

**STATE OF WISCONSIN
Douglas County
Town of Oakland**

ORDINANCE NO. 2024-1

TITLE AND PURPOSE

The title of this ordinance is **ORDINANCE RESTRICTING ARTIFICIAL WAKE ENHANCEMENT ON LYMAN LAKE AND ON DOWLING LAKE**

The purpose of this ordinance is to promote public health, safety, or welfare, including the public's interest in preserving the state's natural resources.

SECTION 1 – AUTHORITY

The Town of Oakland has the authority to enact ordinances applicable to waters within its jurisdiction if the ordinances are not contrary to or inconsistent with Wis. Stat. s. 30, and they relate to the equipment, use, or operation of boats or to any activity regulated by Wis. Stat. 30.60 to 30.71.

The Town of Oakland also has the authority to adopt this ordinance under Wis. Stat. s. 30.77(3)(a),

This ordinance is to read as follows:

ORDINANCE RESTRICTING ARTIFICIAL WAKE ENHANCEMENT ON LYMAN LAKE AND ON DOWLING LAKE

(1) Prohibited Equipment. No person may use or employ on Lyman Lake or on Dowling Lake, water sacks, ballast tanks, submersible wings or any other device which causes 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 on Lyman Lake or on Dowling Lake in an artificially bow-high manner in order to increase or enhance the boat's wake. Such prohibited operation shall include wake enhancement by use of ballast, mechanical hydrofoils, uneven loading or operation at transition speed (the speed at which the boat is operating at greater than slow-no-wake speed, but not fast enough so that the boat is planing).

SECTION 2 – WHEREAS,

A. in the interest of public health, safety, or welfare, including the public's interest in preserving the state's natural resources, the Town of Oakland has the authority to enact ordinances applicable to 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 Wis. Stat. ss 30.60 to 30.71; and

B. in no event shall any of the following operations be deemed a violation of this Ordinance, provided such operations do not use ballast tanks, water sacks or wake enhancing fins: 1. water skiing, 2. tubing, 3. brief transition operation to empty a boat of water, or brief transition operation of a boat accelerating into a planning condition; and

C. within the Town of Oakland, Douglas County, Wisconsin, there are two inland lakes known as Lyman Lake and Dowling Lake; and

D. 100 percent of the footage of the shorelines of both Lyman Lake and Dowling Lake is within the boundary of the Town of Oakland; and

E. the Town Board had determined that artificially enhanced wakes cause environmental damage to lakes and lakeshore, including resuspension of sediment which adds nutrients to the water and possible increased algal blooms, near shore turbidity, shoreline erosion, and threats to aquatic life and waterfowl; and

F. the Town Board had determined that boats with ballast systems increase the probability of aquatic invasive species; and

G. the Town Board had determined that artificially enhanced wakes cause physical damage to riparian properties, including damage to shoreline, rip-rap, trees, natural buffers, docks and boatlifts; and

H. the Town Board had determined that artificially enhanced wakes cause dangerous conditions on shore and on docks as well as dangerous water conditions for swimmers, anglers and other watercraft; and

I. the Town Board had determined that the use of ballast causes a boat to be operated in an unsafe manner by causing the bow to rise and obscuring vision forward; and

J. the Town of Oakland submitted a draft of this ordinance to the Wisconsin Department of Natural Resources for its advisory review at least 60 days prior to passage, pursuant to Wis. Stats, 30.77(3)(d); and

K. the Town of Oakland provided notice to residents and interested parties through informational meetings and on its website, on the website of the Town of Oakland Plan Commission and on the website of the Amnicon Dowling Lake Management District; and

L. the Town Board, after taking into consideration public comments and any suggested changes of the DNR, determines that adopting the following boating regulation is consistent with the intent of the Town of Oakland Ordinances and would promote the public health, safety and welfare, including the public's interest in preserving the state's natural resources; and

M. Posting of this Ordinance will be done according to the requirements of Wis. Admin. Code s NR 5.15;

NOW, THEREFORE, the Board of Supervisors of the Town of Oakland, Douglas County, Wisconsin, does hereby ordain that the provisions of this ordinance apply to Lyman Lake and to Dowling Lake in the Town of Oakland, Douglas County, WI.

SECTION 3 – ADOPTION OF ORDINANCE

This ordinance has been adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given.

SECTION 4 – ENFORCEMENT

This ordinance shall be enforced by the Oakland Town Board, their designee or by any individual or entity empowered by law to do so.

SECTION 5 – PENALTY

Wisconsin state boating penalties pertaining to wake enhancement are found in Wis. Stat. s. 30.80.

The amounts of penalties for violations of this ordinance are established by the “Revised Uniform Deposit and Bail Schedule for Conservation, Environmental Protection, ATV, Boat, OHM and Snowmobile Violations” as found in Chapter NR 5 and as established pursuant to ss. 23.66(4), 345.26(2)(a), and 969.65 Wis.Stats, Adopted by the Wisconsin Judicial Conference.”

Those penalties/deposits are hereby adopted by reference, except all references to fines are amended to forfeitures and all references to imprisonment are deleted.

SECTION 6 – SEVERABILITY

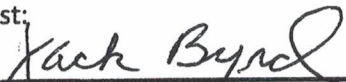
If a court of competent jurisdiction adjudges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remaining provisions shall not be affected.

SECTION 7 – EFFECTIVE DATE

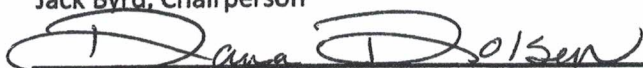
This ordinance is effective on the day after publication or posting. The town clerk shall properly post or publish this ordinance as required under Sec. 60.80.

Adopted this 12th day of March, 2024.

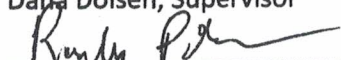
Attest:



Jack Byrd, Chairperson



Dana Dolsen, Supervisor



Randy Polson, Supervisor

CLERK'S CERTIFICATE OF ENACTMENT

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

Laurie K. Dolsen

Laurie Dolsen, Town Clerk

Published/Posted on this _____ day of _____, 2024 by

Dated this _____ day of _____, 2024