

## **SECTION I – TITLE AND PURPOSE**

The title of this ordinance is the Town of Winchester Artificial Wake Ordinance. The purpose of this ordinance is to protect the health of the lakes for the benefit of all and to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests. There exist within the Town numerous natural lakes which have seen minimal development and are overall very healthy as indicated by the Comprehensive Management Plan. The Comprehensive Management Plan management action includes “support riparian property owners and lake groups in preserving natural and restoring highly developed shorelines.”

## **SECTION II – AUTHORITY**

In the interest of public health, safety, and/or welfare, including the public’s interest in preserving natural resources, the Town of Winchester has the authority to enact ordinances covering waters within its jurisdiction if the ordinances are not contrary to or inconsistent with Chapter 30, Wis. Stats., and they relate to the equipment, use, or operation of boats or to any activity regulated by Sections 30.60 to 30.71. The town board has the general authority under its village powers under ss. 60.10(2)(c), 60.22(3), and 61.34(1) Wis. stats., to adopt this Ordinance. The Town Board also has the authority under Section 30.77 Wis stats to adopt local ordinances regulating boating and it is the intent of the Town Board to exercise that power in adopting this Ordinance.

## **SECTION III – ADOPTION AND ABROGATION**

- A. This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by Town Board of artificial wake enhancement in the lakes under the jurisdiction of the Town of Winchester.
- B. The Town submitted a draft of this ordinance to the Wisconsin DNR for advisory review at least 60 days prior to passage, pursuant to 30.77(3)(d), Wis. Stats.; and the Town Board, after considering public comments and any DNR suggestions, determines that adopting this

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Ordinance is consistent with all other ordinances of the Town and would promote the public health, safety and welfare, including the public's interest in preserving natural resources.

- C. Where another ordinance imposes greater restriction, the provisions of the more restrictive ordinance shall prevail.

**SECTION IV – DEFINITIONS**

- A. “Comprehensive Management Plan” means the Town of Winchester Lakes Comprehensive Management Plan of 2020
- B. “transition speed” means the speed below planing speed in which a boat is operating in plowing mode
- C. “wake enhancement operation” means operating a boat in a bow-high manner which increases or enhances a boat’s wake using ballast tanks, water sacks, fins, or similar devices or methods
- D. “Town” means the Town of Winchester, Vilas County, Wisconsin.
- E. “Town Board” means the board of supervisors for the Town of Winchester, Vilas County, Wisconsin, and includes any designee of the board authorized to act for the board.
- F. “Town Clerk” means the clerk of the Town of Winchester, Vilas County, Wisconsin.
- G. “Wis. stats.” means the Wisconsin Statutes, including successor provisions to cited statutes.

**SECTION V – COVERAGE**

- A. This ordinance applies to all waters wholly within the Town of Winchester, Vilas County, Wisconsin.
- B. This ordinance shall be enforced by the Town Board and all other individuals or agencies empowered to enforce ordinances in this Town.

**SECTION VI – SPECIFICATIONS**

- A. Prohibited Equipment: No person may use or employ ballast tanks, water sacks, fins, or similar devices which increase or enhance a boat’s wake.
- B. Prohibited Operation: No person may operate a boat in an artificially bow-high manner having the effect of increasing the boat’s wake. Such prohibited operation shall include wake enhancement by use of ballast tanks, or water sacks, or mechanical fins, or similar devices or methods.

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- C. Certain Operations Excluded: In no event shall any of the following operations be deemed a violation of the Ordinance, provided such operations do not use or employ ballast tanks, water sacks, or wake enhancing fins or similar devices or methods.
1. Water skiing
  2. Tubing
  3. Brief transition operation of a boat accelerating into a planing condition

**SECTION VII—PENALTY**

- A. 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, except all references to fines are amended to forfeitures and all references to imprisonment are deleted.
- B. To the extent that the penalty for any violation of this Ordinance is not provided under Wisconsin State boating penalties as found in s. 30.80, Wis. Stats., any person violating this Ordinance shall forfeit \$500 for the first offense and shall forfeit \$1000 for the second offense within one year.
- C. Deposits established in the WISCONSIN CIRCUIT COURT FEE, FORFEITURE, FINE AND SURCHARGE TABLES shall also apply to any violation.

**SECTION VIII – SEVERABILITY CLAUSE**

The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town of Winchester, Vilas 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 IX – EFFECTIVE DATE**

This ordinance is effective on June 2, 2024 and upon publication and posting. Posting Requirements: The Town of Winchester, Vilas County, shall place and maintain a synopsis of this

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Ordinance at all public access points on all lakes in the Town pursuant to the requirements of  
N.R.5.15 Wisconsin Administrative Code.

The town clerk shall properly post/publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 6<sup>th</sup> day of May, 2024