

Condition Report

The purpose of this proposed ordinance is to maintain peaceful and safe coexistence of all users of the Black River Flowage; and to accommodate all activity which is appropriate for this uniquely narrow lake.

Boats creating excessive wakes have become an increasing problem on the lake which has historically been used by kayaks, canoes, spear fishing and pontoon boats without causing damage to piers, floating docks, moored watercraft or shoreliners.

Efforts to talk with those whose watercraft create dangerous and excessive wakes everywhere on the lake have been unsuccessful. Law enforcement has been extremely limited and state boating regulations are being ignored. Many boaters believe the waters are a "river" and therefore not subject to "lake" regulations.

The Black River Flowage – north of the I-94 interstate bridge is, in most locations, no wider than 400 feet. This makes it technically impossible for personal watercraft to operate within State "no usage" restrictions almost anywhere within the proposed jurisdiction of this ordinance.

More and more, boats are operating on the flowage utilizing "long throw" sound systems designed to project sound outside of the boat.

An ever-growing number of complaints are being referred to Wardens of the Department of Natural Resources. However, these officers are spread very thin in the region and it is nearly impossible to address violators as they occur or with enough regulatory to correct the problems.

Excessive wake complaints include destruction of rip-rap walls, heaving and disruption of floating and fixed dock systems, damage to docked boats, swamping of kayaks, canoes, and other small watercraft. People have been thrown from their docks into the lake; and, if one of the many pontoon boats, while operating within no wake restrictions is passed by a boat creating excessive wake, does not quickly turn to meet the oncoming wake head on, the pontoon will rock vibrating with people thrown from their seats while knocking drinks over, containers, tables, etc. Even meeting the wakes head-on results in a sudden slowing of the boat and flooding of the pontoon's floor. There is a high danger for anyone sitting on the front of the pontoon, outside the enclosure.

The flowage is a popular kayak and canoe lake and is a particularly fine sunny venue. When boats which create excessive wake are in operation, they are in a "high-bow" mode and operator visibility found is extremely limited. Wisconsin has always experienced at least one tragedy when a man was stopped on a personal watercraft and a wake enhancing boat ran over him, causing him devastating personal injury and near-drowning. If something is not done on the Black River Flowage, it is only of a matter of time before we have a tragic incident.

**A SOLE ORDINANCE TO REGULATE BOATING UPON
THE WATERS OF THE BLACK RIVER FLOWAGE –
PROHIBITING OPERATION TO ENHANCE WAKE**

The Town Board of the Town of Adams does ordain as follows:

“No person may operate a boat 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. “Transition speed” means the speed at which the boat is operating at greater than slow-no-wake speed, but not fast enough so that the boat is planning.”

Section I. Applicability and Enforcement

(a) The provisions of this Ordinance shall apply to the waters of the Black River Flowage ~~North of the Interstate 94 bridge.~~ To be revised

(b) This chapter shall be enforced by the officers of the Jackson County Sheriff’s Department, Wardens of the Department of Natural Resources or other deputized officials.

Section II. Intent

The intent of this Ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation, to protect shoreline, to protect the lives and safety of all who use the resource and to guard against unnecessary damage to piers, docks and watercraft, consistent with public rights and interests, given the nature and capability of this water resource.

Section III. State Boating and Safety Laws Adopted

State boating laws and regulations as found in Chapter 30, Subchapter V (Wis. Stats. Sec. 30.50 et seq.) are adopted by reference and made a part of these regulations as if fully set forth herein.

Section IV. Posting Requirements

The Town of Adams shall place and maintain a copy of this Ordinance at all public access points within the jurisdiction of the Town, and at the Mark Holmgren Memorial Boat Landing in the City of Black River Falls; that being, the only public access to the Black River Flowage. Said posting shall be in accord with Section 30.77(4) Wis. Stats.

Section V. Penalties

Wisconsin state boating penalties as found in Section 30.80, Wis. Stats., are adopted by reference.

Section VI.

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more of the provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to the other persons or circumstances shall not be affected.

Section VII. Effective Date

This Ordinance will become effective upon passage posting and publication.

Passed this ____ day of _____, 2018.

Town Chairman

57 year old D .Roloff was flipped upside down in his kayak by a wave created by a large wake boat.

A man with a walker and his wife were standing on their dock viewing the river .A wake boat passed by with such a large wake that the dock slammed up and down violently. The man's walker fell into the river while his wife grabbed him to keep him from falling in also.

Tilden mound residents have to exit their docking System when wake boats approach for fear of getting thrown off their docks.

Rick Johnston said that a wake created by these boats knocked his grandchildren over as they waded in the river next to his dock.

One expert at the friends of the black river told the crowd that the energy of these wakes measured 75 feet behind the boat is 4times stronger than the wake of a ski boat.

Another expert told the crowd that many communities across the U.S. are introducing ordinances keeping the wake boats 200 -300 feet and some up to 700 feet from shore to protect the public.

Township of Adams onboard

During the September Adams town meeting they were presented with an ordinance regarding the Wakes on the upper Black river flowage. The Proposed ordinance that was drawn up by Tom Lister was reviewed by the Adams Board .The Adams board members then said that if one sentence was changed to read “The entire upper Black river flowage” then they would totally be on board and vote the ordinance in. The local warden said that the DNR would enforce the ordinance. We ask that you join in with the township of Adams and approve this ordinance to protect the users of the upper Black river flowage.

The Friends of the Black River supports the users of the upper black river flowage .We are in favor of the ordinance written by Tom Lister.

No person shall operate a boat in an artificially bow-high manner, in order to increase or enhance the boats wake. Such prohibited operation shall include wake enhancement by use of ballast, mechanical hydrofoils, uneven loading or operation at transition speed ."Transition speed" means the speed at which the boat is operating at greater than slow –no-wake speed but not fast enough so that the boat is planning.

- 1- Stephen A. Baker - Pres. 6- _____
- 2- Susan Bittler 7- _____
- 3- Pete M. Squar 8- _____
- 4- Mitch Wacker 9- _____
- 5- _____ 10- _____