

ORDINANCE NO. 26-02

Town of Mercer, Iron County, Wisconsin

AN ORDINANCE RESTRICTING CERTAIN ARTIFICIAL WAKE ENHANCEMENT- BORDER LAKES

WHEREAS, in the interest of public health, safety, and/or welfare, including the public's interest in preserving natural resources, the Town of Mercer ("Town") 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, Wis. Stats.; and

WHEREAS, the Turtle-Flambeau Flowage has shoreline in the Town of Mercer and the Town of Sherman, and

WHEREAS, artificially enhanced wakes can cause environmental damage to lakes and lakeshore, including resuspension of sediment adding nutrients to the water and increased risk of algal blooms, turbidity, shoreline erosion, and threats to aquatic life and waterfowl; and

WHEREAS, boats with ballast systems increase the likelihood of aquatic invasive species being introduced and spread on lakes; and

WHEREAS, artificially enhanced wakes can damage shoreline, lake bottom, moored boats, and shoreline structures including docks; and

WHEREAS, operating boats in a stern down manner creates downward prop wash, disturbing the lake bottom far below the wave zone, 25 feet and more below the surface; and

WHEREAS, artificially enhanced wakes can endanger swimmers, anglers, and other watercraft; and

WHEREAS, the use of ballast and wake enhancing fins can cause unsafe operation by causing the bow to rise obscuring vision forward; and

WHEREAS, the Town has held a Public Hearing on the issue more than thirty (30) days prior to enactment of the Ordinance; and

WHEREAS, 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

WHEREAS, the Town Board, after considering public comments and any DNR suggestions, determines that adopting this 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;

WHEREAS, the Town of Mercer and the Town of Sherman have agreed to enact identical ordinances on the matter.; and

NOW, THEREFORE, the Board of Supervisors of the Town of Mercer, Iron County, Wisconsin, does hereby ordain as follows:

Section 1. Applicability and Enforcement: The provisions of this ordinance shall apply to:

- i) The Town Board of Mercer has the authority under Ch. 30.77(3)(a) Wis Stats. To enact ordinances relating to the equipment, use, or operation of boats in the interest of public health, safety, or welfare, including the public's interest in preserving the State's natural resources.
- ii) The Turtle-Flambeau Flowage which has shoreline in the Town of Sherman and the remaining shoreline in the town of Mercer.

This ordinance shall be enforced by all officers of Mercer and all other individuals empowered to enforce ordinances in this Town.

Section 2. Certain Artificial Wake Enhancement Prohibited

(1) Prohibited Equipment. No person may use or employ ballast tanks, ballast bags or fins to cause a boat to operate in a bow-high manner, or which increases or enhances a boat's wake.

(2) 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 ballast bags or fins, or continuous operation at transition speed (the speed below planing speed in which a boat is operating in plowing mode).

(3) 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, ballast bags or wake enhancing fins: i) water skiing, ii) tubing, iii) wake boarding employing a tow rope; iv) brief transition operation to empty a boat of bilge water, or v) brief transition operation of a boat accelerating into a planing condition.

Section 3. Penalty.

(1) 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.

(2) 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 \$1,000 for the second and subsequent offenses within one year. Deposits established in

the WISCONSIN CIRCUIT COURT FEE, FORFEITURE, FINE AND SURCHARGE TABLES shall also apply to any violation.

Section 4. Severability. Should any portion of this Ordinance or the affected Code Section(s) be held invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 5. Effective Date. Upon enactment, this ordinance shall come into effect the day after publication and posting and shall become effective for the affected waters as follows:

I. For the Turtle Flambeau Flowage: this ordinance shall take effect upon the date on which the Town of Sherman and the Town of Mercer have both enacted ordinances covering the Turtle-Flambeau Flowage, the ordinances being identical as regards sections 2-4 above.

Moved by Supervisor _____, seconded by Supervisor _____.

____ Supervisors voted yes, ____ Supervisors voted no

Ordinance declared effective this _____ day of _____, 2026.

BY: MIKE LAMBERT, Chairman

BY: RICK BOES, Supervisor

BY: ROXANNE LUTGEN, Supervisor

BY: SCOT LUNDQUIST, Supervisor

ATTEST: DEBBIE HOHNER

BY: KEVIN TOWNE, Supervisor

Clerk, Town of Mercer