

TOWN OF DRUMMOND

Bayfield County
Drummond, Wisconsin 54832



ORDINANCE NO. 20240814B

Town of Drummond, Bayfield 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 Drummond ("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, Lake Owen is one of the finest lakes in Wisconsin and is particularly sensitive, having many narrow areas and many shallow areas, these being particularly susceptible to enhanced wakes and propeller wash; 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 unless these ballast systems are decontaminated before the ballast system is use on a lake; and

WHEREAS, the State of Wisconsin has in place a regulation requiring that all ballast tanks of all boats leaving any waterbody be fully emptied of all water to avoid the transfer of invasive species, but that it is not possible to fully empty all water from such tanks on all boats; and

WHEREAS, artificially enhanced wakes can damage shoreline, lake bottom, moored boats, and shoreline structures including docks; and

WHEREAS, operating boats in a bow high, 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 has jurisdiction over in excess of 60% of the shoreline of Lake Owen, and the entire remainder of the shoreline is under the jurisdiction of the Town of Cable, and the Town contemplates that an ordinance substantially duplicate in substance will be enacted by the Town of Cable, as specified under 30.77(3)(aw) 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;

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

Section 1. Applicability and Enforcement: The provisions of this ordinance shall apply to all of Lake Owen, Lake Owen having over 60% of its shoreline in Drummond and having the remaining shoreline within the Town of Cable. This ordinance shall be enforced by all officers of Drummond and all other individuals empowered to enforce ordinances of Drummond.

Section 2. Certain Artificial Wake Enhancement Prohibited

- a) **Prohibited Use of Equipment.** No person may use or employ ballast tanks, ballast bags, fins, or similar 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, mechanical fins, continuous operation at transition speed (the speed below planing speed in which a boat is operating in plowing mode), or similar devices and/or methods.
- c) **Certain Operations Excluded From This Ordinance.** In no event shall the following operations be deemed a violation of this Ordinance, provided such operations do not use or employ ballast tanks, ballast bags, wake enhancing fins, or other similar devices and/or methods: i) water skiing, ii) tubing, iii) wake boarding employing a tow rope; iv) brief transition operation to empty a boat of water, or v) brief transition operation of a boat accelerating into a planing condition.
- d) **Certain Operations Permitted.** Notwithstanding paragraphs (a) and (b) above, this ordinance shall not prohibit any activity conducted on Lake Owen where the following two conditions are both satisfied at all times for activities otherwise within the scope of paragraphs (a) and (b) above: i) the activity is conducted at all times at least 600 feet from the nearest shoreline including island shoreline; and ii) the activity is conducted at all times in water no less than 20 feet deep.
- e) **Ballasted Boats Used On Other Waterbodies Before Use On Lake**

Owen. No one may use on Lake Owen within the scope of Section 2(d) above any boat containing any ballast tank or ballast bag if such boat has been used previously during the calendar year on any waterbody other than Lake Owen, unless and until each such ballast tank and ballast bag has first been fully decontaminated by thermal or chemical means, and in compliance with the following:

- i. Such decontamination shall have been conducted by a professional boat service facility providing ballast tank decontamination services.
- ii. A copy of a dated and signed written certificate shall be maintained on the boat at all times while on Lake Owen, confirming such decontamination, the manner of decontamination, the identification of the boat bearing the decontaminated tanks, and/or bags, and the name and phone number of the entity providing such decontamination services.
- iii. Any individual authorized to enforce this ordinance may request anyone operating the boat to produce this written certificate for inspection when the boat is at a public landing or when the boat is operating on Lake Owen with any ballast tank or ballast sack deployed, with the boat operating in an artificially bow high manner.
- iv. Any individual providing "Clean Boat, Clean Water" inspections at a public landing on Lake Owen may request anyone launching or removing a boat from Lake Owen having a ballast tank or ballast bag, to produce the written certificate for inspection.
- v. An oral representation by the boat operator that the boat has not been on any water body other than Lake Owen during the calendar year, shall exempt the boat operator from the duty to have or produce the written certificate under this ordinance.

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 forfeit \$500 for the first offense and shall forfeit \$1000 for each 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 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 30 days after publication or posting of the Ordinance as required by law.

Enacted: August 14, 2024



Royden Bloom, Town Chair

CLERK'S CERTIFICATE OF
ENACTMENT

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

Dated: August 14, 2024



Andrew Tuttle, Town Clerk

Published/Posted on August 25, 2024