

STATE OF WISCONSIN

WAUKESHA COUNTY

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

TOWN ORDINANCE NO. ~~2006-09~~
CITY ORDINANCE NO. 06-26
VILLAGE ORDINANCE NO. 2006-28

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 has 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 Town Board, City of Pewaukee Common Council and Village of Pewaukee Village Board took action to update the previously enacted regulations on April 5, 2005, December 5, 2005, and May 17, 2005, respectively, and officially signed that update in February 2006; and,

WHEREAS, the Village of Pewaukee wishes to clarify its position on jurisdiction over criminal matters that may occur on the waters of Lake Pewaukee.

NOW THEREFORE, the Town of Delafield, the City of Pewaukee and the Village of Pewaukee hereby enact the following ordinance.

SECTION 1: The following provision regarding the investigation and enforcement of criminal statutes shall be amended 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 or City over that portion of the lake where the incident occurred and only provide assistance to the Village when requested by the Village Police Department for that portion of the Lake within the Village's jurisdiction. The Village shall maintain authority and jurisdiction to investigate and oversee all criminal investigations on portions of the Lake within the Village's jurisdiction.

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 ordinance 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 be effective upon publication or posting as provided by law.

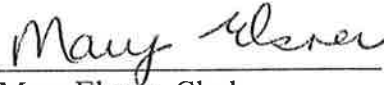
Dated this 14 day of November, 2006.

Town of Delafield



Paul Kanter, Chairperson

Attest:



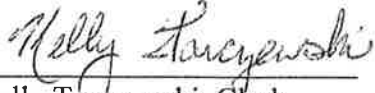
Mary Elsnér, Clerk

City of Pewaukee



Scott Klein, Mayor

Attest:



Kelly Tarczewski, Clerk

Village of Pewaukee



Chuck Nichols, President

Attest:



Susan Atherton, Clerk