

THE TOWN OF LEON, WAUSHARA COUNTY, WISCONSIN
ADOPTS ORDINANCE 2022-06
RESTRICTING ARTIFICIAL WAKE ENHANCEMENT ON PEARL LAKE

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 Leon 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 equipment, use or operation of boats or to any activity regulated by ss. 30.60 to 30.71, Wis. Stats.; and

WHEREAS, there exists within the Town of Leon, Waushara County, Wisconsin, an inland lake known as Pearl Lake; and

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

WHEREAS, the Leon Town Board had determined that boats with ballast systems increase the probability of aquatic invasive species; and

WHEREAS, the Leon 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

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

WHEREAS, the Leon 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

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

WHEREAS, the Leon Town Board, after taking into consideration public comments and any suggested changes of the DNR, determines that adopting the following boating regulations is consistent with the intent of the Town of Leon Municipal Code and 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 Supervisor's of the Town of Leon, Waushara County, Wisconsin, does hereby ordain as follows:

Section 1. Creating Code. The Town of Leon Municipal Code is created to read as follows:

ARTIFICIAL WAKE ENHANCEMENT PROHIBITED ON PEARL LAKE

- **Prohibited Equipment.** No person may use or employ on Pearl Lake water sacks, ballast tanks, submersible wings or any other devices which causes a boat to operate in a bow-high manner, or which increases or enhances a boat's wake.

- **Prohibited Operation.** No person may operate a boat on Pearl 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 planning).

Section 2. Amending Code. The Town of Leon Municipal Code is amended in its entirety to read as follows:

PENALTY. Wisconsin state boating penalties as found in s. 30.80, Wis. Wisconsin Judicial Conferences, are hereby adopted by reference, except all references to fines are amended to forfeitures and all references to imprisonment are deleted.

Section 3. Severability. Should any portion of the 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 4. Effective date. Upon adoption, this Ordinance shall take effect the day after publication or posting.

Enacted: 8-29-2022

TOWN OF LEON

By: Chris Sorenson
Chris Sorenson, Town Chair and Town Supervisor

By: Russell Heise
Russell Heise, Town Supervisor

By: Gordon Engel
Gordon Engel, Town Supervisor

CLERK'S CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town of Leon Supervisors on the date indicated above:

Dated: August 29, 2022

Town of Leon Ordinance 2022-06, Final Approval on: 10-18-2022

Lois A Jewell
Cynthia L. Gotthart, Clerk, Town of Leon
LOIS A. JEWELL

Published/posted on 10-18-2022