

ORDINANCE NO. 2025- ____

Town of Amherst and Village of Amherst Junction, Portage County, Wisconsin

AN AMENDMENT TO THE JOINT ORDINANCE 08-13-09#DNR 0887 REGULATING BOATING UPON THE WATERS OF LAKE EMILY. THIS AMENDMENT RESTRICTS CERTAIN ARTIFICIAL WAKE ENHANCEMENT ON THE WATERS OF LAKE EMILY

WHEREAS, in the interest of public health, safety, and/or welfare, including the public's interest in preserving natural resources, the Town of Amherst ("Town") and the Village of Amherst Junction ("Village") have the authority to enact ordinances covering waters within their 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, there exists wholly within Amherst and Amherst Junction a shared lake known as Lake Emily; 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, 20 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, Amherst and Amherst Junction jointly 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 Amherst Town Board and the Amherst Junction Village Board, after considering public comments and any DNR suggestions, have each determined that adopting this ordinance is consistent with all other ordinances of this Village and Town and would promote the public health, safety and welfare, including the public's interest in preserving natural resources;

NOW, THEREFORE, the Board of Supervisors of the Town of Amherst and the Board of Supervisors of the Village of Amherst Junction, Portage County, Wisconsin, do hereby ordain as follows:

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

to the waters of Lake Emily, whose shoreline is wholly within the Town of Amherst and the Village of Amherst Junction. "This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin."

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 \$1000 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 adoption this Ordinance shall not have effect for Lake Emily until such time as both the Town Amherst and the Village of Amherst Junction, shall have passed this Ordinance.

Enacted: 3-12, 2025

TOWN OF AMHERST

By 
DON SPIERING
Town of Amherst Chairperson

TOWN OF AMHERST CLERK'S CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town of Amherst Board of Supervisors on the date indicated above.

Dated: 3-12, 2025

By Shawn Lea
Shawn Lea
Town of Amherst Clerk

Published/Posted on 3-17, 2025 by Shawn Lea

Enacted: 3-11, 2025

VILLAGE OF AMHERST JUNCTION

By William D Bial
William D Bial
Village of Amherst Junction President

VILLAGE OF AMHERST JUNCTION CLERK'S CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Village of Amherst Junction Board of Supervisors on the date indicated above.

Dated: 3-11, 2025

By Karen J Shurfer
Village Clerk
Village of Amherst Junction Clerk

Published/Posted on 3-17, 2025 by Karen J Shurfer