



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa1537/1
ZDW:jld

**ASSEMBLY AMENDMENT 1,
TO SENATE BILL 69**

November 7, 2017 - Offered by Representative JARCHOW.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 13: delete "The motorboat" and substitute "Subject to s. 30.77
3 (3) (ab), (am) 2m., and (bm), the motorboat".

4 **2.** Page 2, line 23: after that line insert:

5 "SECTION 5m. 30.77 (3) (a) of the statutes is amended to read:

6 30.77 (3) (a) ~~Any~~ Except as provided in par. (ab), any town, village, or city may,
7 in the interest of public health, safety, or welfare, including the public's interest in
8 preserving the state's natural resources, enact ordinances applicable on any waters
9 of this state within its jurisdiction if the ordinances are not contrary to or
10 inconsistent with this chapter and if the ordinances relate to the equipment, use, or
11 operation of boats or to any activity regulated by ss. 30.60 to 30.71.

12 **SECTION 6m.** 30.77 (3) (ab) of the statutes is created to read:

1 30.77 (3) (ab) Any town, village, or city may enact an ordinance to prohibit a
2 person operating a motorboat towing a person on water skis, aquaplane, or similar
3 device without an observer, as provided in s. 30.69 (1) (a) 1., if all of the following
4 apply:

5 1. The ordinance would apply to an inland lake within the jurisdiction of the
6 town, village, or city that has a water safety patrol unit, as defined in s. 30.79.

7 2. The water safety patrol unit identified in subd. 1. biennially performs on the
8 lake not less than 1,500 hours of enforcement or search and rescue activities, as
9 determined by the department.

10 **SECTION 7m.** 30.77 (3) (am) 2. of the statutes is amended to read:

11 30.77 (3) (am) 2. An Except as provided in subd. 2m., an ordinance enacted
12 under subd. 1. or 1m. may not be contrary to or inconsistent with this chapter and
13 shall relate to the equipment, use, or operation of boats or to an activity regulated
14 by ss. 30.60 to 30.71.

15 **SECTION 8m.** 30.77 (3) (am) 2m. of the statutes is created to read:

16 30.77 (3) (am) 2m. An ordinance enacted under subd. 1. or 1m. may prohibit
17 a person operating a motorboat towing a person on water skis, aquaplane, or similar
18 device without an observer, as provided in s. 30.69 (1) (a) 1., if all of the following
19 apply:

20 a. The ordinance would apply to an inland lake within the jurisdiction of the
21 public inland lake protection and rehabilitation district or town sanitary district that
22 has a water safety patrol unit, as defined in s. 30.79.

23 b. The water safety patrol unit identified in subd. 2m. a. biennially performs
24 on the lake not less than 1,500 hours of enforcement or search and rescue activities,
25 as determined by the department.

1 **SECTION 9m.** 30.77 (3) (am) 3. of the statutes is amended to read:

2 30.77 (3) (am) 3. If a public inland lake protection and rehabilitation district
3 enacts an ordinance under this paragraph, the lake district ordinance supersedes all
4 conflicting provisions of a town, village, or city ordinance enacted under par. (a) or
5 (ab) that are applicable to the lake.

6 **SECTION 10m.** 30.77 (3) (am) 3m. of the statutes is amended to read:

7 30.77 (3) (am) 3m. If a town sanitary district enacts an ordinance under this
8 paragraph, the town sanitary district ordinance supersedes all conflicting provisions
9 of a town, village, or city ordinance enacted under par. (a) or (ab) that are applicable
10 to the lake.

11 **SECTION 11m.** 30.77 (3) (am) 3r. a. of the statutes is amended to read:

12 30.77 (3) (am) 3r. a. Any conflicting provisions of a town, village, or city
13 ordinance enacted under par. (a) or (ab) that are applicable to the lake.

14 **SECTION 12m.** 30.77 (3) (b) of the statutes is amended to read:

15 30.77 (3) (b) ~~Any~~ Except as provided in par. (bm), any county may, in the
16 interest of public health, safety, or welfare, including the public's interest in
17 preserving the state's natural resources, enact an ordinance applicable on any river
18 or stream within its jurisdiction if the ordinance is not contrary to or inconsistent
19 with this chapter, and if the ordinance relates to the equipment, use, or operation of
20 boats or to any activity regulated by ss. 30.60 to 30.71. If a county enacts an
21 ordinance under this paragraph, the county ordinance supersedes all provisions of
22 a town, village, or city ordinance enacted under par. (a) or (ab) that is inconsistent
23 with the county ordinance.

24 **SECTION 13m.** 30.77 (3) (bm) of the statutes is created to read:

1 30.77 (3) (bm) Any county may enact an ordinance to prohibit a person
2 operating a motorboat towing a person on water skis, aquaplane, or similar device
3 without an observer, as provided in s. 30.69 (1) (a) 1., if all of the following apply:

4 1. The ordinance would apply to an inland lake within the jurisdiction of the
5 county that has a water safety patrol unit, as defined in s. 30.79.

6 2. The water safety patrol unit identified in subd. 1. biennially performs on the
7 lake not less than 1,500 hours of enforcement or search and rescue activities, as
8 determined by the department.

9 **SECTION 14m.** 30.77 (3) (c) of the statutes is amended to read:

10 30.77 (3) (c) If any county operates any marina development adjacent to any
11 waters of this state, the authority conferred upon any town, village, or city under par.
12 (a) and (ab) shall exclusively vest in the county in respect to enactment of local
13 ordinances that relate to the development, operation, and use of the marina facility
14 and its adjoining waters.

15 **SECTION 15m.** 30.77 (3) (cm) (intro.) of the statutes is amended to read:

16 30.77 (3) (cm) (intro.) In enacting ordinances under par. (a), (ab), (am) ~~or~~, (b),
17 or (bm) for a given body of water, municipalities and public inland lake protection and
18 rehabilitation districts shall take into account factors that include all of the
19 following:

20 **SECTION 16m.** 30.77 (3) (cr) (intro.) of the statutes is amended to read:

21 30.77 (3) (cr) (intro.) The types of ordinances that may be enacted under par.
22 (a), (ab), (am) ~~or~~, (b), or (bm) include the following:

23 **SECTION 17m.** 30.77 (3) (cr) 4. of the statutes is created to read:

24 30.77 (3) (cr) 4. Restrictions on the operation of a motorboat towing a person
25 on water skis without an observer, as provided in s. 30.69 (1) (a) 1.

1 **SECTION 18m.** 30.77 (3) (dm) 2g. of the statutes is amended to read:

2 30.77 **(3)** (dm) 2g. If a local entity or a boating organization objects to an
3 ordinance enacted under par. (a) or (ab) that applies to a river or stream, or to an
4 ordinance enacted under par. (b) or (bm), on the grounds that all or a portion of the
5 ordinance is not necessary for public health, safety, welfare, or the public's interest
6 in preserving the state's natural resources, the procedure under subd. 2r. shall apply.

7 **SECTION 19m.** 33.455 (3) (b) of the statutes is amended to read:

8 33.455 **(3)** (b) Notwithstanding s. 30.77 (3) (a) and (ab), an ordinance, local
9 regulation, or minimum standard as adopted by the county board under this section
10 shall apply to the county and to any municipality partially or totally within the
11 county and shall supersede any less restrictive and conflicting provision of a
12 minimum standard, ordinance, or local regulation adopted by a municipality.”.

13

(END)