



October 6, 2025

First Selectman James L. Brinton
Town of Washington
Bryan Memorial Town Hall
2 Bryan Plaza, P.O. Box 383
Washington Depot, CT 06794

RE: Approval of Ordinance Restricting the Use of Wake-Enhancing Devices on Lake Waramaug

Dear First Selectman Brinton:

Thank you for submitting the attached boating ordinance on August 7, 2025, to the Department of Energy and Environmental Protection (DEEP) for review pursuant to Connecticut General Statutes (CGS) Section 15-136(a). DEEP received identical ordinances from the towns of Kent, Warren, and Washington restricting the use of wake-enhancing devices on vessels being operated on Lake Waramaug.

After receiving the ordinance, the agency conducted a thorough review pursuant to its authority to disapprove any ordinance or part thereof that the Commissioner finds to be arbitrary, unreasonable, unnecessarily restrictive, inimical to uniformity, duplicative of any state law or regulation or inconsistent with the policy of Part II of Chapter 268, CGS. After applying each factor to the ordinance at issue here and considering a range of facts, such as those that follow, the agency did not find grounds for disapproval.

The ordinance is not arbitrary because, for example, the preamble to the ordinance indicates that the ordinance responds to concerns about increased use, safety risks, and environmental harms. The approach taken by the town is consistent with restrictions placed on a similar activity — waterskiing — on water bodies throughout Connecticut, some of which were enacted by municipal ordinances that the Department has found to be reasonable. Lake Waramaug lacks robust statewide public access, and so the ordinance is not as restrictive to statewide recreational users as it would be if employed at a water body with statewide motorized/trailer public access and use. All three towns submitted uniform ordinances to DEEP, thus the ordinance is not inimical to uniformity. Because Connecticut has not adopted any statutes or regulations specific to wakesurfing or wake enhancing devices in public waterbodies, the ordinance does not conflict with or duplicate state policy, nor does it create any inconsistency with the part of the CGS that addresses boating safety in particular.

DEEP will publish a summary of the new ordinance in its 2026 Boater's Guide pursuant to CGS Section 15-138, and upon such publication the ordinance will become effective. Alternatively, if you require that the ordinance becomes effective prior to the publication of the 2026 Boater's Guide – expected in February 2026 – your town must follow the posting requirements set forth in CGS Section 15-138 and in Section 15-121-A16 of the Regulations of the Connecticut State Agencies.

DEEP's Environmental Conservation Police do not have the authority to enforce municipal boating ordinances. As the DEEP Boating Division previously advised, this ordinance does not prohibit the activity of wakesurfing but rather only the employment of devices to artificially enhance or increase a wake, and therefore should be enforced accordingly.

Thank you for submitting this ordinance for review and approval. If you have any questions, please contact Peter Francis, Director, Boating Division, by telephone at 860-424-3651 or by email at Peter.Francis@ct.gov.

Sincerely,



Katherine S. Dykes
Commissioner

Attachments (Ordinance)

CC: Peter Francis, DEEP Boating Division
Alison Rau, DEEP Office of Legal Counsel

PROPOSED ORDINANCE

REGARDING REGULATION OF WAKE BOAT OPERATION

ON LAKE WARAMAUG

FOR ADOPTION BY THE TOWNS OF KENT, WARREN AND WASHINGTON

CONCERNED with the increasing operation on Lake Waramaug of vessels with ballasts, motor power and hull designs that produce harmful wakes;

COGNIZANT of the serious safety risks that such large wakes cause for other concurrent public uses of Lake Waramaug, including without limitation kayaks, fishing boats, rowing shells, paddle boards, swimmers and dock facilities and that such large wakes are not compatible with other long established public uses of the lake;

AWARE, that enhanced wakes that cause destructive erosion of the lake shoreline and upset the balance of native shoreline vegetation that protect the lake from erosion; and that the operation of such vessels in a stern down manner creates downward prop wash that disturbs the lake bottom and impairs water quality; and that use of ballast systems increase the risk of importing invasive species into the lake;

MINDFUL of our responsibility to protect Lake Waramaug, a Heritage Lake of exceptional natural beauty and tranquility that is enjoyed by the general public;

BE IT RESOLVED THAT:

1. No person shall at any time operate on Lake Waramaug a vessel while employing one or more ballast tanks, weight-loading, hydrofoils, wake shapers, or any other device(s) to artificially enhance or increase its wake.
2. Prior to their launching on Lake Waramaug all power vessels shall be inspected for environmental fitness (as is provided in the Agreement dated June 28, 2004 among the State of Connecticut Department of Environmental Protection and the Towns of Washington, Warren and Kent).
3. Any person violating this Ordinance shall be fined two hundred and fifty dollars for each occurrence in accordance with Connecticut General Statutes Section 7-148 as the same may be amended from time to time. Any such violation which is of a continuing nature shall be deemed a separate violation each time it occurs. Each day a violation continues shall be deemed a new occurrence.
4. Fines assessed may be enforced by an action brought in the Superior Court for the State of Connecticut and may be appealed pursuant to the provisions of Connecticut General Statutes Section 7-152c.

5. This Ordinance shall not preclude any additional enforcement action taken by any appropriate town, state or federal official conducted pursuant to any applicable ordinance, regulation or law of the town or the State of Connecticut.

6. This Ordinance is adopted pursuant to Connecticut General Statutes Section 7- 148.

7. This Ordinance shall take effect in accordance with § 15-136 of the Connecticut General Statutes.

8. It is hereby declared to be the intention of the town that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unlawful by valid judgment or decree of the court of competent jurisdiction, such unlawfulness shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Adopted at a Town Meeting of the Town of _____, _____ 2025.

Published _____, 2025;

Effective _____, 2025.