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# LAKE LINES

Burnett County Lakes & Rivers Association  
Burnett County Land Services  
University of Wisconsin- Madison Division  
Extension Burnett County

## Enacting a Town Wakeboat Wake surfing Ordinance

by Steve Johnson

Thirty one towns in Wisconsin have enacted Wakeboat Ordinances and 16 of those were approved this year. Twenty five towns are currently working on Wakeboat Ordinances. These Ordinances ban wake surfing, ban enhancing the size of waves from wakeboats for the purpose of wake surfing, or regulate wake surfing to specific areas of large deep lakes far away from shorelines.

Enhanced wakes are created by using up to 4000 pounds of water ballast to create a deep draft, wake shapers tabs), and operating the boat in a bow high manner to purposefully plow the boat through the water and not planing the boat on the surface of the water. This plowing directs prop wash to the bottom of the lake damaging the delicate lake ecosystem.

The first Wisconsin town Ordinance was approved in 2009 and few Ordinances were put in place until recently. This is due to the popularity of wakeboat wake surfing growing at 20% and the subsequent damage that is being observed by people on these lakes. Wisconsin Chapter 30 statute specifically gives Towns authority to enact Ordinances for lakes.

Most lakes in Burnett County are not appropriate for wake surfing's 3-4 foot high waves. Most are too small and too shallow. Large waves impact recreation on the lake for other boats, kayaks, canoes, paddleboards, swimming, skiers and fisherman. The large waves damage shorelines and downward prop wash damages the lake bottom and releases phosphorous into the water column creating algae blooms. This happened to nearby Lipsett Lake in 2022 after a weekend of wakeboat activity. The lake turned green.

Does your township or lake have wakeboats that are damaging your lake?

Burnett County Lakes & Rivers Association (BCLRA) can assist you in implementing a wakeboat Ordinance for your town. We can provide template language for the Ordinance and required DNR Condition Report that will be tailored for your township's lakes. Once completed, you can then present these documents to the town board to approve sending to the Wisconsin DNR for review. The DNR will respond in 20 days with any recommended changes to be made. At this point, if you have lakes that are not 100% in the township's borders, but greater than 60% of shoreline in the town, you will have to have a public hearing where the public can comment about the proposed Ordinance. Wisconsin statutes allows a town's Ordinance to cover the entire lake if it meets this 60% rule. These adjoining towns constituents can also provide feedback at the public hearing.

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## **Enacting a Town Wakeboat Wake surfing Ordinance (Continued)**

Thirty days after the public hearing, the town board can then vote on whether to adopt the Ordinance. If the vote is approved, the Ordinance must be posted at all of the town's public landings. At that point, the Ordinance is enforceable.

Richard Phillips is a retired lawyer that started the LastWildernessAlliance.org. He is currently assisting Scott Township with getting a Wakeboat Ordinance. There are several townships in Burnett and Washburn county that have already requested assistance from the group working on the Scott Township Ordinance. Richard has been involved in the many of the Wakeboat Ordinances enacted in Wisconsin and is an expert in this area of law. Richard is passionate about protecting Wisconsin's lakes. He does not charge for his help.

There are many details involved in getting an Ordinance written and approved. If you want to get a Wakeboat wake surfing Ordinance for your town's lakes please email [fish.lake@yahoo.com](mailto:fish.lake@yahoo.com) and BCLRA can answer your questions and get you started.

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