

Kimberley

DNR ID # 809

ORDINANCE NO. 05-0636

AN ORDINANCE REPEALING AND RE-CREATING §21.125 OF THE MUNICIPAL CODE OF THE CITY OF OCONOMOWOC RELATING TO SLOW NO WAKE SPEED LIMITS ON FOWLER LAKE

OCT 31 2005

The Common Council of the City of Oconomowoc, Waukesha County,

Wisconsin, do ordain as follows:

SECTION 1. Sec. 21.125 of the Municipal Code is hereby repealed and re-created to read:

21.125 FOWLER LAKE SPEED LIMITS.

(1) SLOW-NO-WAKE SPEED LIMITS ON FOWLER LAKE. In addition to slow no wake speed limits set forth in §30.50 through §30.71 of Chapter 30 of the Wisconsin Statutes, which sections have been adopted by reference herein, the following slow-no-wake limits are hereby established for Fowler Lake.

(a) Purpose. The purpose of this section is to protect the public health, safety and welfare.

(b) Jurisdiction. Sec. 21.125 shall apply to Fowler Lake which is located totally within the City limits of the City of Oconomowoc.

(2) EMERGENCY SLOW-NO-WAKE SPEED AT TIMES OF HIGH OR LOW WATER.

(a) Definitions.

1. "High water" means when the waters of Fowler Lake exceed an elevation of 860.23 feet as based upon the USGS benchmark or 9.30 feet on the staff gage (scale) at the Fowler Lake boat launch and/or when the Mayor of the City determines conditions warrant declaring that an emergency exists requiring reduced boat speed. When the high water elevation has been reached, the Mayor shall make the high water declaration.

2. "Low water" means when the waters of Fowler Lake have receded to a point, either by reason of natural or man-made causes, where boating at speeds greater than "slow no wake" would be unsafe, or would cause potential undermining of

shorelines by way of extraordinary wave action, or when the Mayor of the City determines conditions warrant declaring that an emergency exists requiring reduced boat speed.

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

4. "Motor boat" has the meaning specified in §30.50(6), Wis. Stats.

(b) Slow No Wake Speed Required. No person shall operate a motor boat at a speed in excess of slow no wake on Fowler Lake for a period commencing two hours after a high or low water condition has been declared until the declaration of a high or low water condition is repealed.

(c) Notice. Notice of a high or low water condition shall be posted at the public launch site and by publication of a notice in both the *Oconomowoc Enterprise* and the *Focus* and by public service announcements on radio and television. Posted notice shall state the time of the declaration of a high or low water condition.

(3) SPECIAL SLOW NO WAKE SPEED LIMITS IMPOSED. No person shall operate a motor boat at a speed in excess of slow no wake in the following designated areas:

(a) North of the slow no wake buoy approximately centrally located between the banks of the Oconomowoc River as the river enters Fowler Lake.

(b) Westerly of the slow no wake buoy located approximately 135 feet easterly of the Oakwood Avenue bridge.

(4) The Parks, Recreation and Forestry Department is hereby directed to make application to the Wisconsin Department of Natural Resources for a permit to locate slow no wake speed limit buoys at the aforementioned two locations.

SECTION 2. SEVERABILITY. The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Common Council would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon passage and publication as required by law.

DATED: Sept. 6, 2005

CITY OF ECONOMOWOC
By: Maury Sullivan
Maury Sullivan, Mayor

ATTEST:
Ardyce Senfleben
Ardyce Senfleben, Clerk

Date Adopted: 9-6-05
Date Published: 9-13-05
Effective Date: 9-14-05

