

ORDINANCE NO. 01-2024

Town of Townsend, Oconto County, WI

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 Townsend 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

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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 Townsend, Oconto 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 Townsend, Oconto County, Wisconsin. This ordinance shall be enforced by law enforcement officers with the jurisdiction and enforcement authority.

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 operate 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. 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 4. Effective Date. Upon adoption, this Ordinance shall take effect the day after publication or posting.

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Enacted: May 14, 2024

TOWN OF TOWNSEND

Monica Keller
Town Chair

[Signature]
Supervisor

[Signature]
Supervisor

CLERK'S CERTIFICATE OF ENACTMENT

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

Dated May 14, 2024 _____

[Signature] Town Clerk

Published/Posted on May 15, 2024 by [Signature]

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