

STATE OF WISCONSIN

TOWN OF SUMMIT

WAUKESHA COUNTY

ORDINANCE NO. _____

AN ORDINANCE
TO RESTRICT THE USE OF PERSONAL WATERCRAFT ON
THE WATERS OF LOWER NASHOTAH LAKE
IN THE TOWN OF SUMMIT

WHEREAS, the Town Board of the Town of Summit, Waukesha County, Wisconsin, has previously enacted an Ordinance entitled "An Ordinance Regulating the Use and Operation of Motorboats on the Waters of Lower Nashotah Lake in the Town of Summit", and

WHEREAS, the Town Board of the Town of Summit deems it necessary, for the protection of the public health, safety and general welfare, to further amend that ordinance to regulate the use of Lower Nashotah Lake by restricting the use of personal watercraft on that Lake, and

WHEREAS, the unique characteristics of Lower Nashotah Lake, including its long, narrow configuration, high banks, and shallow areas, together with other characteristics of the Lake, when coupled with the noise and maneuverability of personal watercraft, results in an adverse impact upon the public health, safety and general welfare,

NOW, THEREFORE, the Town Board of the Town of Summit, Waukesha County, Wisconsin do ordain as follows:

Section 1: "An Ordinance Regulating the Use and Operation of Motorboats on the Waters of Lower Nashotah Lake in the Town of Summit" is hereby amended by repealing and recreating Section 3 of that ordinance to read as follows:

3. OPERATION OF MOTORBOATS AND PERSONAL WATERCRAFT:

- A. No motorboats shall be operated on Lower Nashotah Lake from sunset until sunrise at a speed in excess of slow no wake.
- B. Operation of personal watercraft upon Lower Nashotah Lake is prohibited except between the hours of 5:00 P.M. and 7:00 P.M. on Fridays. For purposes of this ordinance the term "personal watercraft" is defined as a motorboat that uses an inboard motor powering a water jet pump or a caged propeller as its primary source of motor power and that is designed to be operated by a person standing on, kneeling on or sitting astride the watercraft.

SECTION 2. SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3. EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This ordinance passed this _____ day of _____, 1993.

BY ORDER OF THE TOWN BOARD OF THE TOWN
OF SUMMIT, WAUKESHA COUNTY, WISCONSIN.

EDWIN H. ROHLOFF, TOWN CHAIRMAN

ATTEST:

ELIZABETH L. DOW, TOWN CLERK

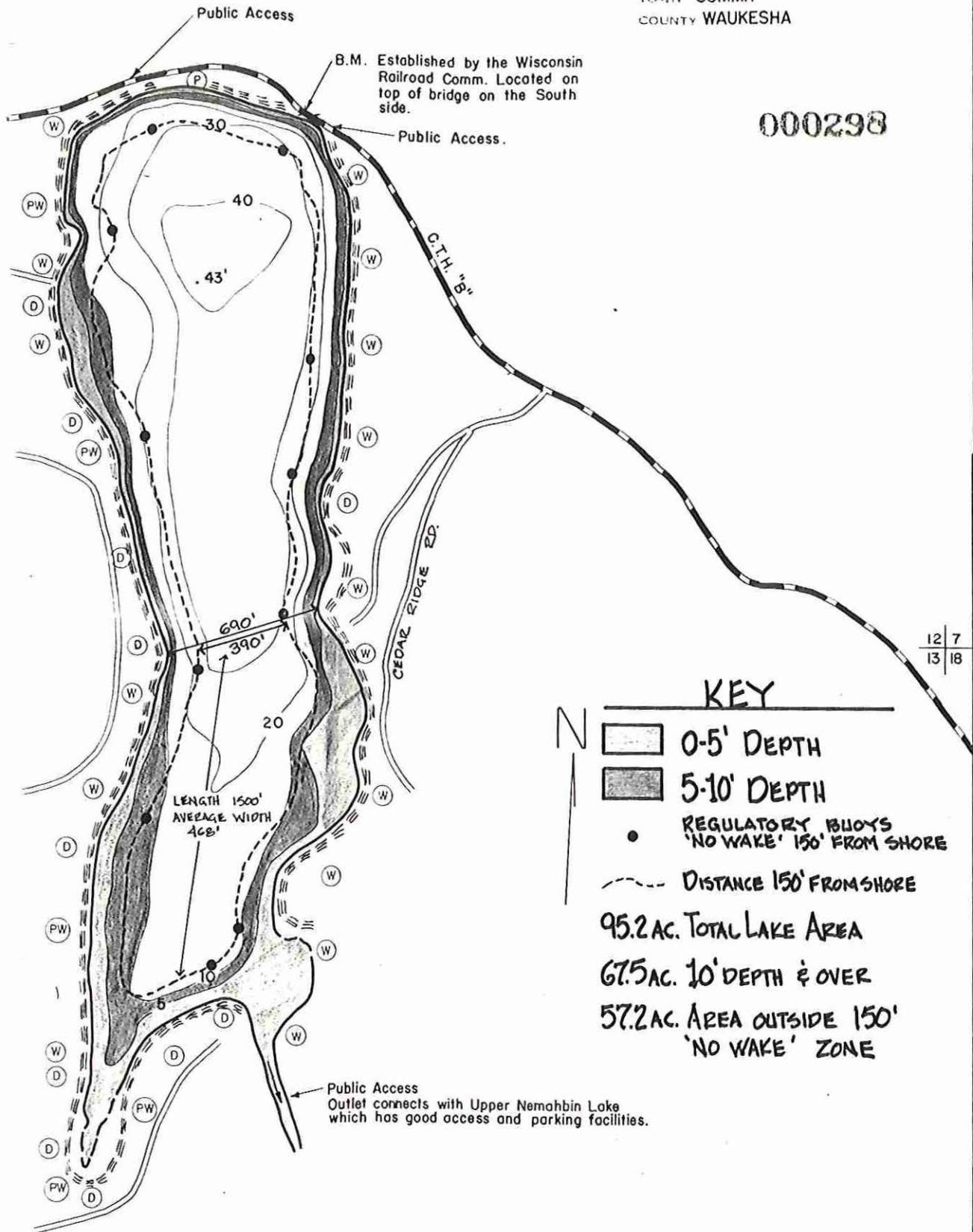
Published or posted on the _____ day of _____, 1993.

Nov. 1, 1993

LAKE LOWER NASHOTAH

SECTION 12-13
 TOWNSHIP 7-N
 RANGE 17-E
 TOWN SUMMIT
 COUNTY WAUKESHA

000298



AREA 95.2 Acres
 TOTAL SHORELINE 2.2 Miles
 MAX. DEPTH 43 Feet

SCALE: 1" = 400'

**CONDITION REPORT FOR ENACTMENT OF AN ORDINANCE
TO REGULATE THE USE OF PERSONAL WATER CRAFT ON
LOWER NASHOTAH LAKE IN THE TOWN OF SUMMIT**

The purpose of this report is to address the unique characteristics of Lower Nashotah Lake as well as the reasons why those unique characteristics necessitate a restriction on the use of personal watercraft on that lake. Lower Nashotah Lake is unique in many respects, including the topography of the lake, its location in relation to other lakes and the current usage of the lake. These characteristics, when combined with the particular characteristics of personal watercraft, have created a situation on Lower Nashotah Lake which requires that action be taken so as to minimize the current adverse impacts upon the public health, safety and general welfare.

Lower Nashotah Lake is a long, narrow lake of 95.2 acres. The banks of the lake tend to rise very sharply from the lake. In addition, numerous trees surround the lake. The combination of narrow width, high banks and tall trees creates the effect of two tall walls placed close to each other. This, in turn, has the effect of reverberating any noise upon the lake. To use the words of the Chief of Police in the Town of Summit, these walls create an "echo chamber" which amplifies and reverberates these sounds.

While this unique characteristic of Lower Nashotah Lake creates a problem in terms of normal watercraft noise, this problem is most noticeable when dealing with personal watercraft. The sound emitted from a personal watercraft is different from that of a typical motorboat and, at least from a subjective standpoint, seems more offensive, especially when reverberating between the walls of Lower Nashotah Lake. In addition, the manner in which personal watercraft are operated likewise seems to amplify this problem. A motorboat typically travels in a continuous fashion from one spot on the lake to another and, as a result, the noise from the boat, when observed in terms of a fixed location on the shore, passes quickly. Personal watercraft, on the other hand, because of their maneuverability, can operate in tight circles and arcs and often are operated repetitively in a small, fixed area. When observed from a fixed location on shore, the noise from this type of operation is continuous, repetitive and offensive.

This noise problem is also particularly troublesome on Lower Nashotah Lake because of the location on Lower Nashotah Lake of both the Cedar Ridge Retirement Home as well as the Roger Memorial Hospital Hospice. Due to the location of these two establishments on Lower Nashotah Lake, the lake has a relatively high concentration of residents who are elderly and gravely ill. The loud and offensive noises emitted from personal watercraft, when reverberated between the high walls of this narrow lake, have a particularly adverse effect and impact upon the residents of these two particular establishments. Accordingly, to protect the welfare of these residents, it is necessary to reduce the usage of the lake by personal watercraft.

Restriction of personal watercraft is also necessary due to the safety hazards created by these type of watercraft. As noted, Lower Nashotah Lake is extremely narrow. This particular characteristic is further accentuated by the location of "slow no wake" buoys around the perimeter of the lake. At its narrowest point, there is only 360 feet between the slow no wake buoys. If there are anchored or slow moving boats in the area, it becomes extremely difficult and hazardous for boats to maneuver.

Again, the maneuverability of personal watercraft creates a unique safety hazard under these conditions. Normal watercraft, such as power boats towing water-skiers, operate in a counter-clockwise rotation. Furthermore, normal watercraft are typically operated in a relatively straight direction, from one point to another. Hazards with on-coming watercraft are minimized, therefore, due to the relatively organized and predictable operation of watercraft.

Personal watercraft, on the other hand, are highly maneuverable, and are often operated in circuitous and unpredictable patterns. While this type of operation may not pose a significant safety hazard on wider lakes, where there are open areas in which personal watercraft can operate, this type of operation poses a significant safety hazard within the relatively narrow confines of Lower Nashotah Lake. It is necessary, therefore, to restrict the operation of personal watercraft on Lower Nashotah Lake to minimize this safety hazard.

Personal watercraft also pose a hazard to the Lower Nashotah Lake environment. Lower Nashotah Lake has many shallow areas which are too shallow for use by normal watercraft. These shallow areas are, however, used by personal watercraft. This in turn disturbs the bottom stabilizing water plants, including Chara, as well as bottom sediment. As a result, water plants are damaged and bottom nutrients are disturbed and released into the water. The release of nutrients into the water in turn has an adverse effect upon the water quality of the entire lake. Operation of personal watercraft in these shallow areas, therefore, results both in localized damage as well as lake-wide damage in terms of the environmental quality of the lake.

Although some problems with personal watercraft can be addressed through the enforcement of current regulations by the Police Lake Patrol, patrol boats are not always able to gain access to Lower Nashotah Lake. Access to the lake is through a connecting channel from Upper Nemahbin Lake. This channel, however, is shallow, and thus the patrol boats are not always able to negotiate this channel. Personal watercraft, however, given their shallow draft, are always able to negotiate the channel from Upper Nemahbin Lake into Lower Nashotah Lake. All too often, therefore, personal watercraft are able to gain access to Lower Nashotah Lake from Upper Nemahbin Lake at times when it is impossible for the Police Lake Patrol to monitor their operation. Restriction of the use of Lower Nashotah Lake by personal watercraft would address this problem.

In view of the numerous problems with personal watercraft on Lower Nashotah Lake, and the severe impact upon the public health, safety and general welfare, lake property owners were polled to determine their opinions on restricting the use of personal watercraft on Lower Nashotah Lake. Out of 57 lake property owners who were polled, only three objected to restricting the use of personal watercraft on Lower Nashotah Lake to the two hour period of noon to 2:00 P.M. on Sunday. This restriction, therefore, has the overwhelming support of lake residents.

It should be noted that Lower Nashotah Lake has had an ordinance in effect since 1970 which restricts the operation of all motorboats to "slow no wake", for the hours of 2 to 5:00 P.M. on weekends and holidays. The success of this ordinance indicates that lake residents are agreeable to speed and use restrictions on the lake, and that they are willing to abide by the same. The current speed restrictions have been a benefit to the lake and its residents, and it is hoped that the proposed ordinance would have a similar benefit.

The proposed ordinance is being submitted to the Department of Natural Resources pursuant to the requirements of §30.77, Wis. Stats. Given the unique local conditions on Lower Nashotah Lake, the Department of Natural Resources should approve this ordinance as necessary for the protection of the public health, safety and general welfare. This ordinance will allow the greatest use of Lower Nashotah Lake by all classes of lake users while imposing the least restrictions necessary to protect the health, safety and general welfare of those lake users.