

Notice of Public Hearing Artificial Wake Enhancement Ordinance #2025-01

NOTICE OF PUBLIC HEARING TOWN OF FERN, FLORENCE COUNTY, WISCONSIN

NOTICE is hereby given that on Tuesday, February 25, 2025, at 7:00 p.m. at the Fern Town Hall, 3204 State Highway 101, Fern, Wisconsin 54121, a PUBLIC HEARING will be held in consideration of the PROPOSED ORDINANCE #2025-01, BOATING REGULATIONS RESTRICTING CERTAIN ARTIFICIAL ENHANCED WAKES

(1) Applicability and Enforcement: *The provisions of this ordinance shall apply to: (i) All waters wholly within the Town of Fern, Florence County, Wisconsin; and (ii) Patten Lake having over 60% of its shoreline in the town of Fern and the entire remaining shoreline in the town of Florence. This ordinance shall be enforced by all officers of Fern, Florence County, Wisconsin and all other individuals empowered to enforce ordinances in this Town.*

(2) Certain Artificial Wake Enhancement Prohibited.

(a) 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.

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

(c) 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.

(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.

(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.*

(5) Effective Date. *Upon adoption, this Ordinance shall take effect the day after publication or posting.*

The purpose of the hearing is to allow the public to make comments regarding the proposed ordinance. The proposed Town Ordinance #2025-1 is available for inspection by contacting the Deputy Town Clerk, Pamela Batte at 715 336-2284 or on the town website at www.fernwisconsin.com.

Dated this 23rd day of January 2025.

Fred Erwin, Town Chairman