

TOWN OF BASS LAKE, SAWYER COUNTY
ORDINANCE REGARDING PUBLIC ACCESSES TO WATERS INCLUDING THE
PUBLIC ACCESS STRIPS LOCATED IN THE NORTHWOODS BEACH "SUBDIVISION"
NO. 2016 -XX-XX-5

SECTION 1. PURPOSE

The purpose of this Ordinance is to provide rules and regulations for use of and conduct on public accesses (roadways) including the public access strips on Grindstone Lake and Lac Courte Oreilles in the Northwoods Beach Subdivision. The provisions of this ordinance as they apply specifically to the property owners abutting what is referred to as the public access strips and as they can be applied within the parameters of the DNR regulations, the Laws of the State of Wisconsin, Sawyer County regulations and in compliance with the December 15th, 1967 court case (Town of Bass Lake vs. Edith E. Frick et al) ruling, are as stated herewith.

SECTION 2. INTENT

The intent of the ordinance is to protect the shoreline for the use of the residents of Northwoods Beach in sensitive areas on public accesses and along the shores of Grindstone Lake and Lac Courte Oreilles dedicated to them by plats in 1925, 1926, and 1927. The intent of the Town is to protect and maintain the shoreline and the public interest in these sensitive areas through the maintenance of vegetative cover, man-made alterations, and the policing of use and conduct. The management of trees and vegetative cover is extremely important in anchoring the slope to protect the natural repose. The management of any man-made alterations to the natural environment shall provide additional protection against the decline of the shorelines, lakes, vegetative cover, including health and safety impacts in accordance with Wisconsin DNR regulation 115.

SECTION 3. LOCATION OF PUBLIC ACCESS STRIPS IN NORTHWOODS BEACH

The public access strips are the public lands located between the ordinary high water mark (OHWM) of Grindstone Lake and Lac Courte Oreilles and the platted lot lines of the following described lots located in the Northwoods Beach Subdivision adjacent to said Grindstone Lake and Lac Courte Oreilles, Sawyer County, Wisconsin, to wit:

- Lots 1-16, Block 1, Community Beach
- Lots 1-16, Block 1, Dixon Beach .
- Lots 1-13, 1A-4A, Block 1, Rockford Beach
- Lots 1-13, Block 1, Janesville Beach, Lots 1-9, Block 18, Janesville Beach
- Lots 1-23, Block 1, Malar Beach
- Lots 1-25, and 27, Block 1, Abendpost Beach
- Lots 1-19, Block 5, First Addition to Abendpost Beach
- Lots 1-14, Block 13, First Addition to Abendpost Beach
- Lots 1-20, Block 14, First Addition to Abendpost Beach
- Lots 1-6, Block 18, First Addition to Abendpost Beach
- Lots 1-21, Block 22, First Addition to Abendpost Beach
- Lots 1-20, Block 23, First Addition to Abendpost Beach

The plat of the public access strips located in the Northwoods Beach subdivision dedicated to the public according to plats in 1925, 1926, and 1927 may be obtained from the Office of the Sawyer County Register of Deeds. The Town of Bass Lake is obligated to ensure that all real estate companies inform their agents of this ordinance, thereby requiring that this ordinance be made available to all prospective property owners of the above lots and the lots adjacent to accesses (roadways) at the time of writing a sales contract and at closing.

SECTION 4. CONDITIONS OF USE

A) The 1967 lawsuit offers rules for use of public accesses and public access strips - see attached 1967 lawsuit and associated stipulations.

B) The cutting/removal of any trees or vegetation is prohibited unless approved by the Town of Bass Lake Board of Supervisors. The Town of Bass Lake Board's decisions for cutting/removal of any trees or vegetation shall follow all State of Wisconsin shoreline regulations, and shall conform and abide with the "Sawyer County Zoning Shoreland-Wetland Protection Ordinance", copy attached.

- C) Permanent structures, including, but not limited to, year-round homes, seasonal homes, boathouses, sheds, nonagricultural fences and stairs, existing prior to passing of this ordinance, shall be considered an exemption and be allowed to be maintained and remain the private property of the abutting landowner. (See Wisconsin Administrative Regulation NR 115,117 and October 1, 2015 Memorandum of Kay Lutze, Shoreland Policy Coordinator subject: 2015 Wisconsin Act 55 and Shoreland Zoning and Sawyer County Zoning Shoreland - Wetland Protection Ordinance.)
- D) The following items need to be removed from the public access strips: Trash, Junk, Debris, Tires, Trailers, Vehicles and Fuel Tanks.
- E) The adjoining property owners of the public access strips are allowed piers that conform to DNR regulations.
- F) The 1967 lawsuit stipulations are to be applied equally to all adjoining property owners of the public access strips with one provision, any structure that possesses a health or safety issue, must be repaired or removed from the public access strip.
- G) Only temporary items may be placed on the access strips, for example, boat lifts, piers, boats - traditionally stored seasonally over the winter.
- H) Any portion of the public access strip cannot be included as part of the impervious surface, for calculation purposes of the County's Shoreline Zoning Ordinance, copy attached.
- I) No parking on the accesses (roadways).

SECTION 5. ENFORCEMENT

- A) The Town Chairperson or designee (approved by the Town Board of Supervisors), shall enforce the provisions of this ordinance.
- B) When informed of an alleged violation of this ordinance, the Town, through its Chairperson or designee, shall investigate.
- C) In the event that the Chairperson or the designee determines that there is cause to believe that a violation of this ordinance has occurred, the Chairperson or designee shall first issue a verbal warning that a continuing violation of the ordinance may subject the alleged violator to a citation and to a restraining order to enjoin the violation.
- D) In the event that either the alleged violator cannot be found in order for the issuance of a verbal warning, or in the event that the violation continues after a verbal warning has been issued, the Chairperson or designee shall issue a written warning that a continuing violation of the ordinance may subject the alleged violator to a citation and to a restraining order to enjoin the violation. Depending on the circumstances, ideally, the alleged violator shall be allowed twelve months to cure said violation.
- E) Prior to issuing a citation, the property owner shall be given a chance to mediate the alleged violation by bringing two representatives to a meeting of the town Chairperson or designee, to try to come to some agreement.
- F) In the event that the alleged violation has not ended within a reasonable time, after the property owner has been fully informed of said violation, the Chairperson or designee, with the consent of the majority of The Town of Bass Lake Board of Supervisors, may issue a citation alleging violation of this ordinance.

SECTION 6. PENALTY

- A) Any person, firm, association or corporation violating any provisions of this ordinance shall be fined not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00), together with court costs and court assessments and reasonable attorney fees for the prosecution of alleged violations of this ordinance for a first offense.
- B) Any person, firm, association or corporation violating any provisions of this ordinance as an alleged second offense within one (1) year from the date of the last violation, shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00) plus court costs and court assessments and reasonable attorney fees for the prosecution of alleged violations of this ordinance for a second offense within one year.
- C) Any person, firm, association or corporation violating any provisions of this ordinance as an alleged third offense within one (1) year from the date of the first violation, shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Two Thousand Dollars (\$2,000.00) plus court costs and court assessments and reasonable attorney fees for the prosecution of alleged violations of this ordinance for a third offense within one year.

D) After the above penalties are exhausted, a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

E) Any person, firm, association or corporation found not guilty in violating any provisions of this ordinance shall be reimbursed court costs and reasonable attorney fees for the defense against the alleged violation(s) of this ordinance.

SECTION 7. CITATION

A) With respect to the Town of Bass Lake, issuance of Citations under Section 66.0119 of the Wisconsin Statutes is hereby authorized. Section 66.0119 is hereby incorporated in total by reference, including the citation form requirements.

B) The Clerk of Circuit Court, Sawyer County, Wisconsin, shall have authority to accept cash deposits for forfeitures and/or bond pursuant to the schedule as ordered by the Circuit Court for Sawyer County:

1. First alleged offense: \$50.00 plus court costs and court assessments.
2. Second alleged offense (within 1 year): \$100 plus court costs and court assessments.
3. Third alleged offense (within 1 year): \$200 plus court costs and court assessments.

SECTION 8. SEVERABILITY

Shall any portion of this Ordinance be declared invalid by court action, the Ordinance as a whole and all remaining portions shall remain valid and in full force and effect.

This Ordinance shall be effective upon publication or posting by the Town of Bass Lake Clerk as required, pursuant to Wisconsin Statute §60.80.

Adopted this _____ day of _____, 2016.

By the Town Board of the Town of Bass Lake, Sawyer County, Wisconsin.

Town Chairperson, Justin Hall

Town Supervisor, Ralph Meixner

Town Supervisor, Doug Mrotek

Town Supervisor, Joel Valentin

Town Supervisor, Dave Aubart

Attested:

Town Clerk, Erica Warshawsky