

Ordinance 2020-04
An ordinance to enact **Subchapter 507: Hazardous Wakes**
of the Presque Isle Municipal Code

Whereas, 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; and

Whereas, there are 70 pristine, named lakes within the township boundaries, the majority being small water bodies less than 200 acres (90%); and

Whereas, public recreational activities such as pleasure boating, fishing and swimming are popular on township lakes and rivers, thereby constituting an important economic and quality of life resource; and

Whereas, recreational boats can be outfitted to generate extraordinarily large wakes for the purpose of activities such as wake surfing, wake jumping or wake boarding; and

Whereas, such large wakes produce rogue waves that are much larger and more forceful than normal wind-driven waves; and

Whereas, the energy of rogue 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 increase generates nine times more energy; and

Whereas, rogue waves propagate for long distances with little change in energy; and

Whereas, rogue waves surprise and endanger other boaters and recreators, damage shoreline structures, erode natural shorelines, resuspend bottom sediments, negatively impact littoral habitat for fish and wildlife, and diminish water quality; and

Whereas, the filling and emptying of ballast tanks promotes the propagation of aquatic invasive species (AIS), and;

Whereas, the town board desires to mitigate the adverse impacts of rogue waves and ballast water to protect the health, safety and general welfare of the citizens of the Town of Presque Isle, prevent damage to persons and property, preserve the quality of life, protect water quality and other natural resources; 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);

NOW, THEREFORE, the Town Board of the Town of Presque Isle does ordain as follows:

Subchapter 507. Hazardous Wakes

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 Definitions

507.2(1). Hazardous wake. A hazardous wake is a boat wake that is intentionally magnified through the use of ballast, design features or operational procedures to amplify the wake's height and consequently generate rogue waves.

507.3 Local Ordinance. THE OPERATION OF A BOAT IN A MANNER THAT INTENTIONALLY MAGNIFIES ITS WAKE FOR RECREATIONAL PURPOSES SUCH AS WAKE BOARDING, WAKE SURFING OR WAKE JUMPING IS PROHIBITED ON ANY LAKE OR RIVER WITHIN THE TOWNSHIP BOUNDARIES.

507.3(1). It is unlawful for any person to use any equipment that is installed or added to a boat or to operate a boat in a manner that intentionally creates hazardous wakes and rogue waves.

507.3(2). Ballast tanks or other ballast modifications which increase the displacement of a boat or vessel so as to create a hazardous wake and rogue waves may not be deployed on any watercraft.

507.3(3). External vanes or devices intended to increase the wake of a boat may not be deployed or operated.

507.3(4) Watercraft operators shall not produce hazardous wakes by regulating the throttle level of the motors propelling the boat at speeds which result in the hull plowing through water to magnify a wake and thus generate rogue waves.

507.4 Enforcement. This ordinance shall be enforced by the town constable, public safety officer, town board and/or any other town official or employee as delegated by the town board (s 66.0113(2)).

507.5 Penalties. Any person violating any provision of this ordinance shall forfeit not more than \$500 for the first offence and shall forfeit not more than \$1000 for any subsequent offense within one year. Deposits established in the WISCONSIN CIRCUIT COURT FEE, FORFEITURE, FINE AND SURCHARGE TABLES shall also apply to any violation.

507.6 Validity. Shall any section or provision of this ordinance be declared invalid by the courts, it shall not affect the validity of the balance of the ordinance.

507.7 Effective Date. This ordinance shall become effective upon passage and publication as required by law.

Signed,

Chairman

Date

Supervisor

Date

Attest

Supervisor

Date

Clerk Date_____