall properly post or publish this ordinance as required under Wis. Stat. § 60.80.

Adopted this 12th day of November, 2013.

Signatures of Crescent Town Board:

William Greder Town Chairman

[Signature] Supervisor I

Adam J. Fyfe Supervisor II

Attest:

Wendy Halaman Town Clerk