

TOWN OF PLUM LAKE
STATE OF WISCONSIN
VILAS COUNTY

Ordinance 2024-004

**BOATING REGULATION RESTRICTING CERTAIN ENHANCED WAKES
ORDINANCE**

SECTION I: TITLE AND PURPOSE

The title of this ordinance is the Boating Regulation Restricting Certain Enhanced Wakes. The purpose of this ordinance is to protect public health, safety, and/or welfare, including the public's interest in preserving natural resources.

SECTION II: AUTHORITY

The Town of Plum Lake ("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. 30.50 to 30.71 and 30.77 (3)(a) Wis. Stats.

SECTION III: SUPPORTING INFORMATION

- A. The Town of Plum Lake has included in its Comprehensive Plan the importance of preserving and maintaining natural resources and protecting the town's natural features;
- B. Wisconsin's inland lakes are among the state's most critical natural resources and have great aesthetic, environmental and economic value;
- C. In the Wisconsin DNR's Spring 2024 Survey, both Vilas County residents and those who recreate in Vilas County overwhelmingly approved legislation that would prohibit the operation of boats with ballasted systems; and/or limit them far off shore in deep water in the largest lakes;
- D. Current Wisconsin boating regulations do not account for the special concerns posed by the generation of enhanced wakes;
- E. Boater education programs such as those offered by boat manufacturers and dealers can be helpful but are not sufficient;
- F. Artificially enhanced wakes can cause irreversible environmental damage to lakes and lakeshore, including resuspension of sediment adding nutrients to the water and possible increased algal blooms, turbidity, natural and developed shoreline erosion, and threats to aquatic life and waterfowl;
- G. Boats with ballast systems, which by current design cannot be completely emptied, increase the likelihood of aquatic invasive species being introduced and spread on lakes;
- H. Recreational boats can be outfitted to generate extraordinarily large wakes for the purpose of activities that can be performed without a tow rope such as wake surfing and wake jumping;

- I. The energy of enhanced waves increases with the square of their amplitude, such that a two-fold increase in wave height generates four times more energy and a three-fold height increase generates nine times more energy;
- J. Artificially enhanced wakes can damage shoreline, lake bottoms, moored boats, and shoreline structures including docks;
- K. Operating boats in an artificially bow-high manner creates downward prop wash, disturbing the lake bottom far below the wave zone, 20 feet deep and more below the surface; and therefore, such operation should only be performed at least 700 feet from shore and on lakes of at least 1,500 acres in size;
- L. Artificially enhanced wakes can endanger swimmers, anglers, and use of kayaks, paddleboards, and other watercraft;
- M. The use of ballast and wake-enhancing fins, vanes, shapers, or other devices can cause unsafe operation by causing the bow to rise obscuring vision forward, and should not be deployed or operated;
- N. The Town must submit 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
- O. 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.

SECTION IV: BOATING REGULATIONS RESTRICTING CERTAIN ENHANCED WAKES

- A. **Applicability and Enforcement:** The provisions of this ordinance shall apply to all waters wholly within the Town of Plum Lake, Vilas County, Wisconsin. This ordinance shall be enforced by any member of the Town Board and all other individuals or agencies empowered to enforce ordinances in this Town.
 - 1. **Certain Artificial Wake Enhancement Prohibited:**
 - a. **Prohibited Equipment.** No person may use or employ ballast tanks, ballast bags, fins, or other devices to cause a boat to operate in a bow-high manner, or which increases or enhances a boat's wake.
 - b. **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, ballast bags or fins or continuous operation at transition speed (the speed below planing speed in which a boat is operating in plowing mode).
 - c. **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, ballast bags or wake enhancing fins or other devices:
 - 1. Water skiing;
 - 2. Tubing;
 - 3. Wake boarding employing a tow rope;
 - 4. Brief transition operation to empty a boat of bilge water; or
 - 5. Brief transition operation of a boat accelerating into a planing condition.

SECTION V: PENALTY

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.

- A. 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 shall forfeit \$1000 for the second or subsequent offense within one year. Deposits established in the WISCONSIN CIRCUIT COURT FEE, FORFEITURE, FINE AND SURCHARGE TABLES shall also apply to any violation.

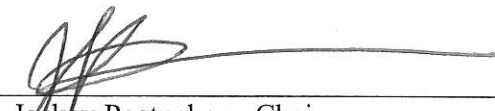
SECTION VI: SEVERABILITY

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.

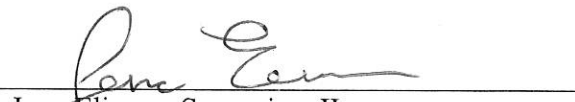
SECTION VII: EFFECTIVE DATE

This Ordinance will not become effective until required postings have been established at public boat launches. After the Town Clerk is officially notified that all signage has been installed, then this ordinance shall be published or posted as required under Wis. Stat. §60.80, and will at that time become effective. The Town Clerk shall properly publish this ordinance as required under Wis. Stat. §60.80.


Adopted this 17th day of August, 2024.
By the Town Board of the Town of Plum Lake, Vilas County:



Jackey Postuchow, Chair



Jona Eliason, Supervisor II



Kevin Rasmussen, Supervisor I



Attest: Jane Rosewicz, Town Clerk