

Condition Report

The Leon Town Board seeks to enact the enclosed ordinance to regulate boating on Pearl Lake, located entirely within the Town of Leon, Waushara County, Wisconsin. The principal purpose is to protect the health, welfare and safety of anyone who uses Pearl Lake, while promoting multiple use of this recreational resource by members of the public.

Pearl Lake is a 92 acre seepage lake with no connection to other waters. The lake is less than 2 miles long and its width varies from about a half-mile to a little less than 300 feet at narrows separating the two lobes of the lake.

The Waushara Sheriff's department has in recent years initiated a water patrol to encourage safe operation on lakes and rivers in the county. The patrol will enforce state and county laws, as well as local ordinances enacted by municipalities under powers granted by 30.77, Wisconsin Statutes.

At Pearl Lake, no wake operation between 4 p.m. and 11 a.m. and counterclockwise operation at speed between 11 a.m. and 4 p.m. has been customary for several decades. The rules are posted on a sign board erected by the Town of Leon at the launching ramp and were thought to have been established by a town ordinance passed many decades ago. However, a diligent search of the available archives failed to uncover a record of the ordinance. DNR files indicate that an attempt to establish such rules was unsuccessful because of failure to file proper documentation.

For the sheriff to enforce such rules, the language of a current and valid ordinance must be provided to the patrol.

To promote safe boating and preserve the opportunity for multiple uses of the lake by the public, the annual meeting of the Pearl lake Protection and Rehabilitation District on July 4, 2009 passed a resolution requesting the Town of Leon to enact a new ordinance embodying the existing rules of operation on the lake.

Because of the size of the lake and its configuration, the Town Board agrees that such rules are crucial to maintaining not only safe operation, but also multiple uses. With many motorboats or personal water craft in operation, wave action makes other uses of the lake problematic. The current rules have not inhibited the use of the lake for water-skiing, tubing and personal water craft, as attested by large number of resident and non-resident boaters who enjoy these pursuits from 11 a.m. to 4 p.m.. During the quiet hours, slow cruising in pontoon boats, kayaking, canoeing, fishing, sailing, and swimming are popular, none of which would be as enjoyable, safe, or even possible with many power boats in operation roiling the waters of the lake.

In particular, the resource-sharing enabled by time zoning has made the lake a favorite of anglers, as evidenced by the many non-residents who trailer their craft to launch their fishing boats for morning or evening visits.

These existing rules are engrained among those who habitually use the lake. Any change would lead to confusion, and possibly conflict.

The Town Board has not received any arguments that disfavor this ordinance. This ordinance will not negatively impact the public's use and enjoyment of Pearl Lake for recreation. Nor will this Ordinance interfere with existing state mandates pertaining to the regulation of recreation on lakes and other bodies of water. The Ordinance is consistent with respect to the public health, welfare and safety concerns expressed within Wisconsin Statutes Chapter 30, and its language is drawn directly from the DNR publication *Guidelines for Creating Local Boating Ordinances and Placing Waterway Markers in Wisconsin Waters*, published in August, 2008 by the Bureau of Law Enforcement.

The Town Board of Leon thanks the Wisconsin Department of Natural Resources for its time and expertise in assisting with the drafting of this Ordinance.

April 20, 2010