

**ORDINANCE NO. 2023-DRAFT**

**Town of Harrison, Lincoln County, Wisconsin**

**AN ORDINANCE RESTRICTING CERTAIN ARTIFICIAL WAKE ENHANCEMENT**

**WHEREAS**, in the interest of public health, safety, and/or welfare, including the public's interest in preserving natural resources, the Town of Harrison has the authority to enact ordinances covering waters within its jurisdiction if the ordinances are not contrary to or inconsistent with Chapter 30, Wis. Stats., and they relate to the equipment, use, or operation of boats or to any activity regulated by Sections 30.60 to 30.71, Wis. Stats.; and

**WHEREAS**, there exist within in the Town numerous lakes; and

**WHEREAS**, artificially enhanced wakes can cause environmental damage to lakes and lakeshore, including resuspension of sediment adding nutrients to the water and possible increased algal blooms, turbidity, shoreline erosion, and threats to aquatic life and waterfowl; and

**WHEREAS**, boats with ballast systems increase the likelihood of aquatic invasive species being introduced and spread on lakes; and

**WHEREAS**, artificially enhanced wakes can damage shoreline, lake bottom, moored boats, and shoreline structures including docks; and

**WHEREAS**, operating boats in a stern down manner creates downward prop wash, disturbing the lake bottom far below the wave zone, up to 20 feet below the surface; and

**WHEREAS**, artificially enhanced wakes can endanger swimmers, anglers, and other watercraft; and

**WHEREAS**, the use of ballast and wake enhancing fins can cause unsafe operation by causing the bow to rise obscuring vision forward; and

**WHEREAS**, the Town submitted a draft of this ordinance to the Wisconsin DNR for advisory review at least 60 days prior to passage, pursuant to 30.77 (3)(d), Wis. Stats.; and

**WHEREAS**, the Town Board, after considering public comments and any DNR suggestions, determines that adopting this Ordinance is consistent with all other ordinances of the Town and would promote the public health, safety, and welfare, including the public's interest in preserving natural resources;

**NOW, THEREFORE**, the Board of Supervisors of the Town of Harrison, Lincoln County, Wisconsin, does hereby ordain as follows:

**Section 1. Applicability and Enforcement:** The provisions of this ordinance shall apply to all waters within the Town of Harrison, Lincoln County, Wisconsin. This ordinance shall be enforced by the Sheriff's Department of Lincoln County and officers of the Wisconsin DNR. These entities are hereby empowered by the Town of Harrison Board of Supervisors to enforce this Ordinance.

## **Section 2. Certain Artificial Wake Enhancement Prohibited**

- (1) Prohibited Equipment.** No person may use or employ ballast tanks, water sacks, or fins to cause a boat to operated in a bow-high manner, or which increases or enhances a boat's wake
- (2) Prohibited Operation.** No person may operate a boat in an artificially bow-high manner having the effect of increasing the boat's wake. Such prohibited operation shall include wake enhancement by use of ballast tanks, or ballast bags, or mechanical fins, or continuous operation at transition speed (the speed below planing speed in which a boat is operation in plowing mode).
- (3) Certain Operations Excluded.** In no event shall any of the following operations be deemed a violation of this Ordinance, provided such operations do not use or employ ballast tanks, water sacks, or wake enhancing fins: i) water skiing, ii) tubing,

iii) brief transition operation to empty a boat of water, or iv) brief transition operation of a boat accelerating into a planing condition.

**Section 3. Penalty**

- (1) Wisconsin state boating penalties as found in s. 30.80 Wis. Stats., and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conferences, are hereby adopted by reference, except all references to fines are amended to forfeitures and all references to imprisonment are deleted.
- (2) To the extent that the penalty for any violation of this Ordinance is not provided under Wisconsin state boating penalties as found in s. 30.80, Wis. Stats., any person violating this Ordinance shall forfeit \$500 for the first offense and \$1000 for the second offense within one year. Deposits established in the WISCONSIN CIRCUIT COURT FEE, FORFEITURE, FINE AND SURCHARGE TABLES shall also apply to any violation.

**Section 4. Severability.** Should any portion of this Ordinance or the affected Code Section(s) be held invalid by a court of competent jurisdiction, the remainder shall not be affected.

**Section 5. Effective Date.** Upon adoption, this Ordinance shall take effect the day after publication or posting.

Enacted: \_\_\_\_\_, 2023

**TOWN OF HARRISON**

By \_\_\_\_\_

\_\_\_\_\_ **Town Chair**

**CLERK'S CERTIFICATE OF ENACTMENT**

I hereby certify that the foregoing Ordinance was duly enacted by the Town of Harrison Board of Supervisors on the date indicated above.

Dated \_\_\_\_\_, 2023 \_\_\_\_\_

\_\_\_\_\_ Town Clerk

Published/Posted on \_\_\_\_\_, 2023 by \_\_\_\_\_