

Ordinance No. 7/23/24(2024)

**An Ordinance to Restrict Artificial Wake Enhancement
on Certain Lakes Within
the Town of Farmington**

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: i) Rainbow Lake and Round Lake and ii) also to Columbia Lake (Columbia Lake being shared with the Town of Dayton), provided the Town of Dayton passes an ordinance identical to Sections 3 through 6 of this Ordinance and iii) This Ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the 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 any lake covered by this Ordinance, 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 any lake covered by this Ordinance 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 at 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.

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Artificial Wake Enhancement on Certain Lakes
Within the Town of Farmington

Summary of Subject Matter and Main Points: Rainbow, Round and Columbia 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

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 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 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 on any lake covered by this Ordinance within the jurisdiction of the Town of Farmington, Waupaca County pursuant to the requirements of NR 5.15, Wis. Adm Code.

Section 10: Effective Date: This Ordinance will become effective for Rainbow and Round Lakes upon its passage, and shall become effective for Columbia Lake on the later to occur of: i) the date of passage of this Ordinance; and ii) the date of passage of an ordinance by the Town of Dayton establishing coverage for Columbia Lake substantially the same as Sections 3-6 of this Ordinance.

Adopted this 23rd day of July, 2024

ATTEST: Kathy Kasse
Town of Farmington Clerk/Treasurer

Town of Farmington
Candice J. Murphy
Chair
Philip Dumont
Supervisor I
Philip Dumont
Supervisor II