



May 29, 2025

Jim Michler
W6895 Springs Drive
Phillips WI 54555

Subject: Proposed Wake Enhancement Ordinance

Dear Chairman Michler:

Thank you for submitting the draft ordinance regulating boating operations and equipment within the Town of Worcester for review.

Wisconsin Statute 30.77(3)(d) requires that local regulations pertaining to the equipment, use or operation of boats on inland lakes shall be subject to advisory review and shall be submitted to the Department at least 60 days prior to final action. The purpose of the ordinance advisory review is to evaluate the proposed ordinance and identify any inconsistencies within Chapter 30.77. The review also serves to provide consideration for all citizens potentially impacted by the proposed ordinance and to give an opinion or suggest changes to the ordinance to ensure the public's right to recreate on Wisconsin's waterways are not significantly or unnecessarily impacted.

Additionally, Wisconsin Statute 30.77(3)(aw) requires a public hearing when a town proposes a boating ordinance that would affect another town having jurisdiction over the body of water. The statutes read as follows:

30.77(3)(aw)

1. If one or more towns, villages or cities propose to enact an ordinance for an inland lake under par. [\(ac\)](#) [2.](#) or a public inland lake protection and rehabilitation district or town sanitary district proposes to enact an ordinance for an inland lake under par. [\(am\)](#) [1. b.](#) or [1m. b.](#), it shall hold a public hearing on the proposed ordinance at least 30 days before its enactment.
2. The town, village or city that has the most footage of shoreline of the lake within its boundaries and that is supporting the proposal shall publish a notice of the public hearing under subd. [1.](#) or par. [\(ae\)](#) or [\(am\)](#) [4.](#) at least 30 days before the date of the hearing in one or more newspapers likely to give notice of the hearing in all towns, villages or cities that have jurisdiction over the lake. The notice shall be a class 1 notice under ch. [985](#). The town, village or city publishing the notice shall send a copy of the notice at least 30 days before the date of the hearing to the department, each municipality having jurisdiction over the lake and each lake association for the lake.

At least two lakes within the Town of Worcester involve joint jurisdiction with another township. The proposed ordinance directly names Musser Lake as a lake affected by the proposed ordinance. A small portion of Musser Lake also lies within the Town of Emery. The Wilson Flowage is similarly positioned with acreage in the Town of Fifield, but not named in the ordinance and is not "wholly within the Town of Worcester", thus not covered by the proposed ordinance. In the case of border lakes where only one other township is involved, if the Town of Worcester has at least sixty percent of the shoreline, the Town of Worcester may create boating ordinances that apply to the lake but is also required to have a public hearing outlined in the above statute.

Upon review, I noted the following areas of concern within the proposed ordinance:

- The town must make a decision regarding the border lakes issues presented above.
- The town may be required to have a public hearing.
- The proposed ordinance should be clarified as to whether it only applies to lakes “wholly within” or also applies to border lakes when certain conditions are met.
- Consider adopting state boating laws by reference.
- Section 1(b)(a): Consider adding language such as “and similar devices” to address future equipment developments.
- Section 1(b)(b): Consider adding language such as “and similar devices” and “methods” to address future equipment and operational developments. “Continuous” may not be clearly defined if the ordinance is challenged in court.
- Section 1(b)(c): Consider adding language such as “and similar devices” and “methods” to address future equipment and operational developments.

The Town of Worcester submitted a condition report for the proposed artificial wake enhancement ordinance. The town provided lake details on some of their lakes (depth, impairments, special conditions) that related to local conditions. The town stated there are “dozens” of lakes within the Town of Worcester. I was unable to verify that quantity of lakes within the township. The condition report did not list numbers of calls for service or accidents related to enhanced wakes. After contacting the local conservation wardens, I learned they have not received specific complaints related to enhanced wakes in the Town of Worcester. I spoke with a Lieutenant and a deputy from the Price County Sheriff’s Office and they indicated they have not received any specific complaints related to wake boats in the Town of Worcester. The condition report listed potential arguments of boaters both for and against the proposed ordinance. The Town of Worcester set up a tab within its public website seeking input and providing information related the proposed wake enhancement ordinance. The town provided a petition with approximately sixty-nine signatures supporting the proposed wake enhancement ordinance. The town also provided two letters opposing the wake enhancement ordinance.

Upon review of the attached ordinance and condition report, I find it to be in compliance with state boating laws if the town addresses the issues with border lakes or removes Musser Lake from the proposed ordinance. The proposed ordinance addresses the town’s public safety and natural resources concerns. The proposed ordinance is consistent with ss. 30.50 to 30.71 of the Wisconsin Statutes and the Department rules adopted to implement those sections. It is strongly recommended the town consult its attorney in this matter given the significant interests of both groups of boaters and their specific water activities.

As outlined in s. 30.77(4) of Wisconsin Statutes, no ordinance is valid until it is prominently posted at all access points within your jurisdiction and until a signed copy is received by this office including proof of publication.

The posting requirements of NR 5.15, Wisconsin Administrative Code, are as follows:

Posting requirements. The posting requirements for local authorities under s. 30.77(4), Stats., shall be a sign with a minimum of three inch lettering stating “Local Ordinance” posted at each public landing. The sign shall list, in letters with a minimum height of one inch, a summary, synopsis, or outline of those regulations more restrictive than state law, or shall contain a map made of a durable material showing those areas with local restrictions, or both, including but not limited to speed limits, water ski hours and personal watercraft restrictions, if any.

Please contact me at 715.292.4489 with questions regarding this review. Thank you.

Regards,

Robin Miller

Robin Miller
Recreation Warden, NOR-C
Division of Public Safety and Resource Protection
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