

ORDINANCE NO. 2024-03

Town of Baileys Harbor, Door 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 Baileys Harbor ("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. State Statutes, 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, there exists within the Town the great majority of Kangaroo Lake a 1156 acre lake with a maximum depth of only 12 feet; and

WHEREAS, the remaining portion of Kangaroo Lake is in the Town of Jacksonport and it is contemplated that Jacksonport will enact an ordinance substantively the same as this for Kangaroo Lake;

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; and

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

WHEREAS, operating boats in a 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 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 Baileys Harbor, Door County, Wisconsin, does hereby ordain as follows:

Section 1. Applicability and Enforcement: The provisions of this ordinance shall apply

to the entirety of Kangaroo Lake. This ordinance shall be enforced by all officers of Baileys Harbor, Door County, Wisconsin and all other individuals empowered to enforce ordinances in this Town.

Section 2. Certain Artificial Wake Enhancement Prohibited

- 1. **Prohibited Equipment.** No person may use or employ ballast tanks, ballast bags or fins to cause 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 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 ballast bags, or fins, or continuous operation at transition speed (the speed below planing speed in which a boat is operating in plowing mode).
- 3. **Certain Operations Excluded.** In no event shall any of the following operations be deemed a violation of this Ordinance, provided such operations do not use or employ ballast tanks, water sacks or wake enhancing fins: i) water skiing, ii) tubing, iii) brief transition operation to empty a boat of bilge water, or iv) brief transition operation of a boat accelerating into a planing condition.

Section 3. Penalty.

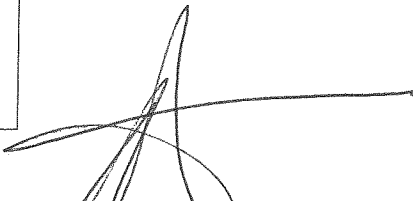
- 1. Wisconsin state boating penalties as found in s. 30.80, Wis. Stats., and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conferences, are hereby adopted by reference, except all references to fines are amended to forfeitures and all references 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 the second and subsequent offenses 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 on the day after the date on which both Baileys Harbor and Jacksonport have passed an ordinance effective to cover Kangaroo Lake, including terms substantially the same as Sections 2-5 of this Ordinance. This ordinance shall be effective on the day after its publication.


Submitted by: Town Board Aye Nay Exc

Dave Eliot	X		
Roberta Thelen	X		
Peter Jacobs	X		
Paul Kordon	X		
Sue Tishler	X		



Dave Eliot, Chairman

I, Haley Adams, Clerk of the Town of Baileys Harbor, hereby certify that the above is a true and correct copy of an ordinance that was adopted on the 6th day of January 2025, by the Board of Supervisors.



Haley Adams, Town Clerk

Section 3. Penalty

- (1) Wisconsin state boating penalties as found in Wis. Stat. § 30.80, 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 the Ordinance is not provided under Wisconsin state boating penalties as found in Wis. Stat. § 30.80, any person violating this Ordinance shall forfeit \$500 for the first offense and shall forfeit \$1000 for the second and subsequent offenses within one (1) year. Deposits established in the Wisconsin Circuit Court Fee, Forfeiture, Fine and Surcharge Tables shall also apply to any violation.

Section 4. Severability

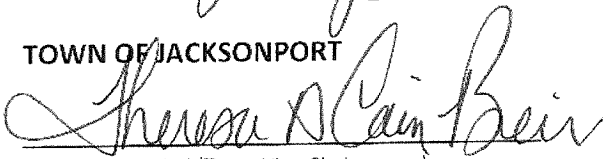
Should any portion of this Ordinance or the affected Code Section(s) be held invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 5. Effective Date

Upon adoption, this Ordinance shall take effect on the day after the date on which the ordinance is published. It is understood that the Ordinance, to be effective, must also be signposted and provided to the Department of Natural Resources as required by law.

Enacted on January 28, 2025

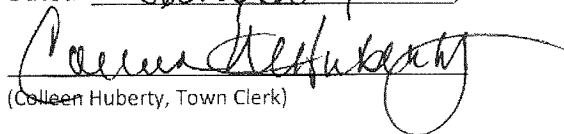
TOWN OF JACKSONPORT


Theresa Cain-Bieri (Town Vice-Chairperson)

CLERK'S CERTIFICATE OF ENACTMENT:

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

Dated: January 28, 2025


(Colleen Huberty, Town Clerk)

Published on _____, 2025 by _____

ORDINANCE NO.2025-01

An Ordinance Restricting Certain Artificial Wake Enhancement For Kangaroo Lake

WHEREAS, in the interest of public health, safety, and/or welfare, including the public's interest in preserving natural resources, the Town of Jacksonport ("Town") has the authority to enact ordinances covering waters within its jurisdiction if the ordinances are not contrary to or inconsistent with Wis. Stat. Chapter 30, and they relate to the equipment, use, or operation of boats or to any activity regulated by Wis. Stats. § 30.60 - §30.71; and

WHEREAS, The Towns of Baileys Harbor and Jacksonport share ownership of Kangaroo Lake; and

WHEREAS, If there is more than one jurisdiction with authority over an inland lake, an ordinance pertaining to the equipment, use or operation of boats on inland lakes is valid and enforceable per Wis. Stat. § 30.77 (3)(ac)(2.) if the following applies: *"At least 50 percent of the towns, villages and cities having jurisdiction over the lake have enacted an identical ordinance and at least 60 percent of the footage of shoreline of the lake is within the boundaries of these towns, villages and cities; and*

WHEREAS, The Town of Baileys Harbor has enacted Ordinance #2024-03 "An Ordinance Restricting Certain Artificial Wake Enhancement"; and

WHEREAS, The Town of Baileys Harbor owns 75.95% of Kangaroo Lake and the Town of Jacksonport owns 24.05% of Kangaroo Lake; and

NOW, THEREFORE, the Board of Supervisors of the Town of Jacksonport, Door County, Wisconsin does hereby approve and adopt the Ordinance as presented by Baileys Harbor, Wisconsin and does ordain as follows:

Section 1. Applicability and Enforcement

The provisions of this ordinance shall apply to the entirety of Kangaroo Lake. This ordinance shall be enforced by all officers of Jacksonport, Door County, Wisconsin and all other individuals empowered to enforce ordinances in the Town.

Section 2. Certain Artificial Wake Enhancement Prohibited

- (1) Prohibited Equipment: No person may use or employ ballast tanks, ballast bags or fins to cause a boat to operate in a bow-high manner, or in a manner which increases or enhances a boat's wake.
- (2) 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 ballast bags, or fins, or continuous operation at transition speed (the speed below planing speed in which a boat is operating in plowing mode).
- (3) 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:
 - i) Water skiing
 - ii) Tubing
 - iii) Brief transition operation to empty a boat of bilge water
 - iv) Brief transition operation of a boat accelerating into a planing condition.