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STATE OF WISCONSIN: TOWN OF OAKLAND: JEFFERSON COUNTY:

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**ORDINANCE 2026-75**

**AN ORDINANCE REGULATING THE USE AND OPERATION OF AERATORS UPON PUBLIC WATERS IN THE TOWN OF OAKLAND, JEFFERSON COUNTY, WISCONSIN**

**WHEREAS**, the Board of Supervisors of the Town of Oakland, Jefferson County, has heretofore adopted a chapter of the Code of Ordinances relating to Waterways; and

**WHEREAS**, the Board of Supervisors of the Town of Oakland, Jefferson County, has heretofore adopted a Fee Schedule by passage of Resolution 2026-02 which is available for public inspection in the Clerk's Office of the Town of Oakland at the Town Hall; and

**WHEREAS**, it is the desire of the Board of Supervisors of the Town of Oakland, Jefferson County, to amend the fee schedule for services described in this chapter, and to provide for future changes by resolution rather than ordinance; and

**WHEREAS**, the Board of Supervisors of the Town of Oakland, Jefferson County, has the authority to regulate the use and operation of aerators upon public waters located in the Town of Oakland, Jefferson County; and

**WHEREAS**, the Board of Supervisors of the Town of Oakland, Jefferson County, desires to regulate the use and operation of aerators upon public waters located in the Town Oakland, Jefferson County;

**NOW, THEREFORE**, the Board of Supervisors of the Town of Oakland, Jefferson County, Wisconsin, does hereby ordain as follows:

1. **Intent and Purpose**.

The purpose of this Ordinance is to protect the public health, safety, and welfare from the potential adverse effects which may arise from the use of aerators upon public waters located in the Town. The Town Board recognizes and concludes that the proper and safe use of public waters in the Town is necessary to: (a) maintain the physical, ecological, and aesthetic characteristics of such public waters and their shorelines; (b) preserve natural resouces; (c) protect public and private property; (d) promote the rights of riparian owners and users; and (e) protect the public health, safety and welfare of all persons using public waters in the Town.

The frozen surfaces of public waters in the Town are frequently enjoyed by snowmobilers, ATV/UTV operators, cross-country skiers, snowshoers and other outdoor and recreational enthusiasts. This use is not only important for recreational pursuits but is also a necessary asset to businesses in the community. The existence of aeration equipment, which dissipates ice and otherwise prevents or impedes ice formation upon public waters in the

Town, presents a threat to public safety, health and welfare for all people using ice-covered surfaces of public waters in the Town.

Accordingly, it is the intent and purpose of the Town Board to regulate the use and operation of aeration equipment upon public waters in the Town.

2. **Authority.**

This Ordinance is adopted by the Town Board in the exercise of its authority granted to it by the laws of the State of Wisconsin and in the interest of public health, safety, and welfare.

3. **Definitions**. The following terms shall have the meanings indicated below.

"**Aerator**" means any device or equipment used in or upon the waters in the Town including any device or equipment attached to a pier or structure that is located in or upon the waters in the Town, which affects the water's surface by supplying or inducing the movement of air into water in order to prevent or impede the natural formation of ice on the water's surface. An aerator also includes a pump or other mechanized apparatus designed to pump or circulate water, or that otherwise functions by circulating water, in order to prevent or impede the normal formation of ice on the water's surface.

"**Person**" means a natural person, partnership, corporation, assocation, municipality, or governmental unit.

**"Public Waters"** means any public lake, river, or similar body of water located in the Town.

4. **Regulations**.

A. For the period beginning on November 15 of any calendar year and continuing through April 15 of the following calendar year, all aerators shall be removed from public waters and no person shall operate or use any aerator in or upon public waters during such period.

B. No person may operate or use an aerator unless the aerator is attached to a pier that is either owned by such person or is owned by another person who has expressly authorized the attachment of the aerator to the pier.

5. **Penalties and Enforcement.**

A. **Penalty**. Except as otherwise provided, any person who violates any provision of this Ordinance shall, upon conviction, forfeit an amount as established by a Fee Schedule

adopted and amended from time to time by resolution of the Town of Oakland, Jefferson County, together with all costs of prosecution.

B. **Continuing Violation**. Each violation and each day a violation continues shall constitute a separate offense and shall be punishable as such.

C. **Other Relief**. Nothing in this Ordinance shall preclude the Town from maintaining any action, including seeking injunctive relief from a court fo competent jurisdiction, to prevent or remove a violation of any provision of this Ordinance.

6. **Severability**. The provisions of this Ordinance shall be deemed severable. If any provision of this Ordinance or the application to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected.

The Board of Supervisors of the Town of Oakland **DO FURTHER ORDAIN** that this Ordinance shall be effective upon its adoption and publication.

Adopted this 17th day of November, 2026

Laura Payne

Laura Payne, Town Chairperson

ATTEST:

Riley Rogers

Riley Rogers, Clerk/Treasurer