

TOWN OF DELAFIELD, CITY OF PEWAUKEE, AND VILLAGE OF PEWAUKEE

ORDINANCE NO. 2006-004

AN ORDINANCE AMENDING THE EXISTING
SUMMER AND WINTER REGULATIONS FOR PEWAUKEE LAKE

WHEREAS, Pewaukee Lake is included within the jurisdictions of the Town of Delafield, City of Pewaukee and Village of Pewaukee; and,

WHEREAS, §30.81, Stats., authorizes municipalities to enact regulations relative to the use of boats and other craft including snowmobiles and other motor vehicles on icebound, inland lakes, when each municipality having jurisdiction over any portion of the lake as enacted identical ordinances; and,

WHEREAS, § 30.77, Stats., authorizes municipalities to enact regulations regarding boat use, operation and equipment on lakes within their jurisdiction;

WHEREAS, the Town of Delafield, City of Pewaukee (formerly Town) and Village of Pewaukee enacted ordinances # 192, 87-16 and 88-331 respectively, regulating the use of Pewaukee Lake when icebound; and,

WHEREAS, Town of Delafield, City of Pewaukee and Village of Pewaukee enacted an ordinance regarding Summer Regulations in May 21, 2001; and,

WHEREAS, it has been determined by the governing body of each municipality that the enforcement mechanism in the Winter Regulation should be updated to mirror the process adopted in the Summer Regulations in 2001; and,

WHEREAS, it has been determined by the governing body of each municipality that there needs to be additional regulations adopted in the interest of public safety as to motor

vehicles on the ice; and,

WHEREAS, it has been determined by the governing body of each municipality that the Winter event permit procedure should mirror the permit process and regulations set forth in the Summer Regulations adopted May 21, 2001; and,

WHEREAS, it has been determined by the governing body of each municipality that both the Winter and Summer Regulations should clarify the municipal court which should process municipal citations issued by the Pewaukee Lake Water Safety Patrol; and,

WHEREAS, it has been determined by the governing bodies of the Town of Delafield and Village of Pewaukee that it should designate a police entity to enforce criminal laws on Pewaukee Lake, year round; and,

WHEREAS, the Town of Delafield Town Board, City of Pewaukee Common Council and Village of Pewaukee Village Board have taken action to enact the following ordinance on April 5, 2005, December 5, 2005, and May 17, 2005, respectively, but have not had an opportunity to officially sign original copies of the ordinance for each municipality until this time.

NOW THEREFORE, the Town Chairperson, Mayor and Village President hereby set forth their signatures acknowledging the passage of this below included ordinance to amend the Lake Pewaukee Regulations.

SECTION 1: The following provision shall be created in the existing Winter Regulation

Ordinance to read as follows:

Applicability and Enforcement. The provisions of the Pewaukee Lake Winter Regulations and previously enacted Winter Regulations, not inconsistent with this ordinance, shall apply to the icebound water of Pewaukee Lake, within the jurisdiction of the Town of Delafield, City of Pewaukee or Village of Pewaukee. The provisions of this ordinance and Wisconsin Statutes, when applicable, shall be enforced by the officers of

the Water Safety Patrol Unit of the joint jurisdiction of the Town of Delafield, City of Pewaukee and Village of Pewaukee, under the direction of the City of Pewaukee Police Chief as the Chief of the Pewaukee Lake Water Safety Patrol; the Waukesha County Sheriff's Department and the Wisconsin Department of Natural Resources.

SECTION 2: Provisions regarding the There is hereby designated and Winter Lake Patrol

Officers in the existing Winter Regulation Ordinance shall be repealed and recreated to read as follows:

Any officer of the Pewaukee Lake Water Safety Patrol has authority to issue citations and, when warranted, to arrest a person for violation of the Pewaukee Lake Winter Regulations or applicable Wisconsin Statutes and shall either permit such person to make a money deposit as provided in an approved bail/deposit schedule per §30.80, Stats., or bring the person arrested before the City of Pewaukee Municipal Court or Waukesha County Circuit Court, as the case may be, without unnecessary delay. Deposits may be made by mail or delivery to locations designated by the Chief of the Water Safety Patrol. All municipal citation tickets shall be returnable to the City of Pewaukee Municipal Court, regardless of the jurisdiction of the municipality where the incident occurs on Pewaukee Lake.

SECTION 3: Section 15 of the Summer Regulations shall be amended to include the following provision:

All municipal citation tickets shall be returnable to the City of Pewaukee Municipal Court, regardless of the jurisdiction of the municipality where the incident occurs on Pewaukee Lake.

SECTION 4: Provisions regarding Specific Sporting Events in the Existing Winter Regulations

Ordinance is hereby repealed and recreated to read as follows:

No specific sporting event, fisheree, iceboat race or exhibition shall be conducted on Pewaukee Lake unless such event has been authorized and a permit issued in writing by the Chief of the Water Safety Patrol for such activity or event. There is no cost for a permit for a one-time only event, but for any activity or event reoccurring through the ice season, there shall be a one-time \$20.00 permit fee. The permit application shall specify the course or area of the lake to be used by participants in such events and the permittee shall be required to place markers, flags or other similar devices approved by the Chief of the Water Safety Patrol to designate the specific event area or course. Permits shall only be issued if, in the opinion of the Chief, the proposed use of the ice can be carried out safely and without danger to or substantial obstruction of other persons and craft using the ice. Permits shall be valid only for the hours and areas specified

therein.

SECTION 5: The following provision regarding the investigation and enforcement of criminal statutes shall be created in both the existing Summer and Winter Regulation Ordinances to read as follows:

Whenever an incident within the provisions of current or future Chapters 939 to 948, §§ 86.06, 86.192, 134.66, 254.92, 961.472, and 961.571-961.577, Stats., occurs upon the water or ice of Pewaukee Lake, below the ordinary high water mark as that is defined by NR§322.03(8), Wis. Adm. Code, the City of Pewaukee Police Department shall investigate and provide police services regardless of the jurisdiction of the Town, City or Village of that portion of the lake where the incident occurred.

SECTION 6: The following provision regarding operation of motor vehicles on icebound Pewaukee Lake shall be created in the existing Winter Regulations Ordinance to read as follows:

Except as otherwise specifically provided in the Pewaukee Lake Winter Regulations, the current and future statutory provisions of Chapters 110, 340 to 348 and 350, Stats., and Wis. Adm. Code Trans. 305 describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions relating to penalties to be imposed and exclusive of any regulation for which the statutory penalty is a term of imprisonment, and exclusive of rules pertaining to federal motor carrier safety standards, are adopted and by reference made part of the Pewaukee Lake Winter Regulations as if fully set forth herein. Any act required to be performed or prohibited by any current or future statute incorporated herein by reference is required or prohibited by this Ordinance, unless conflicting with this Winter Regulation.

SECTION 7: The City of Pewaukee and Town of Delafield shall recodify or renumber provisions of their municipal code as recommended by their codifier in order to create a uniform citation system based on the Village of Pewaukee's Code of Ordinances.

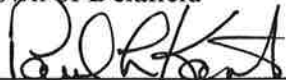
SECTION 8: Severability. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly 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 ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 9: Effective Date. This ordinance shall be effective upon publication or posting as provided by law.

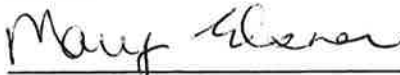
Dated this 24 day of FEBRUARY 2006.

Town of Delafield



Paul Kanter, Chairperson

Attest:



Mary Elsner, Clerk

City of Pewaukee




Scott Klein, Mayor

Attest:



Kelly DeMotto, Clerk

Village of Pewaukee



Chuck Nichols, President

Attest:



Susan Atherton, Clerk