

DNR ID #0890

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Rec'd 9-23-09
J. Blenke

STATE OF WISCONSIN

TOWN OF MUKWONAGO

WAUKESHA COUNTY

ORDINANCE NO. 2009-8

AN ORDINANCE REPEALING AND RECREATING
SECTION 78-11(A), ENTITLED "SPEED RESTRICTIONS"
FOR SPRING LAKE, OF CHAPTER 78, ENTITLED
"WATERWAYS" OF THE MUNICIPAL CODE OF THE TOWN OF MUKWONAGO
and
REPEALING
SECTION 78-11(B), ENTITLED "WATERSKIING"
FOR SPRING LAKE, OF CHAPTER 78, ENTITLED
"WATERWAYS" OF THE MUNICIPAL CODE OF THE TOWN OF MUKWONAGO

WHEREAS the Town of Mukwonago has within its corporate boundaries a beautiful spring fed lake known as Spring Lake; and

WHEREAS Spring Lake has been recognized for its special environmental significance as the only lake in Waukesha County to be designated an "Outstanding Resource Water" by the Department of Natural Resources; and

WHEREAS the rare calcareous fen contiguous with Spring Lake contains a number of Federal- or State designated rare, threatened, or endangered species of wetland plants; and

WHEREAS, Spring Lake's water quality is suited for swimming: the gradual slope of the basin with a gravel and sandy bottom enhances the swimming potential. Due to the shallowness of Spring Lake at the shoreline, swimmers must travel a substantial distance from the shoreline in order to be able to swim; and

WHEREAS the Department of Natural Resources has stated that large portions of Spring Lake are not suited for motor powered boats; and

WHEREAS the size, depth and configuration of Spring Lake is not conducive to high-speed motor sports. This is due to the fact that the shallow northern bay represents a significant portion of the lake and much of the main lake basin is also shallow and populated by emergent and submergent vegetation; and

WHEREAS wakes caused by high speed motor sports degrade water quality through increased turbidity due to lake bottom disruption and shoreline erosion; and

WHEREAS wakes caused by high speed motor sports aid in the propagation of Eurasian milfoil, an aquatic invasive species (AIS), and disrupt the milfoil weevil, a rare native biological control agent present in Spring Lake; and

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WHEREAS Spring Lake offers a unique opportunity in the region for ecologically oriented recreational pursuits including swimming, fishing, canoeing, kayaking, and bird watching; and

WHEREAS the Town of Mukwonago, in the best interest of the public health, safety and welfare, including the public's interest in preserving the state's natural resources, have deemed it necessary that special regulations be adopted to protect life, property and environmental quality of Spring Lake,

NOW, THEREFORE, the Town Board of the Town of Mukwonago, Waukesha County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

Section 78-11(a), entitled "Speed Restrictions" for Spring Lake, of Chapter 78, entitled "Waterways" of the Municipal Code of the Town of Mukwonago is repealed and recreated to read as follows:

- a) Speed restrictions. No person shall operate a motorboat at a speed in excess of slow-no-wake.

SECTION 2:

Section 78-11(b), entitled "Waterskiing" for Spring Lake, of Chapter 78, entitled "Waterways" of the Municipal Code of the Town of Mukwonago is hereby repealed.

SECTION 3: SEVERABILITY.

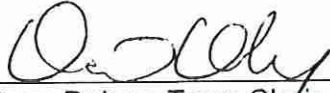
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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 4: EFFECTIVE DATE.

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

Dated this 16th day of September, 2009.


TOWN OF MUKWONAGO



Dave Dubey, Town Chair

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ATTEST:



Katherine Wilson, Town Clerk

Published and/or posted this 18th day of September, 2009.