

## **Ordinance No. 07/25/24(2024)**

### **An Ordinance to Restrict Artificial Wake Enhancement on Spencer Within the Town of Dayton**

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

**Section 1: Applicability and Enforcement:** The provisions of this Ordinance shall apply to Spencer Lake (Spencer Lake being shared with the Town of Lind) provided the Town of Lind passes an ordinance identical to Sections 3 through 6 of this Ordinance. 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 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 this Ordinance shall be deemed severable, and it is expressly declared that the Town of Dayton, 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 or lake is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances or lakes shall not be affected.

**Section 9: Posting Requirements:** The Town of Dayton, 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 Dayton, Waupaca County pursuant to the requirements of NR 5.15, Wis. Adm Code.

**Section 10: Effective Date:** This Ordinance will become effective for Spencer Lake on the date of passage of an ordinance by the Town of Lind establishing coverage for Spencer Lake identical to Sections 3-6 of this Ordinance.

Signature page follows

Adopted this 25<sup>th</sup> day of July, 2024

ATTEST:

[Signature]  
Town of Dayton Clerk

Town of Dayton

[Signature]  
Chair

[Signature]  
Supervisor

[Signature]  
Supervisor