

STATE OF WISCONSIN

WAUKESHA COUNTY

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

ORDINANCE NO. 2008-005

AN ORDINANCE AMENDING THE EXISTING  
EMERGENCY HIGH WATER 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, § 30.77, 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 which among other things authorizes the imposition of emergency lake regulations when the water reaches a specific elevation; and,

WHEREAS, as a result of the unprecedented water levels in early summer of 2008 emergency lake regulations were enacted; and

WHEREAS, in the course of utilizing the emergency lake regulations this year, it became apparent that the process by which the emergency lake regulations are imposed under the current ordinance could be improved.

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

SECTION 1: Section 21.01 (15) of the Town of Delafield and City of Pewaukee's Code of Ordinances as well as the Village of Pewaukee's corresponding ordinance shall be repealed and recreated to read as follow:

21.01 (15)(a) When the elevation of the lake is in excess of 853.4 above sea level as

measured at the Village of Pewaukee dam, no person shall operate a watercraft in excess of slow-no-wake in any area of the lake.

- (b) The Chief of the Water Safety Patrol is authorized to impose additional speed limit or other additional special emergency restrictions regarding the use of Pewaukee Lake when the water exceeds the established water level in subsection (a). Any order for additional special emergency restrictions shall be in effect for no longer than 48 hours, unless extended in conformity with the procedure stated herein. In the event the Chief believes that additional special emergency restrictions should be in effect for a period longer than 48 hours, the Mayor, Village President and Town Chairman or their designees may approve such additional time after consultation with and recommendations of the Chief of the Water Safety Patrol, Village Director of Public Works, the Town's Director of Public Works, and the Lake Pewaukee Sanitary District Superintendent. Upon written approval of a majority of the parties, the additional special emergency restrictions shall be implemented upon the terms approved by the parties.
- (c) Lake Patrol shall post slow-no-wake and additional special emergency restrictions, if any, at all public accesses. When possible, the slow-no-wake and additional special emergency restrictions should be posted on each municipal website.

**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.

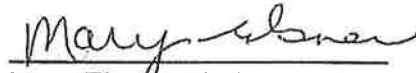
Dated this 23<sup>rd</sup> day of September 2008.

Town of Delafield



Paul Kanter, Chairperson

Attest:



Mary Elsner, Clerk

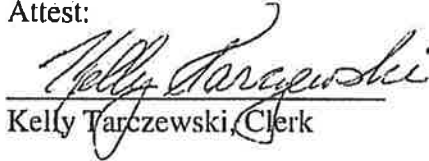
Dated this 15<sup>th</sup> day of September 2008.

City of Pewaukee



Scott Klein, Mayor

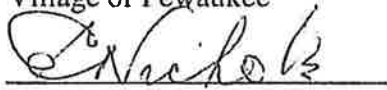
Attest:



Kelly Tarczewski, Clerk

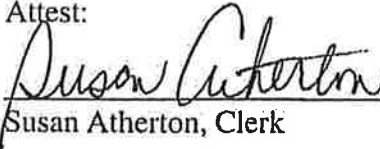
Dated this 11 day of November 2008.

Village of Pewaukee



Chuck Nichols, President

Attest:



Susan Atherton, Clerk