

ORDINANCE NO. 2025

Town of Eagle, Waukesha 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 Eagle ("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, Eagle Spring Lake exists wholly in the town; and

WHEREAS, artificially enhanced wakes can cause environmental damage to lakes and lakeshore, including resuspension of sediment adding nutrients to the water and increased risk of 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, 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, 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; and

NOW, THEREFORE, the Board of Supervisors of the Town of Eagle, Waukesha County, Wisconsin, does hereby ordain as follows:

Section 1. Applicability and Enforcement: The provisions of this ordinance shall apply to all waters wholly within the Town of Eagle, Waukesha County, Wisconsin. This ordinance shall be enforced by all officers of Waukesha County, Wisconsin and all other individuals empowered to enforce ordinances in this Town.

Section 2. Certain Artificial Wake Enhancement Prohibited

(1) Prohibited Equipment. No person may use or employ ballast tanks, ballast bags or fins, or any other method, 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 fins, or continuous operation at transition speed (the speed below planing speed in which a boat is operating in plowing mode), and similar methods. For the purpose of this provision, "continuous operation" shall mean "operation that is not acceleration for the purpose of achieving a state of planing".

(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) cruising via pontoons, iv) wake boarding employing a tow rope; v) transition operation to empty a boat of bilge water, or vi) transition operation of a boat accelerating into a planing condition.

(4) Related Current Wisconsin Laws

- Under Sec 30.68(4)(a), Wis. Stats. No person shall operate a motorboat so as to approach or pass another boat in such a manner as to create a hazardous wake or wash.
- Under Sec 30.68(4)(b), Wis. Stats. An operator of a motorboat is liable for any damage caused to the person or property of another by the wake or wash from such motorboat unless the negligence of such other person was the primary cause of the damage.
- Under Sec 30.66(3)(a), Wis. Stats. No person may operate a motorboat within 100 feet of any dock, raft, pier, or buoyed restricted area on any lake at a speed in excess of slow-no-wake.
- Under Sec 30.66(3)(ag)1, Wis. Stats. No person may operate a motorboat, other than a personal watercraft, at a speed in excess of slow-no-wake within 100 feet of the shoreline of any lake.

By adopting this Ordinance, the Town also adopts all of the above Wisconsin Statutes and all other state laws and administrative codes for hazardous wake and water draining/aquatic plant and animal removal.

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 face a penalty of not more than \$500 for the first offense and not more than \$1000 for the second and subsequent offenses 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.

Ordinance introduced by Board member [insert board member name], who moved its adoption. Seconded by Board member [insert name]. AYES: [insert all names here]. NOES: [insert all names here]. ABSENT: N/A ADOPTED: [insert date here (month day, year)]

Enacted: insert date (month day, year) **TOWN OF EAGLE**

By _____

Christine Mommaerts, Town Chair

CLERK'S CERTIFICATE OF ENACTMENT

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

Dated: insert date insert name, Town Clerk

Posted on Town of Eagle website insert location (page name): insert date