

Town of Rhine, Sheboygan County, Wisconsin

**AN ORDINANCE CREATING 5.12 OF
THE TOWN OF RHINE MUNICIPAL CODE
RESTRICTING ARTIFICIAL WAKE-ENHANCEMENT ON CRYSTAL 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 Rhine 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 ss. 30.60 to 30.71, Wis. Stats.; and

WHEREAS, there exists within the Town of Rhine and the Town of Plymouth, Sheboygan County, Wisconsin, an inland lake known as Crystal Lake; and

WHEREAS, at least 60 percent of the footage of Crystal Lake's shoreline is within the boundary of the Town of Rhine; and

WHEREAS, 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, nearshore turbidity, shoreline erosion, and threats to aquatic life and waterfowl; and

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

WHEREAS, 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

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 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 Rhine 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 Rhine 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 is consistent with the

intent of Section 5.01 of the Town of Rhine 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 Supervisors of the Town of Rhine, Sheboygan County, Wisconsin, does hereby ordain as follows:

Section 1. Creating Code. Section 5.12 of the Town of Rhine Municipal Code is created to read as follows:

5.12 ARTIFICIAL WAKE ENHANCEMENT PROHIBITED ON CRYSTAL LAKE

(1) Prohibited Equipment. No person may use or employ on Crystal 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 Crystal 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. Amending Code. Section 5.06 of the Town of Rhine Municipal Code is amended in its entirety to read as follows:

5.06 PENALTY. 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.

Section 3. 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 4. Effective Date. Upon adoption, this Ordinance shall take effect the day after publication or posting.

Enacted: **April 13, 2021**

TOWN OF RHINE

By: _____

Ron Platz, Town Chair

CLERK'S CERTIFICATE OF ENACTMENT

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

Dated: _____, 2021 _____

Lexann Hoogstra, Clerk/Treasurer

Published/Posted on _____, 2021 by _____.

R:\CLIENT\08471\00001\00151708.DOC