

LEGAL OPINIONS



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Boating Ordinances

Wisconsin law allows local municipalities, including towns and villages, to enact local boating ordinances in the interest of public health, safety, or welfare, including the public's interest in preserving the state's natural resources, as long as those ordinances are not contrary to or inconsistent with state statutes. See s. 30.77(3), Wis. Stat. The following paragraphs provide answers to common questions about the process required to adopt such local regulations.

Q. What types of local boating ordinances are allowed under state law?

A. Types of local boating ordinances that may be enacted include restrictions on speed; restrictions on certain types of boating activities on all, or in specified *parts*, of a lake, river or stream; restrictions on certain types of boating activities during specified *hours* of the day or specified *days* of the week; and restrictions on the operation of a motorboat towing a person on water skis without an observer. See s. 30.77(3)(cr). Town and village boards must take into account local conditions when determining which, if any, local regulations are necessary on a certain body of water within their jurisdiction. Factors to be considered include the type, size, shape and depth of the body of water, and any of its features of special environmental significance; the amount, type and speed of boating traffic on the body of water, boating safety, and congestion; *and* the degree to which the boating traffic on the body of water affects other recreational uses and the public's health, safety and welfare, including the public's interest in preserving the state's natural resources. See s. 30.77(3)(cm). Local governments must also consider their ability to enforce a specific regulation. For example, a slow-no-wake restriction would be easier to enforce than a miles-per-hour speed limit.

Note that local ordinances cannot be *less* restrictive than state law. Similarly, local regulations may not prohibit something that state law specifically allows or include any provisions that directly conflict with state statutes. If a local ordinance imposes regulations which are *more* restrictive than state law, the Wisconsin Department of Natural Resources (DNR) may request a "condition report" from the municipality outlining the specific factors and local conditions that demonstrate how and why a particular boating ordinance is necessary to protect public health, safety, or welfare.

Q. How can our town or village enact a boating ordinance on a lake shared by multiple jurisdictions?

A. If more than one jurisdiction has authority over a lake, an ordinance pertaining to the equipment, use or operation of boats on that lake is only valid and enforceable if at least one of the following situations occurs:

1. All towns, villages, and cities having jurisdiction over the lake have enacted an identical ordinance.
2. At least 50% of the towns, villages, and cities having jurisdiction over the lake have enacted an identical ordinance *and* at least 60% of the shoreline footage of the lake lies within the boundaries of these towns, villages, and cities. See s. 30.77(3)(ac).

Q. What notices are required prior to enacting a local boating ordinance?

A. The DNR oversees regulation of water-based activities in the state. Pursuant to s. 30.77(3)(d), any local ordinances “pertaining to the equipment, use or operation of boats on inland lakes shall be subject to advisory review by the [DNR].” The town or village clerk must submit a copy of a proposed ordinance to the DNR at least 60 days prior to the town or village board taking final action to adopt the ordinance. The DNR is required to provide the town with an advisory report within 20 days after receiving a copy of a proposed ordinance, stating whether the ordinance would be considered enforceable and consistent with state statutes, and offering any suggested changes. Additionally, after the board votes to adopt the ordinance, the enacted ordinance must be a) published according to the procedures in s. 60.80, b) “prominently posted” at all public access points to the lake, and c) filed with the DNR. See s. 30.77(4).

If the lake in question is shared by multiple jurisdictions, the town or village board that has the most footage of shoreline on the lake within its boundaries and that is supporting the proposed ordinance is also required to hold a public hearing on the proposed ordinance at least 30 days before the ordinance’s enactment. Notice of that public hearing must be published at least 30 days before the hearing date, in one or more newspapers likely to give notice of the hearing in *all* towns, villages, or cities that have jurisdiction over the lake. A copy of the hearing notice must also be sent to the DNR at least 30 days before the public hearing date. See s. 30.77(3)(aw).

Q. What signage is required to be posted to alert the public to local boating regulations?

A. Signs must be prominently posted by the local authority which enacted them and, in the case of ordinances affecting multi-jurisdictional inland lakes, by all local authorities having jurisdiction over the lake, at all public access points to the lake. Each sign must state the words “Local Ordinance” in at least 3 inch lettering. The signs must either list a summary or outline of all local regulations that are more restrictive than state law in at least 1 inch lettering *or* contain a map made of a durable material showing those areas with local restrictions, or both. See s. 30.77(4) and Wis. Admin. Code NR 5.15. The signs should also note the ordinance name and number, and the date the ordinance was adopted.

Q. Where can our town or village find more information on this topic?






A. The Wisconsin DNR has created a fairly comprehensive handbook on this topic, available online here: https://www.wisctowns.com/documents/dnr-guideline_local-boating-ordinance.pdf. The guide includes several sample ordinances, as well as contact information for DNR Recreational Safety Wardens in each region of the state. Ordinances should also be reviewed by your town or village’s local municipal attorney prior to enactment to ensure compliance with all current laws.

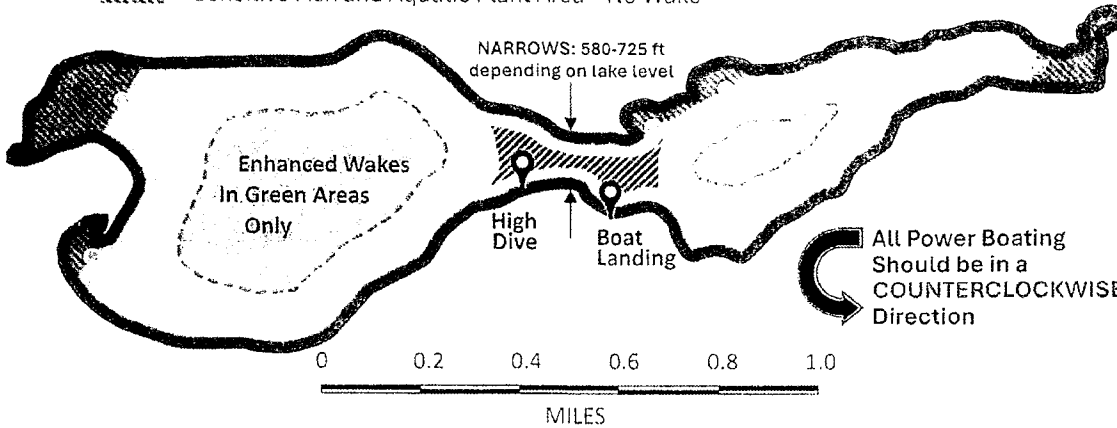
Long Lake - Be Safe!

Saxeville & Springwater, Waushara County, Wisconsin

FOR EMERGENCIES CALL 911

For non-emergencies or to report violations call:
 Waushara County Sheriff's Recreation Deputy: **920-369-8151**
 Waushara County Sheriff's Office: **920-787-3321**
 Wisconsin Dept. of Natural Resources: **800-847-9367**

-  100 ft from Shore All Motorized Vessels – No Wake
-  200 ft from Shore PWCs -- No Wake
-  500 ft from shore or +30 ft deep – Keep Enhanced Wake Sports Here
-  Narrows – All Boats Use Caution – No Enhanced Wakes PLEASE
-  Sensitive Fish and Aquatic Plant Area – No Wake



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MOST COMMON VIOLATIONS:

- ◆ Failure to provide personal floatation devices (PFDs).
- ◆ Operating above slow no-wake speed in sensitive areas.
- ◆ Operating without valid boater safety license.
- ◆ Operating with rider on gunwales, bow or sundeck.
- ◆ Operating after sundown and before sun-up without proper navigation lighting.

Please Follow These Safety & Courtesy Rules



SKIING, UNBALLASTED WAKEBOARDING AND TUBING COURTESY RULES

- ◆ Tow boat must have a competent observer onboard OR wide-angle rearview mirror.
- ◆ When skiing, tubing or boarding, it is illegal to get within 100 ft of another boat or PWC.
- ◆ When making circle waves for tubing, please stay +200 ft from shore.



ENHANCED WAKE SPORT COURTESY RULES

- ◆ Direct enhanced wave toward lake center (port side of boat operating counterclockwise).
- ◆ Stay to middle of the basins and DO NOT operate with an enhanced wake in narrows.
- ◆ PLEASE stay +500 ft from shore and in 30 ft deep water to avoid damaging lakebed or shoreline.
- ◆ DO NOT repeat same track lines.



GENERAL BOATING RULES

- ◆ Operate in COUNTERCLOCKWISE direction.
- ◆ Give non-motorized boats (sailboats, kayaks, canoes & paddle boards) the right of way.
- ◆ Display navigation lights between sunset and sunrise and during periods of poor visibility.
- ◆ Have one wearable Coast Guard approved personal flotation device (PFD) of proper size for each person on board plus one accessible 'throwable' if vessel is longer than 16 feet. This applies to canoes, kayaks and paddleboards too!
- ◆ Anyone born on or after 1/1/89, must pass a WDNR-approved safety course to operate a boat.
- ◆ DO NOT operate a boat while under the influence of alcohol or drugs—it is illegal.

For the full list of state regulations & other courtesy rules please follow the QR codes.



[View WDNR Handbook](#)



[View LLA Resources](#)