

STATE OF WISCONSIN TOWN OF OTTAWA WAUKESHA COUNTY
ORDINANCE NO. 5-26

**AN ORDINANCE TO CREATE 183-6 OF THE TOWN OF OTTAWA MUNICIPAL CODE TO
RESTRICT THE USE OF AERATORS ON INLAND WATERS**

WHEREAS, in the interest of public health, safety, or welfare, the Town of Ottawa has the authority to enact ordinances related to the use and operation of “Aerators” on inland waters;

WHEREAS, “waters” as used in this Ordinance shall mean any public lake, river, or similar body of water located within the Town;

WHEREAS, the frozen surface of the inland waters within the Town of Ottawa is frequently enjoyed by snowmobilers, UTV/ATV riders, cross-country skiers, snowshoers, and other outdoor and recreational enthusiasts;

WHEREAS, the use of aerators on inland water to dissipate or block ice from forming on the water presents a public health, safety and welfare issue for people utilizing the frozen surfaces of the water;

WHEREAS, it is the intent of these regulations to provide for the safe and healthful use of the inland waters located solely within the Town of Ottawa pursuant to the grant of authority under the police powers of the Town;

WHEREAS, the Town Board has determined that it is necessary to regulate the use of Aerators upon inland waters within the Town of Ottawa to protect the health and welfare of the Town of Ottawa, its citizens, and those who use and enjoy inland waters within the Town of Ottawa;

WHEREAS, the Town of Ottawa hereby adopts the following restrictions on the use or operation of Aerators on inland waters;

NOW, THEREFORE, the Town Board of the Town of Ottawa, Waukesha County, Wisconsin, does hereby ordain as follows:

SECTION 1. Section 183-6 of the Town of Ottawa Municipal Code is hereby created to read as follows:

183-6. Use of Aerators on Inland Waters.

- (1) 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 on inland waters in the Town of Ottawa. The Town of Ottawa Board recognizes and concludes that the proper and safe use of lakes and rivers in the Town of Ottawa is desirable to maintain the physical, ecological, cultural and aesthetic characteristics of such lakes, ponds and rivers, their shorelines and the rights of riparian owners and users as well as the Town as a whole, and to promote the public health, safety and welfare of all persons making use of lakes and rivers within the Town of Ottawa. Accordingly, it is the intent and purpose of the Town Board to adopt reasonable regulations for the removal of ice and the use of aerators in inland waters in the Town of Ottawa.
- (2) **Scope and Application.** The terms and provisions of this section shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety, and welfare and for the public peace and preservation of natural resources and public and private property within the Town of Ottawa.
- (3) **Definitions.** "Aerator" means any device or equipment used on Town inland waters which affects the water's surface by supplying or inducing movement into water to prevent or inhibit the natural formation of ice on the water's surface.
- (4) **Aeration Safety Regulations.** Aerators that prevent the natural formation of ice to occur must be removed prior to November 15th of any given year and may not be reinstalled until April 15th or later of any given year.
- (5) **Penalties and Enforcement.**
 - (a) **General Penalty.** Except as otherwise provided, any person who shall violate this chapter shall upon conviction thereof forfeit not less than \$100.00 nor more than \$250.00 together with the costs of prosecution.
 - (b) **Continuing Violations.** Each violation and each day a violation continues shall constitute a separate offense and shall be punishable as such.
 - (c) **Violation of this chapter shall be deemed a nuisance, irrespective of how that term is defined elsewhere in this code. Nothing in this chapter shall preclude the Town from maintaining any appropriate action, including seeking injunctive relief from a court of competent jurisdiction to prevent or remove a violation of any provision of this chapter.**

Section 3. Severability. Should any portion of this Ordinance or the affected Code Section(s) be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 4. Effective Date. This ordinance shall be in full force and effect upon passage and publication.

DATED: 5/14/2026

TOWN OF OTTAWA

By: Cheryl D. Rupp
Chairman, Cheryl D. Rupp

ATTEST:

Lori Geyman
Lori Geyman, Clerk

Adopted: 5/11/2026

Posted: 5/14/2026

Effective Date: 5/14/2026