
STATE OF WISCONSIN : VILLAGE OF PEWAUKEE : WAUKESHA COUNTY

ORDINANCE NO. 2025-13

**ORDINANCE TO CREATE SECTION 21.08 OF THE MUNICIPAL CODE OF THE
VILLAGE OF PEWAUKEE REGARDING THE REGULATION OF
AERATION/CIRCULATING PUMPS ON PEWAUKEE LAKE**

WHEREAS the frozen surface of Pewaukee Lake is regularly utilized by snowmobilers, UTV/ATV operators, cross-country skiers, snowshoers, and nature enthusiasts; and

WHEREAS, this use is not only important for recreational pursuits but is also a necessary asset to several businesses in the community; and

WHEREAS, the existence of aeration equipment which dissipates or impedes ice formation on Pewaukee Lake presents a threat to public safety, health, and welfare for all persons using ice-covered lake surfaces on Pewaukee Lake and accessing such surfaces through public access points maintained by the Village of Pewaukee; and

WHEREAS, it is the intent and purpose of the Village Board to adopt reasonable regulations concerning removal of ice by use of aerators/circulation pumps on Pewaukee Lake, Waukesha County, Wisconsin to mitigate the threat to public safety, health, and welfare to all persons accessing and using ice-covered lake surfaces on Pewaukee Lake; and

NOW THEREFORE the Village Board of the Village of Pewaukee, Waukesha County, Wisconsin does ordain as follows:

SECTION I

Section 21.08 of the Municipal Code of the Village of Pewaukee is created to read as follows:

Section 21.08 – Regulation of Aeration/Circulating Pumps

(a) Definitions.

“Aerator” means any device or equipment used on Pewaukee Lake which affects the water’s surface by supplying or inducing air into water so as to prevent or inhibit the natural formation of ice on the water’s surface.

“Circulating Pump” means a pump or other mechanized apparatus designed to pump and circulate water or functions by circulating water, the effect of which is to prevent or impede the normal formation of ice on the water’s surface.

“Person” means a natural person, partnership, corporation, association, municipality, or governmental unit.

(b) Regulations. The following regulations shall be adopted concerning operation of

aeration/circulation pump devices on Pewaukee Lake:

(1) Any person operating an aeration system must have the aeration/circulating pump device attached to a permitted legal structure on the lake.

(2) Any person operating an aeration/circulating pump device must perform one of the following:

a. Erect and maintain a barricade around the area of open water created by the aeration/circulating pump consisting of uprights that are spaced at adequate intervals to maintain the barricade and that are connected by continuous rope, cord, or similar material at least 2-1/2 feet and not more than 4-1/2 feet off the surface; or

b. Erect and maintain on the structure a visual warning sign that contains the words "OPEN WATER" with letters at least 6 inches in height which are reflectorized.

(3) The connecting rope, cord, or similar material shall have reflectorized, fluorescent, or lighted ribbon or tape or other reflectorized devices attached to it, so as to be highly visible, and shall be of sufficient strength to permit retrieval of the barricade following the melting of the ice.

(4) Any person erecting a barricade shall remove the barricade and all parts of the barricade or mechanism immediately after the ice has melted. Any instance of a barricade or parts of the barricade being allowed to float free or sink shall constitute a violation of this ordinance.

(5) No person may by use of an aeration/circulating pump device interfere or alter ice in the riparian zone of other property owners' properties.

(6) No person shall operate an aerator/circulating pump which results in the creation of open water more than 30 feet lakeward from the structure which the aerator/circulating pump is attached to.

(c) Discretionary Order. If, at the discretion of the Village Board, operation of an aeration/circulating pump device has created an unreasonable risk of exposure to injury for persons recreating on the ice of Pewaukee Lake, then the Village shall have the authority to order cessation of operation of said equipment even if operated in accordance with the foregoing regulations until such unreasonable risk of injury has ceased.

SECTION II

All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

SECTION III

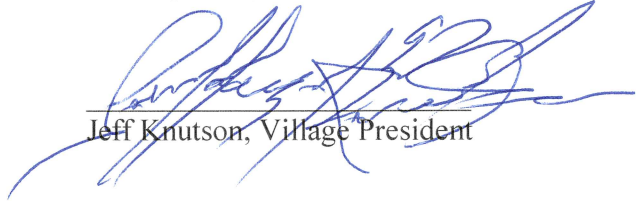
The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

SECTION IV

This Ordinance shall take effect upon passage and publication as approved by law, and the Village Clerk shall so amend the Code of Ordinances of the Village of Pewaukee, and shall indicate the date and number of this amending Ordinance therein.

Passed and adopted this 21st day of October, 2025 by the Village Board of the Village of Pewaukee.

APPROVED:


Jeff Knutson, Village President

Countersigned:


Jenna Peter, Village Clerk