

**Ordinance No. 11/20/23(2023)**

**An Ordinance to Restrict  
Artificial Wake Enhancement on the Chain O'Lakes**

The Town Board of the Town of Farmington, Waupaca County, Wisconsin, does hereby ordain and create the following:

**Section 1: Applicability and Enforcement:** The provisions of this Ordinance shall apply to the waters specifically, Rainbow Lake, Round Lake, within and part of the Chain O'Lakes.. This Ordinance shall be enforced by the officers of the Waupaca County Sheriff Office/Water Patrol Waupaca County, Wisconsin and all other individuals empowered to enforce ordinances in this Town or State of Wisconsin.

**Section 2: Intent:** The intent of this Ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resources which impact aquatic vegetation source for fish and wildlife and to minimize shoreline erosion.

**Section 3: State Boating and Safety Laws Adopted:** State boating laws as found in ss 30.50 to 30.71, Wis. Stats are adopted by reference here.

**Section 4: Prohibited Equipment:** No person may use or employ on the Chain O'Lakes (Rainbow Lake and Round Lake), water sacks, ballast tanks, submersible wings or any other device which causes a boat to operate in a bow-high manner, or which increases or enhances a boat's wake.

**Section 5: Prohibited Operation:** No person may operate a boat on the Chain O'Lakes(Rainbow Lake, Round Lake) 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 a transition speed (the speed at which the boat is operating at greater than slow-no-wake speed, but not fast enough so that the boat is planing).

**Section 6: Certain Operations Excluded:** In no event shall any of the following operations be deemed a violation of this Ordinance, provided such operations do not use or employ ballast tanks, water sacks, mechanical hydrofoils or wake enhancing fins: a) water skiing b) tubing c) brief transition operation to empty a boat of water, d) brief transition operation of a boat accelerating into a planing condition.

**Section 7: Penalties:** Wisconsin state boating penalties as found in s. 30.80, Wis.Stats and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conferences are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment are deleted. Any person violating this Ordinance shall forfeit \$500 for the first offense and shall forfeit \$1000 for the second offense within one year. Deposits established in the Wisconsin Circuit Court Fee, Forfeiture, Fine, and Surcharge Tables shall also apply to any violation.

**Section 8: Severability:** The provisions of his Ordinance shall be deemed severable, and it is expressly declared that the Town of Farmington, Waupaca County would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance or the application to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected.

**Section 9: Posting Requirements:** The Town of Farmington, Waupaca County, shall place and maintain a synopsis of this Ordinance at all public access points in the Chain O'Lakes area within the jurisdiction of the Town of Farmington, Waupaca County pursuant to the requirements of NR 5.15, Wis. Adm Code.

**Section 9: Effective Date:** This section will become effective upon its passage.

Adopted this 15<sup>th</sup> day of January, 2024

ATTEST: Kathy Kasy  
Town of Farmington Clerk/Treasurer

Town of Farmington

Caroline J. Murphy  
Chair

[Signature]  
Supervisor I

\_\_\_\_\_  
Supervisor II



September 15, 2023

Caroline Murphy  
E913 Prairie View Lane  
Waupaca WI 54981

RE: Township of Farmington Ordinance No. 11/20/23(2023)

Dear Caroline Murphy,

On September 8, 2023, the Department received your proposed ordinance to regulate boaters on the waterways in the Township of Farmington, Waupaca County. Thank you for being concerned about the safety and welfare of recreational users in Wisconsin and the protection of its natural resources. This letter serves as a review of your proposed ordinance as required under s. 30.77, Stats. The proposed ordinance, as presented, meets all requirements under s. 30.77, Stats.

Overall, the proposed ordinance and associated condition report were thorough, however, I want to bring your attention to the following:

1. In Section 1: Applicability and Enforcement – The sentence explaining the location, footage of shoreline, and percentage of shoreline, is irrelevant in this case and can be removed.
2. There are minor typographical errors that should be corrected before adoption.

The following must occur before final approval:

1. A public hearing must be held on the proposed ordinance and publicized at least 30 days in advance. Proof of publication must be provided to your Recreation Warden (i.e., newspaper clipping) when this occurs.
2. After the ordinance is signed, a copy must be sent to your Recreation Warden.
3. Notice of the ordinance must be posted at all public access sites.

If you have any questions, concerns, or need assistance, please email me at [joseph.mulrooney@wisconsin.gov](mailto:joseph.mulrooney@wisconsin.gov) or call me at 715-432-7650.

Sincerely,

Joseph Mulrooney  
Recreation Warden  
Wisconsin Department of Natural Resources

**Ordinance No.11/20/23(2023)**  
**An Ordinance to Restrict**  
**Artificial Wake Enhancement on the Chain O'Lakes**

**Summary of Subject Matter and Main Points: Rainbow and Round Lakes**

**Purpose:** The intent of this Ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resources which impact aquatic vegetation source for fish and wildlife and to minimize shoreline erosion.

**Authority:** State boating laws as found in ss. 30.50 to 30.71, Wis. Stats.

**Adoption:** With quorum and voice vote of Town Board present.

**Definitions:** "Motorboat" means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion. "Enhanced elevated wake" means a trail of disturbed water left by the passage of a watercraft in excess of 24 inches for over 50 feet in length, by use of ballast, mechanical hydrofoil(s), 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 the boat is planing.

**Penalties:** Wisconsin state boating penalties as found in s. 30.80 Wis. Stats., deposits established in the Uniform Deposit and Bail Scheduled established by the Wisconsin Judicial Conferences are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment are deleted. \$500 for first offense; \$1000 for second offense.

**Severability:** The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town of Farmington, Waupaca, County would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions many de declared invalid. If any provisions of this Ordinance or the application to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected.

**Effective date:** This Ordinance shall take effect on and upon passage and publication according to law.

Full text or the Ordinance can be obtained from:

Town of Farmington Clerk

E913 Prairie View Ln

Waupaca, WI 54981

715-258-2779

OR; viewed on website: [www.farmingtonwi.com](http://www.farmingtonwi.com)

## **Condition Report for Ordinance Motorboat Wake Protection Area**

The Chain O'Lakes has seen a recent increase in enhanced elevated wake activity. Concerns have been raised regarding the increased damage to the shorelines and increased lakebed disturbance.

The Chain O'Lakes Lake District conducted a "2022 Lake Load Capacity Study" including the effects of recreational boat wakes on the Chain O'Lakes by showing the impact they can have on shoreline erosion and sediment resuspension, basically the safety and health of the lakes, reducing over usage, providing a safer boating environment and methods to protect environmentally sensitive areas.

The creation of large, sustained wakes also creates a safety concern for other recreational users: creating the danger of capsizing for small watercraft such as canoes and kayaks, along with interference to water skiing and fishing activities.

Effect on wildlife: Birds, particularly waterfowl, nest close to shorelines and are especially vulnerable when molting to shoreline disturbances. Studies have shown that when waters pass repeatedly too close to shorelines inhabited by birds and wildlife creating large wakes, the following impacts can occur: relocation of nesting sites, abandonment of nests and loss of young. There can also be long term impacts as many species of birds that normally would return year after year to the same nesting area are forced elsewhere to perhaps less desirable bodies of water. This disturbance and dislocation are often associated with narrow bodies of water. Due to enhanced wake size, this same impact will occur due to the inability of the wave to dissipate prior to reaching the shore.

Upon receiving the recommendation from the Chain O'Lakes Lake District, to limit wake enhancement activities from damaging the shoreline and lake beds, the Town drafted an ordinance to minimize the adverse effects of enhanced wake activity, and provide for safety of non-motorized use of the lakes.

Currently in Wisconsin, boats are required to operate at no-wake speed within 100 feet of piers, docks, and moored boats. Personal watercraft (jet skis, etc) are required to operate at no-wake speeds within 200 feet of the shoreline. Given the current data, it makes sense to require boats that produce large wakes for sustained distances to operate at a greater distance from shorelines, docks, and piers than boats and personal watercraft. By requiring the boats that provide large wakes for extended lengths to operate at minimum distance

of 700 feet from shore will minimize the damage to the lakes by providing enough distance for the wake to dissipate. This ordinance affords all user groups to co-exist.

Maintaining water quality is in the best interest of all property owners and the public at large relative to the use of said resources. Not only for recreational activities such as boating, skiing, and tubing, but also for fishing and swimming. Increased sedimentation which can reduce light penetration and inhibit primary production, abrade and clog fish gills, and prevent feeding by sight feeders, will negatively alter fish populations. Without adequate protections, erosion and sedimentation will accelerate lake eutrophication with a negative impact on ALL who use these water resources.

Certain individuals may be opposed to any or all forms of regulation. These individuals may feel the ordinance is infringing on their rights to lake usage by limiting the area of usage relative to their activities.

After review, the Town concluded that the public safety and protection of its greatest resource, the lakes, would be best served by this ordinance.