

ORDINANCE NO. 2008-05

**AN ORDINANCE CREATING SECTION 12.09
OF THE TOWN OF EAST TROY MUNICIPAL CODE
PERTAINING TO AERATION**

The Town Board of the Town of East Troy, Walworth County, Wisconsin, does hereby ordain as follows:

1. That Section 12.09 of the Town of East Troy Municipal Code is hereby created to read as follows:

SECTION 12.09 AERATION PROHIBITED

(1) TITLE/PURPOSE.

The purpose of this section is to protect the public health, safety and welfare from the potential adverse effects which may arise from the use of aerators on the lakes in the Town of East Troy. Town of East Troy Board recognizes and concludes that the proper and safe use of lakes, rivers and ponds in the Town of East Troy is desirable to maintain the physical, ecological, cultural and aesthetic characteristics of such lakes, rivers and ponds, their shorelines and the rights of riparian owners and users as well as the Township as a whole, and to promote the public health, safety and welfare of all persons making use of lakes, rivers and ponds within the Town of East Troy. Accordingly, it is the intent and purpose of the Town Board to adopt reasonable regulations for the removal of ice and the use of aerators in lakes, rivers and natural ponds in the Town of East Troy.

(2) SCOPE AND APPLICATION.

The terms and provisions of this Ordinance shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety and welfare and for the public peace and preservation of natural resources and public and private property within the Town of East Troy.

(3) DEFINITIONS.

Aerator: means any device or equipment used within public lakes, rivers, or ponds that affects the water surface so as to prevent the normal formation of ice on the water surface.

(4) AERATION SAFETY REGULATIONS.

Aerators that prevent the natural formation of ice to occur must be removed prior to the natural formation of ice on the surface of public lakes, rivers and ponds and may not be reinstalled until all ice that appears on the lake, river or pond has dissipated.

(5) PENALTIES AND ENFORCEMENT.

A. General Penalty. Except as otherwise provided, any person who shall violate this ordinance shall upon conviction thereof forfeit not less than \$100 nor more than \$250 together with the costs of prosecution.

B. Continuing Violations. Each violation and each day a violation continues shall constitute a separate offense and shall be punishable as such.

Violation of this Ordinance shall be deemed a nuisance, irrespective of how that term is defined elsewhere in this Code. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action, including seeking injunctive relief from a court of competent jurisdiction to prevent or remove a violation of any provision of this Ordinance

(6) 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 shall

be repealed only as to those terms that are in conflict with each other.


(7) EFFECTIVE DATE.

This section shall be in full force and effect from and after its passage and publication.

Dated this 11th day of August, 2008.

TOWN OF EAST TROY

BY:


ROBERT MUELLER, Chairman

ATTEST:


KIM BUCHANAN, Clerk