



State of Wisconsin

Abandoned and Derelict Vessel (ADV) Legislative and Administrative Review - 2015

NOAA Marine Debris Region:
Great Lakes



Definition of a Vessel

The State of Wisconsin defines a “vessel” and “boat” under boating regulation statutes in Chapter 30, Navigable Waters, Harbors and Navigation (Wis. Stat. § 30.50(2)):

Boat or Vessel: means every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water and a fishing raft.

Wisconsin statutes also provide a definition for “watercraft” under the General Provisions of Chapter 30 (Wis. Stat. § 30.01(7)):

Watercraft: means any device used and designed for navigation on water.

Definition of an Abandoned and/or Derelict Vessel

The laws and administrative codes of Wisconsin do not contain an explicit definition for “abandoned” or “derelict” vessels. Abandoned property is addressed under Chapter 20 of Wisconsin’s statutes, which states that:

“any personal property lost or abandoned in any building or on any lands belonging to the state and unclaimed for a period of 60 days may be returned to the person finding the same or may be sold at private or public sale by the state agency having charge of the place where such personal property is found.”

Formal State Program for Abandoned Vessels

Wisconsin does not have a formal or funded program to address abandoned or derelict vessels. The State does have a collection of laws that address abandoned and unattended vessels, obstructions to navigation and public nuisances. Wisconsin’s Department of Natural Resources can take action to abate public nuisances, which include obstructions to navigable waters. In addition, municipalities in Wisconsin are also authorized to remove obstructions to navigation.

State statutes make it unlawful for any person to anchor, place, affix or abandon any unattended boat, raft, float or similar structure in the traveled portion of any river or channel or in any established traffic lane, that impedes or interferes with the safe passage of other boats (Wis. Stat. § 30.68(8)). It is also illegal for any person to obstruct any navigable waters of the state and impair free navigation, or place any substance in state waters that may float into and obstruct or impede navigation (Wis. Stat. § 30.15(1)).

Pursuant to Wis. Stat. § 30.80(1), any person who abandons a vessel in state waters that impedes or interferes with the safe passage of other boats or is found in violation of any provision of Wis. Stat. § 30.50 through § 30.80, for which a penalty is not explicitly provided, shall forfeit up to \$50 for the first offense and not more than \$100 upon conviction of their second offense. A person who unlawfully obstructs navigation pursuant to Wis. Stat. § 30.15 can be fined between \$10 and \$500 for each offense, with each day it remains being considered a separate violation. In addition, if a vessel that obstructs navigation is declared a public



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nuisance under Chapter 30 the owner or person responsible can be fined between \$100 and \$10,000 for the first offense.

Designation of Abandoned and/or Derelict Vessels

Wisconsin laws do not define abandoned or derelict vessel or address the designation of vessels as abandoned or derelict. They do prohibit the abandonment of boats in traffic lanes under Wis. Stat. § 30.68(8), and make it unlawful for any person to obstruct navigation under Wis. Stat. § 30.68(8). In addition, if an abandoned or derelict vessel obstructs navigation on state waters in violation of the provisions under Chapter 30, it can be declared a public nuisance by the Department of Natural Resources (Department) pursuant to Wis. Stat. § 30.294.

In Wisconsin, every sheriff and police department in the state has the responsibility to immediately report any abandoned or stolen boats, or boats recovered within their jurisdiction to the state's Department of Justice (Wis. Stat. § 30.543).

Vessel owners who destroy or abandoned a boat which is titled or registered in Wisconsin are required by law to notify the Department of Natural Resources within 15 days after the destruction or abandonment (Wis. Stat. § 30.55(1)). They are also required to return the certificate of title and certificate of number card or registration card to the department for cancellation.

According to Wis. Stat. § 31.25, any obstructions constructed or maintained in or over any navigable waters of the state can be declared a public nuisance by the Department of Natural Resources. This chapter, however, is focused on dams and bridges and does not specifically reference abandoned or derelict vessels.

Responsibility for Removal of Abandoned or Derelict Vessels

The governing body of any municipality in Wisconsin may cause to be removed any watercraft obstructing or interfering with the free navigation of any river, canal, water channel or slip within its harbor (Wis. Stat. § 30.16(1)(a)). The governing body also has the authority, by ordinance or resolution, to authorize any harbor master or other public officer within its jurisdiction to remove the obstruction, and define the officer's duties in relation to the obstruction and the mode by which it is removed. The municipality also has the authority to prescribe penalties for violations of any such ordinance or resolution.

If a vessel is removed pursuant to Wis. Stat. § 30.16(1)(a), all associated costs, charges and expenses become a first lien on the watercraft, with the owner becoming personally liable for all such costs, charges and expenses (Wis. Stat. § 30.16(1)(b)). The municipality can attempt to recover any costs or expenses incurred during the vessel's removal from the owner by a personal action.

If a vessel is found to be a hazard to navigation and declared a public nuisance under Chapter 30 or Chapter 31 of the state statutes, the district attorney of the county or the attorney general can, at the request of the Department of Natural Resources, institute proceedings to recover any forfeiture imposed or to abate the public nuisance (Wis. Stat. § 30.03(2)). The Department also has the authority to, upon learning of a violation or possible infringement under Chapter 30 and 31 relating to navigable waters, order a hearing on the matter if it determines that it is in the public's best interest to do so (Wis. Stat. § 30.03(4)(a)).



Removal and Disposal Requirements/Guidelines

Wisconsin laws do not provide any specific guidelines or methods for removing and disposing of abandoned or derelict vessels.

In Wisconsin, pursuant to Wis. Stat. § 30.16, municipalities have the authority to remove to a convenient and safe place any watercraft that is obstructing or interfering with free navigation on any river, canal, water channel or slip within its harbor. Prior to removing the vessel the local governing body must give reasonable notice to the master, owner or their agents (if known and a resident of the state), or to the person in charge of the vessel, to remove the watercraft. The governing body may also authorize any harbor master or other public officer within their municipality to remove the obstruction in a manner prescribed by the ordinance or resolution issued by the governing body. Any removal costs or expenses incurred by the municipality become a first lien on the vessel, with the owner being held personally liable (Wis. Stat. § 30.16(b)).

Personal property that has been abandoned on any lands belonging to the state that has not been claimed for more than 60 days may be returned to the person who found the property, or sold by the state agency with jurisdiction at a private or public sale (Wis. Stat. § 20.909(1)). Any proceeds from the sale of the abandoned property, after deducting the necessary expenses for keeping and selling the property, must be deposited into the school fund through the state treasury.

In addition, any city, village, town, or county (political subdivisions) in Wisconsin may dispose of any private property that has been abandoned or unclaimed for more than 30 days after an officer has taken possession of the property (Wis. Stat. § 66.0139(2)). The property can be disposed of by any means determined to be in the best interest of the city, village, town, or county (Wis. Stat. § 66.0139(2)). If the property is not disposed of through a public sale, the political subdivision is required to maintain an inventory of the property and a record of the date and method of disposal. The records must also include any consideration received for the property and the name and address of the person taking possession. Any means of disposal other than by public auction must be specified by a local ordinance. If the abandoned property is sold all proceeds from the sale, after deducting any necessary expenses, shall be paid into the treasury of the political subdivision.

Differences between Commercial and Recreational Vessel Treatment

Wisconsin statutes or administrative codes do not make a distinction between commercial and recreational vessels for the purposes of abandoned or derelict vessel designation.

Vessel Size Requirements or Limits

There are no size requirements or limits sets for abandoned or derelict vessels under Wisconsin law.

Funding Sources

The State of Wisconsin does not have a dedicated funding source for addressing abandoned or derelict vessels. Funding for removing abandoned or derelict vessels are paid for by the municipalities with jurisdiction, unless the owners can be identified and are able to pay for the removal. Municipalities can recover, by personal action, all costs, charges and expenses associated with the removal of an abandoned or derelict vessel that is obstructing navigation from the vessel owners (Wis. Stat. § 30.16(1)(b)).



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Lead State Agency

Wisconsin's Department of Natural Resources is the lead agency for administering the laws under Chapter 30 (Navigable Waters, Harbors and Navigation) and Chapter 31 (Regulations of Dams and of the state's statutes.

Email: through website

Phone: 888-936-7463

Website: <http://dnr.wi.gov/>

Insurance Requirements for Vessels

Boat insurance is not required under Wisconsin Law.

Specific Location Factors, Limitations and Additional Information

Wisconsin statutes give municipalities the authority to remove and store any watercraft that is obstructing or interfering with free navigation (Wis. Stat. § 30.16), and dispose of any abandoned property found on public lands (Wis. Stat. § 66.0139). Municipalities and political subdivisions have the authority to enact local ordinances that address abandoned and derelict vessel if they are found in violation of Wisconsin law.

Prioritization Scheme

Wisconsin does not have a prioritization scheme for removing and disposing of abandoned or derelict vessels.

Legislation and Administrative Codes

The laws and administrative codes referenced in this document can be accessed from:

Wisconsin Statutes (2015):

<http://legis.wisconsin.gov/rsb/stats.html>

Wisconsin Administrative Code (2015):

<http://legis.wisconsin.gov/rsb/code.htm>

These Legislative and Administrative Reviews are intended for informational purposes only. They are summaries and not meant to be legal references, and should not be used as such. See the official state statutes and administrative codes for current state laws and rules and regulations for any legal references.