

RESOLUTION TO CREATE ORDINANCE 33-2023
Regulation of artificial Wake enhancement on Riverview Lakes

RESOLUTION 2023 #3

STATE OF WISCONSIN

Town of Riverview, Oconto County

WHEREAS, in the interest of public health, safety, or welfare, including the public's interest in preserving the state's natural resources, the Town of Riverview has the authority to enact ordinance 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 ss. 30.60 to 30.71, Wis. Stats.; and

WHEREAS, there exists entirely within the boundaries of the Town of Riverview inland lakes: Crooked Lake, Paya Lake, Maiden Lake, and Nelligan Lake, which are entirely within the jurisdiction of the Town of Riverview; and

WHEREAS, 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

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

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

WHEREAS, the Town of Riverview provided notice and conducted the necessary public hearing as required by s. 30.77(3)(aw), Wis. Stats.; and

WHEREAS, the Town Board, after taking into consideration public comments and any suggested changes of the DNR, determines that adopting the following boating regulations would promote the public health, safety and welfare, including the public's interest in preserving the state's natural resources;

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

Section 1. Creating Code. Section 33 ("Motorboat Wake Enhancement Ordinance") of the Town of Riverview Municipal Code is created to read as follows:

33-2023 Motorboat Wake Enhancement Ordinance

- (1). No person may use or employ 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). No person may operate any motorized watercraft in an artificially bow-high manner, in order to increase or enhance the boat's wake. Such prohibited operation shall apply to wake enhancement by the

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 planning).

(3). No person may operate any motorized watercraft in a transition speed for over 100 feet in length

Section 2. Severability. Should any portion of this Ordinance or the affected Code Section(s) be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Penalty. Wisconsin state boating penalties as found in Wis. Stat. 30.80. and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

- A. Any person violating a provision of this ordinance for which no statutory equivalent exists in Wis. Stats. Ch. 30 shall forfeit the following:
- B. Any person found guilty of violating Section V of this chapter shall pay a forfeiture established by the Town Board (ref to the Town of Riverview Bond Schedule) together with the cost of prosecution

Section 4. Effective Date. Upon adoption, this Ordinance shall take effect the day after publication or posting.

Enacted: December 12, 2023

TOWN OF RIVERVIEW

By: 

Jim Zittlow, Chairman

By: 

David Van Zeeland, Supervisor

By: 

Dave Szepanski, Supervisor

CLERK'S CERTIFICATE OF ENACTMENT

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

Dated: December 12, 2023


Beth Hartman, Clerk

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