

ORDINANCE NO. 01-235

AN ORDINANCE TO ESTABLISH SLOW NO WAKE RESTRICTIONS ON BOATING DURING HIGH WATER PERIODS ON THE WATERS OF LOWER NASHOTAH LAKE, UPPER NEMAHBIN LAKE, LOWER NEMAHBIN LAKE, AND CROOKED LAKE IN THE TOWN OF SUMMIT, WAUKESHA COUNTY, WISCONSIN

WHEREAS, the Town of Summit Town Board is authorized by Wisconsin Statutes Section 30.77(3) to enact ordinances that are not contrary to or inconsistent with Chapter 30, Wisconsin Statutes, in the interest of public health, safety or welfare, including the public's interest in preserving the State's natural resources, if the ordinances relate to the equipment, use or operation of boats; and WHEREAS, the Town of Summit Town Board is specifically authorized pursuant to Wisconsin Statutes Section 30.77(3)(cr) to establish restrictions on speed; and

WHEREAS, the Town Board of the Town of Summit finds that boat traffic on Lower Nashotah Lake, Upper Nemahbin Lake, Lower Nemahbin Lake and Crooked Lake in the Town of Summit when the water levels in said lakes are at flood stage (as further described below) presents numerous health, safety and welfare concerns, including concerns regarding preservation of natural resources. Among the concerns is erosion of shoreline areas caused by wakes created by boat traffic, and related damage to lawns, property, and natural areas on the shore of said lakes; sedimentation within the lakes, and reduction of water quality which could adversely affect natural wildlife within the lakes; and safety of persons traveling on the lakes, due to floating materials having drifted from the shore, among other concerns; and

WHEREAS, prior to acting on this matter, the Town submitted the proposed ordinance to the Department of Natural Resources pursuant to Wisconsin Statutes Section 30.77(3)(d), at least 60 days prior to final action on the matter by the Town Board; and

WHEREAS, the Town Board of the Town of Summit has carefully considered the advisory report provided by the Department of Natural Resources and has incorporated the suggestions noted in that report,

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

SECTION 1 : Regulations Governing the use of boats on Lower Nashotah Lake, Upper Nemahbin Lake, Lower Nemahbin Lake, and Crooked Lake.

1.01 APPLICABILITY AND ENFORCEMENT

- a. The provisions of this ordinance shall apply to the waters of Lower Nashotah Lake, Upper Nemahbin Lake, Lower Nemahbin Lake, and Crooked Lake in the Town of Summit, Waukesha County.
- b. This Ordinance shall be enforced by the Town Police Chief of the Town of Summit, Waukesha County, or his or her designee.

1.02 BOATS AND BOATING

"SLOW, NO-WAKE" RESTRICTION DURING HIGH WATER PERIODS. When the water of Lower Nashotah Lake, Upper Nemahbin Lake, Lower Nemahbin Lake and/or Crooked Lake reach the level of 871.3 as posted on the Interstate 94 bridge pier west of the water channel between Upper and Lower Nemahbin Lakes, the lakes are considered to be at flood stage. No person may operate a boat at a greater speed than "Slow, No-wake" until such time as the water level declines to a point below the level of 871.3 as posted on the Interstate 94 bridge pier west of the water channel between Upper and Lower Nemahbin Lakes.

1.03 POSTING REQUIREMENTS

The Town of Summit shall place and maintain a copy of this Ordinance at all public access points on Lower Nashotah Lake, Upper Nemahbin Lake, Lower Nemahbin Lake, and Crooked Lake. The posted Ordinance shall be in compliance with the size requirements listed in NR 5.15 of the Wisconsin Administrative Code.

1.04 PENALTIES

Any person violating any provision of this ordinance shall forfeit not more than \$50.00 plus costs for the first offense, and shall forfeit not more than 5100.00 plus costs upon conviction of the same offense a second or subsequent time within one year.

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.
passed march 1 2001
published march 20 2001