

ord # 527

Final Draft, July 9, 1997

STATE OF WISCONSIN                      TOWN OF MUKWONAGO                      WAUKESHA COUNTY

ORDINANCE NO. 97-1

AN ORDINANCE  
TO CREATE SECTION 2.04(B)(5)  
OF THE BOATING CODE  
IN THE TOWN OF MUKWONAGO

WHEREAS, the Town of Mukwonago has within its corporate boundaries a waterway (hereinafter "channel") that connects Upper and Lower Phantom Lake; and

WHEREAS, said channel is heavily used by anglers, canoeists, and boaters; and

WHEREAS, said channel is approximately 150 feet in length, and only about 40 feet in width; and

WHEREAS, people who swim in said channel are at risk of injury from passing watercraft, and they obstruct and create a hazard for said watercraft; and

WHEREAS, the Town of Mukwonago, in the best interest of the public health, safety, and welfare, deems it necessary that special regulations be adopted regarding the use of said channel,

NOW, THEREFORE, the Town Board of the Town of Mukwonago, Waukesha County, State of Wisconsin, DO ORDAIN AS FOLLOWS:

SECTION 1: Section 2.04(B)(5) of the Boating Code in the Town of Mukwonago is hereby created to read as follows:

- 5. SWIMMING IN CHANNEL BETWEEN UPPER PHANTOM LAKE AND LOWER PHANTOM LAKE. No person shall swim in the channel between Upper Phantom Lake and Lower Phantom Lake, at any time.

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 Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.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.

Dated this 9<sup>th</sup> day of July, 1997.

TOWN OF MUKWONAGO

Marian Velk  
Marian Velk, Town Chairman

ATTEST:

Katherine W. Wilson  
Katherine Wilson, Town Clerk

This Instrument was Drafted by:  
Attorney John P. Macy  
ARENZ, MOLTER, MACY & RIFFLE, S.C.