

ORDINANCE 2024-07
PAPOOSE LAKE ARTIFICIAL WAKE ORDINANCE
JOINT ORDINANCE, TOWNS OF PRESQUE ISLE AND WINCHESTER

SECTION I – PURPOSE

The purpose of this ordinance is to adopt regulations to protect the health of Papoose Lake for the benefit of all and to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests upon the waters of Papoose Lake in the Towns of Presque Isle and Winchester in Vilas County Wisconsin.

SECTION II – AUTHORITY

In the interest of public health, safely, and/or welfare, including the public’s interest in preserving natural resources, the Town Boards of Presque Isle and Winchester have the authority to enact ordinances covering waters within their 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. The Town Boards have the general authority under their village powers under ss. 60.10(2)(c), 60.22(3), and 61.34(1) Wis. Stats., to adopt this Ordinance.

The Town Boards also have the authority under Section 30.77 Wis Stats to adopt local ordinances regulating boating and it is the intent of the Town Boards to exercise that power in adopting this Ordinance.

SECTION III – ADOPTION AND ABROGATION

A. This ordinance, adopted by a majority of both Town Boards on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by each Town Board of artificial wake enhancement on Papoose Lake, which is under the joint jurisdiction of the two Towns, neither of the Towns having 60% or more of the shoreline.

B. The Town each 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 both Town Boards, after considering public comments and any DNR suggestions, determine that adopting this Ordinance is consistent with all other ordinances of their Town and would promote the public health, safety and welfare, including the public's interest in preserving natural resources.

C. Where another ordinance imposes greater restriction, the provisions of the more restrictive ordinance shall prevail.

SECTION IV – COVERAGE

A. This ordinance applies to Papoose Lake within the Towns of Presque Isle and Winchester, Vilas County, Wisconsin.

B. This ordinance shall be enforced by each Town Board and all other individuals or agencies empowered to enforce ordinances in the Towns.

SECTION V – SPECIFICATIONS

A. Prohibited Equipment: No person may use or employ ballast tanks, water sacks, 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, or water sacks, or mechanical fins, or similar devices or methods or continuous

operation at transition speed (the speed below planing speed in which a boat is operating in plowing mode).

C. Certain Operations Excluded: In no event shall any of the following operations be deemed a violation of the Ordinance, provided such operations do not use or employ ballast tanks, water sacks, or wake enhancing fins or similar devices or methods:

1. Water skiing
2. Tubing
3. Wake Boarding employing a tow rope at all times
4. Transition operation to empty a boat of bilge water
5. Transition operation of a boat accelerating to a planing condition

SECTION VI—PENALTY

A. 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.

B. 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 the second or subsequent offense within one year.

C. Deposits established in the WISCONSIN CIRCUIT COURT FEE, FORFEITURE, FINE AND SURCHARGE TABLES shall also apply to any violation.

SECTION VII – SEVERABILITY CLAUSE

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 VIII – EFFECTIVE DATE

This ordinance shall be in effect after its passage by the Town Boards of Winchester and Presque Isle and publication as required by law.

The town clerk of each of the Towns shall properly post/publish this ordinance as required under s. 60.80, Wis. stats.

Adopted October 7, 2024

Posted October 14, 2024

/s/Joan T. Wainio, Town Clerk