

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. 2011-005

AN ORDINANCE TO CREATE SECTION 21.04
OF THE TOWN OF DELAFIELD MUNICIPAL CODE
REGARDING NOTICE OF APPLICATION OF
CHEMICAL WEED TREATMENT IN NAVIGABLE WATERS

WHEREAS, Lake Pewaukee is located in part within the Town of Delafield; and

WHEREAS, various native and non-native aquatic plants grow in the lake; and

WHEREAS, the aquatic plant growth can interfere in the usage of the lake for swimming, fishing, and boating purposes; and

WHEREAS, the Wisconsin Department of Natural Resources (DNR) regulates the chemical treatment of aquatic plants; and

WHEREAS, the Town of Delafield has determined that it is necessary to require additional notification procedures beyond those required by the Department of Natural Resources. Chemical treatment of aquatic plants is undertaken in order to protect the health, safety and welfare of those using Lake Pewaukee; and

WHEREAS, the City of Pewaukee has adopted an Ordinance to Regulate the Application of Chemical Weed Treatments in Navigable Waters, regarding Lake Pewaukee, as a portion of Lake Pewaukee also lies within the City of Pewaukee, and such ordinance included various changes proposed by the DNR; and

WHEREAS, the Town of Delafield hereby intends to adopt identical regulations to those adopted by the City of Pewaukee in order for uniform regulation of the application of chemical weed treatments in navigable waters of Lake Pewaukee.

NOW THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 21 of the Town of Delafield Municipal Code entitled "Pewaukee Lake Summer and Winter Regulations," Section 21.04 entitled "Notification Requirements for Chemical Treatment of Aquatic Plants" shall be created to read as follows:

- (1) The regulations found in NR107, Wisconsin Administrative Code, are hereby adopted in their entirety and supplemented as stated herein.
- (2) Additional notification requirements:
 - (a) The notification requirements in NR107.08(7), Wisconsin Administrative Code, shall remain posted for a minimum of 14 days.
 - (b) The notification to riparian property owners adjacent to and within the treatment area required by NR 107.04(4) shall be completed 7 days in advance of treatment and include a date for treatment and an alternate date.
 - (c) The notification to riparian property owners adjacent to and within the treatment area required by NR 107.04(4), Wis. Adm. Code, shall also include those riparian property owners within 500 feet of the parcel for which treatment is made.
 - (d) The permit holder shall post the same signs required by NR 107.11(7), Wis. Adm. Code, at the property lines of the treated riparian property, near the shoreline, with the information side facing adjacent property, in order to provide additional notice to adjacent property owners.
- (3) The riparian property owner who has arranged for the chemical treatment, shall be liable for any failures of the permit holder to comply with the provisions of this section.

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 14th day of June, 2011.

TOWN OF DELAFIELD



Paul L. Kanter, Town Chair

ATTEST:



Mary Elsher, Town Clerk

This ordinance posted or published 6/11/11.

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