

STATE OF WISCONSIN:

TOWN OF MERTON:

WAUKESHA COUNTY:

Ord. No. 20.05 and 20.08

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**ORDINANCE AMENDING SECTIONS 20.05 AND 20.08 OF THE  
MUNICIPAL CODE OF THE TOWN OF MERTON**

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**WHEREAS**, in the interest of public health, safety, and/or welfare, including the public's interest in preserving natural resources, the Town of Merton ("Town") has the authority to enact ordinances covering waters within its jurisdiction if the ordinances are not contrary to or inconsistent with Wis. Stat. Ch. 30, and they relate to the equipment, use, or operation of boats or to any activity regulated by Wis. Stat. §§ 30.60 to 30.71;

**WHEREAS**, several lakes are located within the Town;

**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;

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

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

**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;

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

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

**WHEREAS**, the adverse impact of operating boats and equipment to artificially enhance wakes is a concern for all lakes within the Town but of immediate concern for Lake Keesus and Moose Lake due in part to these lakes' shallow depths, increased flood potential, shoreline erosion, and all other concerns expressed in this Ordinance;

**WHEREAS**, the Town has submitted a draft of this Ordinance to the Wisconsin Department of Natural Resources (DNR) for advisory review at least 60 days prior to adopting this Ordinance;

**WHEREAS**, the Town has conducted a public hearing in order to consider any public comments or the DNR's advisory opinion of the Ordinance; and

**WHEREAS**, after considering any public comments and the DNR advisory opinion, the Town Board 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.

**NOW THEREFORE**, the Town Board of the Town of Merton, Wisconsin do ordain as follows:

SECTION 1. Section 20.05(9) of the Town's Municipal Code is renumbered to be Section 20.05(10).

SECTION 2. Section 20.05(9) of the Town's Municipal Code is amended to read as follows:

(9) ARTIFICIAL WAKE ENHANCEMENT PROHIBITED ON MOOSE LAKE.

(a) Prohibited Operation and Equipment. It shall be prohibited on Moose Lake to operate a boat in an artificially bow-high manner that has the effect of increasing or enhancing the boat's wake. Such prohibited operation includes the operation of a boat at transition speed in which the boat is operated at greater than slow-no-wake speed, but less than the speed necessary to cause the boat to reach a planing position. It shall also be prohibited on Moose Lake to use or employ on a boat ballast tanks, ballast bags, mechanical fins or hydrofoils, or any other device that causes the boat to operate in an artificially bow-high manner or artificially increases or enhances the boat's wake.

(b) Certain Operations Excluded. In no event shall any of the following operations be deemed a violation of this Section, provided such operations do not use or employ ballast tanks, ballast bags, mechanical fins or hydrofoils, or any other device that causes a boat to operate in an artificially bow-high manner or artificially increases or enhances the boat's wake:

1. Water skiing.
2. Tubing.
3. Wakeboarding employing a tow rope.
4. Brief transition operation to empty a boat of bilge water.
5. Brief transition operation of a boat accelerating into a planing condition.

SECTION 3. Section 20.08(8) of the Town's Municipal Code is renumbered to be Section 20.08(9).

SECTION 4. Section 20.08(8) of the Town's Municipal Code is amended to read as follows:

(8) ARTIFICIAL WAKE ENHANCEMENT PROHIBITED ON LAKE KEESUS.


- (a) Prohibited Operation and Equipment. It shall be prohibited on Lake Keesus to operate a boat in an artificially bow-high manner that has the effect of increasing or enhancing the boat's wake. Such prohibited operation includes the operation of a boat at transition speed in which the boat is operated at greater than slow-no-wake speed, but less than the speed necessary to cause the boat to reach a planing position. It shall also be prohibited on Lake Keesus to use or employ on a boat ballast tanks, ballast bags, mechanical fins or hydrofoils, or any other device that causes the boat to operate in an artificially bow-high manner or artificially increases or enhances the boat's wake.
- (b) Certain Operations Excluded. In no event shall any of the following operations be deemed a violation of this Section, provided such operations do not use or employ ballast tanks, ballast bags, mechanical fins or hydrofoils, or any other device that causes a boat to operate in an artificially bow-high manner or artificially increases or enhances the boat's wake:

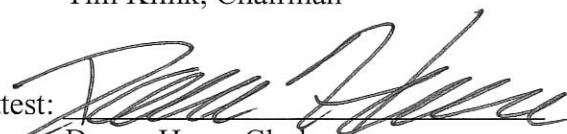
- 1. Water skiing.
- 2. Tubing.
- 3. Wakeboarding employing a tow rope.
- 4. Brief transition operation to empty a boat of bilge water.
- 5. Brief transition operation of a boat accelerating into a planing condition.

SECTION 5: All ordinances or parts of this Ordinance conflicting or contravening the provisions of this Ordinance are hereby repealed.

SECTION 6: This Ordinance shall take effect upon passage and posting or publication as provided by law.

**PASSED AND ADOPTED** by the Town Board of the Town of Merton, Waukesha County, Wisconsin this 3<sup>rd</sup>, day of June, 2026.

By:   
Tim Klink, Chairman

Attest:   
Donna Hann, Clerk