

(4c)Town vs Lake District_Assoc vs State Statute

	State Constitution	Town "Town of East Troy"	Lake District "Lake Beulah Mgmt District" & "Potter Lake PR District"	Lake Association (Qualified & Unqualified) "Protect Lake Beulah"	State DNR
State Statute Chapter	Wisconsin Constitution, article IX, section 1	Chapter 60	Chapter 33	Chapter 281, 181	Chapter 30
State Statute Name	THE PUBLIC TRUST DOCTRINE EMINENT DOMAIN AND PROPERTY OF THE STATE	TOWNS	PUBLIC INLAND WATERS	NONSTOCK CORPORATIONS, WATER AND SEWAGE	NAVIGABLE WATERS, HARBORS AND NAVIGATION
Constitu-tion or State Statute Link	https://docs.legis.wisconsin.gov/constitution/wi_unannotated https://docs.legis.wisconsin.gov/misc/lc/issue_briefs/2019/environment_and_natural_resources/ib_public_trust_doctrine_a_h_2019_10_01	https://docs.legis.wisconsin.gov/statutes/statutes/60	https://docs.legis.wisconsin.gov/statutes/statutes/33	https://docs.legis.wisconsin.gov/statutes/statutes/181 https://docs.legis.wisconsin.gov/statutes/statutes/281	https://docs.legis.wisconsin.gov/statutes/statutes/30
People of the Lakes: A Guide for Wisconsin Lake Organizations	N/A	N/A	https://www3.uwsp.edu/cnr-ap/UWEXLakes/Documents/organizations/Lake%20Districts/Lake_Org_Guide2018.pdf	https://www3.uwsp.edu/cnr-ap/UWEXLakes/Documents/organizations/Lake%20Districts/Lake_Org_Guide2018.pdf	N/A
Revenue	N/A	Property Tax Levy and/or Special Assessments.	Property Tax Levy and/or Special Assessments.	Membership Dues, Donations.	State & Federal funding, collects various fees to support its programs and operations.
Accountability	The State shall have accountability to maintain rivers and lakes as "common highways and forever free," and available to the public ("the inhabitants of the state" as to the citizen.")	Local government. Accountability to the needs of its citizens, the taxpayers. Ethics for local government officials, Open meetings, Public records,	A special-purpose unit of government. Accountability rests on the district for the needs of maintaining and protecting the lake. Ethics for local government officials, Open meetings, Public records,	Not a unit of government and not subject to the Open Meetings Law. Accountability rests primarily with the board ensuring the organization operates legally and according to its founding purpose.	Agency of the State of WI Accountability ensured through the department's enforcement actions, permitting processes, and judicial review mechanisms. "Department" means the Department of Natural Resources.

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Main Responsibility	<p><u>Jurisdiction on rivers and lakes; navigable waters.</u></p> <p>SECTION 1. The state shall have concurrent jurisdiction on all rivers and lakes ordering on this state so far as such rivers or lakes shall form a common boundary to the state and any other state or territory now or hereafter to be formed, and bounded by the same; and the river Mississippi and the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of the state as to the citizen.</p>	Townships are responsible for basic municipal services like elections, property tax administration, road maintenance, and providing emergency services like fire protection & ambulance service, recycling programs, garbage collection, land use management, economic development, town ordinances and law enforcement.	<p>Overall lake protection & management.</p> <p>Monitor water quality, inventory/monitor aquatic plants, shoreline protection, develop erosion control programs, develop long-range Aquatic Plant Management Plans, educational programs, fish stocking, dredging, dam control and some boating regulations.</p>	<p>Similar to a Lake District; Monitor water quality, inventory/monitor aquatic plants, shoreline protection, develop erosion control programs, develop long-range Aquatic Plant Management Plans, educational programs, fish stocking, dredging, dam control <u>with the exception of boating regulations.</u></p>	<p>Encompasses the legal framework for regulating activities on bodies of water, including defining what constitutes a navigable waterway and regulating structures like piers, wharves, and bulkheads within them.</p>
Water Safety Patrol	N/A	<p>Yes, Can operate a water safety patrol</p> <p>*** The Town of East Troy is currently operating a water safety patrol on Lake Beulah</p>	<p>Yes, Can operate a water safety patrol</p>	<p>Yes, can operate a boat patrol in conjunction with and under the authority of a local unit of government having at least one lake of 100 acres or more within its jurisdiction.</p>	<p>Wis. Stats. 30.79 Local Water Safety Patrols; State Aids.</p>

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Boating Regulations & Ordinances	N/A	<p>Wisconsin law generally gives towns the authority to enact & enforce local boating regulations. Boating ordinances may not be inconsistent with state boating law, but may generally be more restrictive than state laws.</p> <p>IF MORE RESTRICTIVE, the Department of Natural Resources (DNR) is bound by state law and cannot enforce these more restrictive local ordinances, placing the enforcement responsibility solely on the town.</p>	<p>The State Legislature has expressly authorized Lake Districts for creating boating regulations that restrict; (1) speed (2) establish time (3) location standards for different types of boating activities and/or (4) navigational patterns.</p> <p>Oversees navigational aids/buoys per DNR permit & local ordinance.</p> <p>Residents may use private buoys to mark dangerous areas, provided they comply with the DNR permitting and standards.</p> <p>The State has delegated much of their authority associated with the Public Trust Doctrine to the DNR.</p>	<p>Lake associations DO NOT have the authority to create or enforce their own regulations. They are voluntary organizations and cooperate with DNR and local governments for addressing lake-related issues and local ordinances.</p> <p>Oversees navigational aids/buoys per DNR permit & local ordinance.</p> <p>Residents may use private buoys to mark dangerous areas, provided they comply with the DNR permitting and standards.</p> <p>The State has delegated much of their authority associated with the Public Trust Doctrine to the DNR.</p>	<p>Enforcement of State Statute 30 includes; fines or penalties for violations, activities that interfere with public rights or cause harm to the public, right of public access, permit procedures, regulations related to boating, including intoxication while boating, water skiing, and skin diving, permits and regulations for piers, wharves, and other structures, shoreline maintenance, management of waterfowl habitat, regulates the withdrawal of water from lakes and streams, dredging, transportation of aquatic plants and animals, local government regulations of boating.</p>

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Can sue or be sued?	N/A	Yes, Wisconsin towns are considered legal entities (bodies corporate and politic) and are therefore authorized to both sue and be sued. This means they can file lawsuits to pursue claims and can also be sued for alleged wrongdoings or damages.	Yes, Wisconsin lake districts can sue and be sued. They are considered governmental entities and, like other public entities, they can be sued for their actions. Additionally, officers, board members, and employees of lake districts can also be sued for their individual actions, but they may have protection from personal liability if acting within the scope of their authority.	Yes, Wisconsin lake associations can sue and be sued. Whether incorporated or unincorporated, are considered legal entities and can be named as defendants in a lawsuit. This means they can be held liable for damages or wrongdoing caused by their actions or the actions of their members while acting on behalf of the association.	Yes, the State of Wisconsin can both sue and be sued under Chapter 30 of the Wisconsin Statutes. Chapter 30 primarily deals with navigable waters and the rights of riparian landowners and the public regarding those waters. The state, as a sovereign entity, can bring legal actions related to these rights, and it can also be sued by individuals or other entities who believe their rights have been violated under Chapter 30.
Grant Funding	N/A	Yes, may be eligible for grant funding.	Yes, may be eligible for grant funding.	Yes, may be eligible if Qualified. No, if Unqualified.	There are potential grants available under Wisconsin State Statute Chapter 30, specifically within sections like 30.277 (Urban Rivers Grant) and 30.28 (Water Quality Projects). These grants aim to support projects related to water quality, outdoor recreation, and urban river restoration.