

MAY 18 2009

ORDINANCE NO. 20.04(2)(e)

AN ORDINANCE TO CREATE §20.04(2)(e) OF THE GENERAL CODE OF ORDINANCES OF THE TOWN OF MERTON RELATING TO ESTABLISHING AN EMERGENCY SLOW NO WAKE SPEED LIMIT AT TIMES OF HIGH WATER ON NORTH LAKE AND BEAVER LAKE

The Town Board of Supervisors of the Town of Merton, Waukesha County, Wisconsin, do ordain as follows:

SECTION 1. Section 20.04(2)(e) is created to read:

20.04 NORTH LAKE AND BEAVER LAKE; OCONOMOWOC RIVER.

(1) **APPLICABILITY AND ENFORCEMENT.** The provisions of this section shall apply to the waters of North Lake, Beaver Lake, and the Oconomowoc River within the jurisdiction of the Town of Merton and Village of Chenequa. The provisions of this section shall be enforced by the officers of the Water Safety Patrol of the Town of Merton and the Village of Chenequa.

(2) **SPEED RESTRICTION.**

(e) Speed Limit – Slow No Wake. No person shall operate a motorboat at a speed in excess of slow no wake on North Lake or Beaver Lake after notice of a high water condition has been declared until the declaration of the high water condition is repealed.

1. **Definitions.** Terms used in this section shall have the following meanings:

a. "High water" means when the waters of Beaver Lake exceed an elevation of 910.2 msl as based upon the USGS benchmark and when the waters of North Lake exceed an elevation of 897.0 msl as based upon the USGS benchmark. "Msl" means near sea level or the average height for the surface of the water.

b. "Slow no wake" has the meaning specified in §30.50(12), Wis. Stats.

c. "Motorboat" has the meaning specified in §30.50(6), Wis. Stats.

(3) **NOTICE.** Notice of a high water condition on Beaver Lake shall be posted: (a) at the Beaver Lake Yacht Club launch site; (b) at the public launch site on STH 83; (c) by publication of a notice in the *Lake Country Reporter*, and (d) on the Village and Town websites. Notice of a high water condition on North Lake shall be posted: (a) at the North Lake Yacht Club launch site; (b) at any and all public launch sites within the

Town of Merton for North Lake; (c) by publication of a notice in the *Lake Country Reporter*; and (d) on the Village and Town websites. The Village or Town may, in cooperation with the local lake residents, management district or associations, use other means of notification by way of posting flags or lake buoys at appropriate locations on the lakes for additional awareness. Local yacht clubs, management districts or associations are also urged to disseminate notification by way of email to all members and lake residents.

(4) EXCEPTIONS. This section shall not apply, even if a high water condition notice has been posted pursuant to subsec. (3), in the following situations:

- (a) Emergency situations; and
- (b) Conditions or events, as reasonably determined by the Town Board Chairman, which require a suspension of the slow no wake speed requirement.

(5) VILLAGE OF CHENEQUA. The Village of Chenequa has enacted an ordinance with substantially the same requirements as this ordinance as it relates to Beaver Lake and North Lake.

(6) COOPERATION. The Village of Chenequa and the Town of Merton agree that neither shall change the provisions of this §20.04(2)(e) or the Village or Chenequa's corresponding ordinance without first providing written notice to the other outlining the proposed revisions and allowing the other an opportunity to comment on the proposed revisions to the applicable ordinance.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective upon passage, posting and publication as required by law.

DATED: May 12, 2009

TOWN OF MERTON
By: [Signature]
Richard Morris, Chairman

ATTEST:
[Signature]
Susan J. Oman, Clerk

MAY 18 2009

Date Adopted: 5-12-09
Date Published: 5-21-09
Effective Date: 5-21-09



May 15, 2009

State of Wisconsin, DNR
Attn: Mr. Wayne Rundquist
PO Box 7921
Madison, WI 53707-7921

MAY 18 2009

DNR ID # 0859
DNR ID # 0876
DNR ID # 0878

RE: Approved Ordinances

Dear Mr. Rundquist,

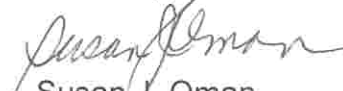
I have enclosed signed copies of the approved ordinances for 20.08(2)©, before and after copies for Lake Keesus; 20.06(2b) for Lake Keesus and Moose Lake and 20.04(2)(3) for North Lake and Beaver Lake for your records.

All of the ordinances were approved on May 12, 2009 by our Town Board and are being published on May 21, 2009 and posted at the launch sites.

I would like to thank you for your help in this matter. Also a special thank you to Wardens Plenke and Drake for meeting with the Town of Merton to resolve these matters.

If you any questions, please do not hesitate to call.

Sincerely,


Susan J. Oman,
Town Clerk

PO Box 128
North Lake, WI 53064
262-966-2651, Fax: 262-966-2801