

ORDINANCE NO. 2010-4

AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 78-7 (e)(1),  
"SPEED OF VEHICLES" OF  
CHAPTER 78, "WATERWAYS" OF THE  
MUNICIPAL CODE OF THE TOWN OF MUKWONAGO

**WHEREAS**, on July 11, 1988, July 13, 1992, October 21, 2005, and April 27, 2009 the Town Board adopted ordinances regulating the use of Lower Phantom Lake and Upper Phantom lake respectively; and

**WHEREAS**, due to recent accidents occurring on the Phantom Lakes, the Phantom Lakes Management District recommends a reduction of allowable motor vehicle speed on the Phantom Lakes during ice bound waters; and

**WHEREAS**, the Phantom Lakes Management District recommends imposing a speed limit upon all ice bound motor vehicle traffic to help promote safety; and

**WHEREAS**, the Town of Mukwonago Town Board, in the best interest of the public health, safety, and welfare, deems it necessary that special regulations be adopted regarding the use of ice bound waters of the Phantom Lakes and to not supersede with the current Wisconsin State Statues §§ 350.10(1)(i) and 23.33(3)(h), to help create a safer environment for all users of the Phantom Lakes.

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

**SECTION 1:** Section 78-7(e)(1), "Speed of Vehicles", of Chapter 78, "Waterways" of the Municipal Code of the Town of Mukwonago is hereby created to read as follows:

- (1) *Speed of motor vehicles.* At any time, no person shall operate a motor vehicle that is not a snowmobile, all-terrain vehicle, or motorcycle, as these terms are defined in Chapter 340 of the Wisconsin Statutes, in excess of 15 miles per hour. Snowmobiles, all-terrain vehicles, and motorcycles shall not exceed 40 miles per hour

between sunrise and sunset unless pre-approval from the Town of Mukwonago Town Board has been received. Snowmobile, all-terrain vehicles and motorcycles shall not exceed 20 miles per hour between sunset and sunrise. The current Wisconsin State Statutes §§ 350.10(1)(i) and 23.33(3)(h) will supersede the above speed limit.

**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 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.**

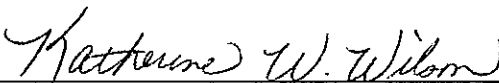
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 21<sup>st</sup> day of April, 2010.

TOWN OF MUKWONAGO

  
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David Dubey, Town Chair

ATTEST:

  
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Katherine W. Wilson, Town Clerk

Published and/or posted this 10<sup>th</sup> day of November, 2010.