Ordinance 2024-01
An ordinance to enact Subchapter 507 of the Presque Isle Municipal Code 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 Presque Isle ("Town") 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 are 70 pristine, named lakes within the township boundaries, the majority being small water bodies less than 200 acres; 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 and more 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, some public uses must yield if other public uses are to exist at all (93 Wis.2d 78, 286 N.W.2d 622);

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 Town Board of the Town of Presque Isle does ordain as follows:

5/21/2024

Subchapter 507. AN ORDINANCE RESTRICTING CERTAIN ARTIFICIAL WAKE ENHANCEMENT

507.1 AUTHORITY. The Town Board of Presque Isle has the authority under Ch. 30.77(3)(a) Wis. Stats. to enact ordinances relating to the equipment, use, or operation of boats in the interest of public health, safety, or welfare, including the public's interest in preserving the state's natural resources.

507.2 APPLICABILITY AND ENFORCEMENT: The provisions of this ordinance shall apply to all waters within the Town of Presque Isle, Vilas County, Wisconsin. This ordinance shall be enforced by all officers of Presque Isle and all other individuals empowered to enforce ordinances in this Town.

507.3 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 operating 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) boarding employing a tow rope at all times. iv) transition operation to empty a boat of water, or v) transition operation of a boat accelerating to a planing condition.

(4) Oxbow Lake Excluded. Sections 507.3(1) and 507.3(2) shall not apply to Oxbow Lake (WBIC 2954800) between the hours of 11:00am and 3:00pm on parts of the lake farther than 300 feet from any shoreline or island.

507.4 PENALTIES. Forfeitures for violations are specified in Subchapter 117.4(1) of the Municipal Code.

507.5 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.

507.6 EFFECTIVE DATE. Upon adoption, this Ordinance shall take effect the day after publication or posting as required by law.

Signed:

Chairman — Date: 5/21/24

Supervisor — Date: 5.21.24

Supervisor — Date: 5-21-24

Attest
Clerk — Date: 5-21-24