

APR 13 2009

DNR ID # 0863

STATE OF WISCONSIN

TOWN OF MUKWONAGO

WAUKESHA COUNTY

ORDINANCE NO. 2009-5

AN ORDINANCE CREATING SECTION 78-9(c)(3), "HIGH WATER" FOR LOWER PHANTOM LAKE, OF CHAPTER 78, "WATERWAYS" OF THE MUNICIPAL CODE OF THE TOWN OF MUKWONAGO

WHEREAS, on July 11, 1988 the Town Board adopted an ordinance regulating the use of Lower Phantom Lake; and

WHEREAS, the Phantom Lakes Management District and the Wisconsin Department of Natural Resources recommends a slow no wake ordinance be enacted during high water periods for the protection of property and environment; and

WHEREAS, during recent flooding the Phantom Lakes Management District and the Wisconsin Department of Natural Resources determined that 4" on the gauge at the dam was indicative of a level above which damage would be caused to property and environment due to boating wakes; and

WHEREAS, the Town Board agrees that a slow no wake ordinance should be enforced during high water periods for the protection of property and environment and that a level above 4" on the gauge at the dam is indicative of a level which would cause damage to property and environment due to boating wakes.

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

SECTION 1: Section 78-9(c)(3), "High Water", of Chapter 78, "Waterways" of the Municipal Code of the Town of Mukwonago is hereby created to read as follows:

(3) *High Water.* No person shall operate a boat in excess of slow-no-wake when the lake level is higher than 4" as indicated on the gauge at the dam on the Mukwonago River which impounds and creates the Lower Phantom Lake. This slow no wake ordinance will be posted at all public access points when in effect.

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

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 Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.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

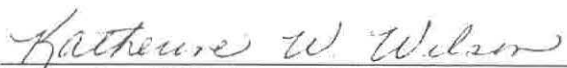
Dated this 30th day of March, 2009.

TOWN OF MUKWONAGO



David Dubey, Town Chair

ATTEST:



Katherine W. Wilson, Town Clerk

Published and/or posted this 31st day of March, 2009.

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