

Questions regarding Ordinance 5.12 of the town of Rhine Municipal code restricting artificial wake enhancement on Crystal Lake

- Crystal Lake is a 129-acre lake located in Sheboygan County.
- It has a maximum depth of 61 feet. It has a mean depth of 20 feet.
- The bottom of the lake is 10% sand, 80% gravel, 0% rock and 10% muck.
- Visitors have access to the lake from a public boat landing.
- Fish include Panfish, Largemouth Bass, Northern Pike and Walleye.
- Crystal Lake has invasive species including Chinese mystery snail, Eurasian water milfoil and zebra mussel.

Below is a list of questions and responses by the Rhine Town Board.

1. Crystal Lake extends slightly into another township. Did both townships enact identical ordinances?
 - a. Answer: The adjoining township had just a sliver of Crystal Lake and did not enact an ordinance. Under Wisconsin Law if 60% of the lake was in the township of Rhine, the town could act alone.
2. Were any lawsuits filed or threatened regarding this ordinance?
 - a. Answer: No lawsuit was ever filed, but when the ordinance was being debated there were threats. All of the threats came from out of state people.
3. Was wake surfing common on Crystal Lake before the ordinance?
 - a. Answer: Yes, it was common. Initially there were just a few but eventually there were 8 to 10 wake boats on a lake of about 130 acres. The biggest issue was damage to shore and moored boats, but there were also complaints of safety issues.

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4. Has any enforcement been required? Or has this largely been self-enforcing?
 - a. Answer: This is almost entirely self-enforced. The town of Rhine does contract with local law enforcement. There was one incident where a young person came from California and was wake surfing after the regulation was in place. They spoke with the person and he claimed he did not know about the ordinance. They issued a warning and also called the local law enforcement. It turns out the wake boat in use was not registered anywhere. So, the local law enforcement issued a citation and fine. In no other instance was any enforcement necessary. With this one exception, there has been no wake surfing on Crystal Lake since the passage of the ordinance.
5. Did the required DNR review result in any changes to the ordinance?
 - a. Answer: The DNR was pretty much hands off.
6. How was the ordinance drafted? (Aid from anyone outside Rhine for example)
 - a. Answer: No, mostly Bill Jacob, town supervisor, crafted the ordinance. The template for this ordinance was from the hazardous wake ordinance passed in Mequon, Wisconsin (2010).

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7. Was there much debate in Town Board meetings regarding the ordinance?
 - a. Answer: Since the ordinance was adopted, there has not been much debate. The ordinance has been in place now for two boating seasons.
8. Was there any talk of adding provisions to the ordinance to carve out skiing and tubing?
 - a. Answer: No, but there were some objections from residents that did not understand that this ordinance does not restrict skiing or tubing.
9. It is interesting that of the many wake surfing environmental issues addressed in the "whereas " provisions, downward prop wash into the lake bed is not directly mentioned. Was there any consideration of this harm? Many feel it is one of the principal problems of wake surfing.
 - a. Answer: Not on this ordinance.

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10. Did any outside groups try to intervene in attempting to prevent this from passing-- say the Water Sports Industry Association or the Marine Manufacturers Association?

a. Answer: No

11. Was the public hearing well attended and did anything change as a result of the hearing?

a. Answer: A public hearing was conducted as required by 30.77, covering local ordinances applying to lakes extending between townships.

12. The way I read your ordinance, I can still use my wake surfing boat on Crystal Lake, but cannot use the features on that boat to enhance the wake. Do you have people on the lake in wake boats that comply with the Ordinance? I worry about the folks getting their wake boat on the lake and unloading their ballast tanks/bags just because they can. This is a threat of spreading invasive species.

a. Answer: 80 to 90 percent of the residential wake boats are still on the lake. They respect the ordinance and do not use the bladders, ballast tanks, flaps or operate in transition. Residents still water ski and tube.

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13. Did all the members of the current and previous town board support this ordinance?
 - a. Answer: All members of the current town board supported and approved the ordinance. Another lake in the area, Little Elkhart (52 acres), requested that they be included in this ordinance.

END OF QUESTIONS