

**Town of Osceola, Fond du Lac County, Wisconsin**

**AN ORDINANCE CREATING 2025-1 OF THE TOWN OF OSCEOLA  
MUNICIPAL CODE RESTRICTING ARTIFICIAL WAKE-ENHANCEMENT  
ON TOWN LAKES**

**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 Osceola 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 Osceola navigable waters including Long Lake and Kettle Moraine Lake

**WHEREAS**, the Town Board has 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 Osceola will submit a draft copy of this ordinance to the Wisconsin Department of Natural Resources for its advisory review pursuant to s. 30.77(3)(d), Wis. Stats.; and

**WHEREAS**, the Town of Osceola will provide 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 Town of Osceola's commitment to 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 Osceola, Fond Du Lac County, Wisconsin, does hereby ordain as follows:

**Section 1. Creating Code.** Section \_\_\_\_ of the Town of Osceola Municipal Code is created to read as follows:

**5.12 ARTIFICIAL WAKE ENHANCEMENT PROHIBITED ON TOWN WATERWAYS**

(1) **Prohibited Equipment.** No person may use or employ on navigable waterways within the Town of Osceola, including Long Lake and Kettle Moraine 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 <sup>any Town of Osceola</sup> waterways 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.** The Town of Osceola Municipal Code is amended 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.

Adopted this day of, by the Town Board of the Town of Osceola.

By: \_\_\_\_\_

Town Chairman, Terry Leininger

Attest:

Kay Wege

Town Clerk, Kay Wege