

TOWN OF BASS LAKE, SAWYER COUNTY
ORDINANCE REGARDING ALL PUBLIC ACCESSES IN BASS LAKE INCLUDING THE
PUBLIC ACCESS STRIPS LOCATED IN THE NORTHWOODS BEACH SUBDIVISION
NO. 2016 –XX-XX-4

SECTION 1. PURPOSE

The purpose of this Ordinance is to provide rules and regulations for use and conduct on all public accesses including in the public access strips on Grindstone Lake and Lac Courte Oreilles Lake in the Town of Bass Lake under the Village Power provisions of sections 60.22 and 61.34, Wisconsin Statutes.

SECTION 2. INTENT

The intent of the ordinance is to protect the shoreline and the public interest in sensitive areas on all public accesses including along the shores of Grindstone Lake and Lac Courte Oreilles Lake dedicated to the public by plats in 1925, 1926, and 1927. The intent of the Town is to protect the shoreline and the public interest in these sensitive areas through the management of vegetative cover and man-made alterations. 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, and vegetative cover.

SECTION 3. LOCATION OF PUBLIC ACCESS STRIPS IN NORTHWOODS BEACH

The public access strips are the public lands located between the water's edge of Grindstone Lake and Lac Courte Oreilles Lake and the platted lot lines of the following described lots located in the Northwoods Beach Subdivision adjacent to said Grindstone Lake and Lac Court Oreilles Lake, 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 by plats in 1925, 1926, and 1927 may be obtained from the Office of the Sawyer Country Register of Deeds.

SECTION 4. CONDITIONS OF USE

- A) Except as authorized under this ordinance, no items shall be placed either temporarily or permanently within any portion of the public accesses including the public access strips. Such items may include,

but are not limited to: permanent structures, sheds, fences, propane tanks, decks, wood piles. Items that have been placed prior to August 11, 2015, shall be required to be removed. Items will be divided into 3 categories; Immediate Items, Short Term Items and Long Term Items (see Attachment_A). Timing of removal is dependent on category and shall be at the discretion of the Town of Bass Lake Board.

- B) The cutting/removal of any trees or vegetation is prohibited unless approved, in writing, by the Town of Bass Lake Board. With the Town of Bass Lake, Sawyer County, Wisconsin being the legal property owner, the Town of Bass Lake Board 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" in effect September 20, 2012 including, but not limited to:

Section 17.1 BUFFER ZONE/SHORELINE VEGETATION PROTECTION AREA

General: To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, land that extends a minimum of 35' landward from the OHWM shall be established as a vegetative buffer zone. The removal of vegetation in this buffer zone is prohibited except as follows:

- 1) Removal of vegetation, to include logging, on parcels regardless of parcel size is allowed only in accordance with the requirements of this section. (See Section 17.3 RESOURCE MANAGEMENT AND AGRICULTURAL EXEMPTIONS for possible exemptions.)
- 2) Creation of access and viewing corridors. Access and viewing corridors may be created provided that:
 - a) No single corridor shall exceed the lesser of 30% of the shoreline frontage or 30 feet as measured perpendicular to the side lot lines at the shoreline.
 - b) Corridors shall be more or less perpendicular to the shoreline.
 - c) There shall be a minimum separation distance of 70 feet between corridors on the same lot.
 - d) A 10' zone around all existing structures may be maintained to create a fire break.
 - e) No corridor shall be established closer than 10 feet to a side lot line.
 - f) The combined width of all corridors on the same lot may not exceed the lesser of 30% of the shoreline frontage or 200 feet.
 - g) Corridors are created by the selective removal of shrubs and saplings (a young tree not over four inches in diameter at chest height) and the selective delimiting of larger trees to provide a filtered view.
 - h) Or through a plan approved by the Zoning & Conservation Administration.
- 3) * Not Applicable
- 4) * Not Applicable
- 5) Vegetation removal.
 - a) The following vegetation removal practices are allowed provided that there is minimal soil disturbance and replanting with native vegetative species takes

place concurrently. The property owner shall contact the Zoning & Conservation Department prior to vegetation removal to determine if a permit shall be required.

- i) Exotic or invasive species.
 - ii) Damaged vegetation.
 - iii) Diseased vegetation.
 - iv) Vegetation causing an imminent safety hazard.
- b) A property owner may be granted a permit for additional vegetation management activities in the buffer zone with a detailed plan that shows all of the following:
- i) The plan must show that the project is designed to control erosion by limiting sedimentation into the waterbody
 - ii) The plan must show that the project is designed to improve the plant community by replanting in the same area
 - iii) The plan must show that the project is designed to maintain and monitor the newly restored area
 - iv) Any permit issued under this section must include an enforceable restriction to preserve the newly restored area.

17.2 Cutting more than 35 feet inland.

- 1) From the inland edge of the 35 foot buffer zone/shoreline vegetation protection area to the 75' setback distance from the ordinary high-water mark the selective removal of trees, shrubbery and vegetation shall be allowed using accepted practices to protect water quality.
 - 2) From the inland edge of the 75' setback distance from the ordinary high-water mark to the outer limits of the shoreland, the cutting of trees, shrubbery and vegetation shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.
- C) With the Town of Bass Lake, Sawyer County, Wisconsin being the legal property owner, the Town of Bass Lake conditions of use for stairways, walkways and lifts, fences, and retaining walls shall conform and abide with the "Sawyer County Zoning Shoreland-Wetland Protection Ordinance" in effect September 20, 2012 including, but not limited to:
- 1) Section 14.5 (4) Stairways, Walkways and Lifts. The Zoning & Conservation Administrator may permit a stairway, walkway or lift in the setback area only when it is essential to provide pedestrian access to a legally permitted pier, boat hoist or boathouse because of steep slopes, rocky or wet, unstable soils, and when the following conditions are met:
 - a) There are no other locations or facilities on the property which allow adequate access to a pier, boat hoist or boathouse. Only one stairway or one lift is allowed, not both, except where there is an existing stairway and the lift will be mounted to or is immediately adjacent to the existing stairway.

- b) Such structures shall be placed on the most visually inconspicuous route to the shoreline and shall avoid environmentally sensitive areas.
- c) Vegetation which stabilizes slopes or screens structural development from view shall not be removed.
- d) Structures shall blend with native, non-invasive vegetation so as to be inconspicuous when viewed from shoreline.
- e) Canopies, roofs and sides are prohibited. Open railings may be provided where required for safety.
- f) A maximum of 60 inches (outside dimensions) is allowed for stairways, walkways and lifts.
- g) Landings are allowed where required for safety purposes and shall not exceed 40 square feet. Attached benches, seats, tables, etc. are prohibited.
- h) Stairways, walkways and lifts shall be supported on piles or footings. Any filling, grading or excavation that is proposed must meet the requirements of section 19.0 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING of this ordinance.

2) Section 14.6 Other Structures (1) Fences

- a) With the exception of agricultural use fences in agricultural zone districts, fences are prohibited within 75' of the ordinary high-water mark.
- b) Existing nonagricultural fences shall not be replaced, expanded or enlarged but may be maintained to their existing dimensions and type of material.
- c) No fence shall exceed eight (8) feet in height and shall not obstruct the adjoining property owner's view of the water.

3) Section 14.6 Other Structures (2) Retaining Walls shall not be allowed within 75' of the ordinary high-water mark of navigable waters, within 75 feet of navigable wetlands or within 40 feet of non-navigable wetlands.

- a) A need for retaining walls shall not be created by excavation activities.
- b) Existing retaining walls, at their point of replacement/major repair, shall be:
 - i) Removed, or
 - ii) Reduced in height, or
 - iii) Rebuilt as deemed necessary by Zoning & Conservation Department.

D) With the Town of Bass Lake, Sawyer County, Wisconsin being the legal property owner, the Town of Bass Lake conditions of use for piers and boat mooring shall comply and abide with Chapter 30 Wisconsin Statutes and Chapter NR326 Wisconsin Administrative Code as reflected in DNR Publication FH017 Pier Planner published August 2012 including, but not limited to:

- 1) Piers, wharves and moored boats must be placed in the "exclusive riparian zone", which is the space in the water adjacent to the riparian property where the riparian has the exclusive right

to place structures. Two primary methods are used to determine the “exclusive riparian zone”, this dividing line between adjacent owners.

- 2) The number of boat slips – the total of all watercraft docked at a pier or wharf including boats in a boat lift or hoist - is limited to 2 boat slips for the first 50 feet of the riparian owner's shoreline frontage and no more than 1 boat slip for each additional full 50 feet of shoreline. In addition to the boat slip allowance listed here, a riparian owner can secure up to 2 personal watercraft for the first 50 feet of the riparian owner’s shoreline frontage and one additional personal watercraft for each additional full 50 feet of shoreline.
- 3) A pier or wharf may not obstruct navigation. In narrow rivers or channels, construct a wharf parallel to the shoreline rather than extending a pier perpendicular to it.
- 4) Pier or wharf placement and use may not harm the public interests in waterways, which includes fish and wildlife habitat (such as spawning areas, important vegetation, and waterfowl nesting areas); water quality; natural scenic beauty; or public recreation and navigation. If you have any questions about whether your project might affect these public interests, contact your local DNR Water Management Specialist. In some cases, DNR may recommend project modifications to avoid harm to public rights.
- 5) A pier may extend out to the 3-foot water depth*, or to adequate depth for mooring a boat or using a boat lift or boat hoist. A pier may also extend out to a DNR-approved municipal pierhead line.
 - * as measured at summer low levels
- 6) Six feet is the maximum width allowed for any portion of a pier or wharf. This width allows safe loading of gear and passengers.
- 7) Although six feet is the maximum width allowed, the pier or wharf may have an area wider than six feet as a loading platform. The surface area of the platform must not exceed 200 square feet.
- 8) Piers may be placed in a variety of configurations, including straight, or with a “T” or “L”. Catwalks, finger piers or similar features may be used for access to boat slips, as long as they meet the size limits above. A pier may not enclose or isolate any part of a waterway.
- 9) A pier may extend into the water as far as A, B, or C - whichever is further from shore:
 - A – the 3-foot water depth
 - B – where there is adequate depth for mooring a boat, or using a boat hoist or boat lift.
 - C – the municipal pierhead line (*if one is established by a local ordinance*).
- 10) A pier or wharf can be a maximum of 6-feet wide. A pier can have a loading platform as part of the pier. The surface area of the platform cannot exceed 200 square feet (length x width). The width is the shortest horizontal distance.
- 11) Generally, you may place a standard mooring buoy in your riparian zone of interest within 150 feet of the OHWM without a permit from DNR. Local ordinances may require permits. Consult your municipality or local Conservation Warden for more information.

E) No camping allowed in the public accesses including the public access strips.

- F) Any portion of the public access reserve strip cannot be included as part of the impervious surface, for calculation purposes of the County's Shoreline Zoning Ordinance Section 21.2 in effect September 20, 2012, as stated:

21.2 The percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on a shoreland lot or parcel within 300' of the ordinary high-water mark by the total surface area of that shoreland lot or parcel located within 300' of the ordinary high-water mark multiplied by 100. Any portion of a Town road traversing a lot, publicly held parcels (parks, e.g.) or the public reserve strip in Northwoods Beach cannot be included as part of the impervious surface, for calculation purposes for non-publicly held properties.

- G) Required setbacks from the public access strip shall comply with the "Sawyer County Zoning Shoreland-Wetland Protection Ordinance" section 14.7 in effect September 20, 2012, as stated:

14.7 Public reserve/access strip (Grindstone Lake and Lac Courte Oreilles). The setback from the lakeside lot line of parcels adjacent to the public reserve/access strip shall be the greater of 75' from the ordinary high-water mark or 10' from the lot line.

SECTION 5. AGREEMENTS

A) In order to provide for a method of removing encroaching obstructions and items placed on the public reserve strips owned by the Town of Bass Lake, the Town may enter into a system of reaching agreements with Landowners affected by this ordinance who have placed obstructions and items upon the public access strip immediately adjacent to their lands.

B) The agreement reached by the Town and the Landowner shall constitute a binding agreement between the town and the landowner, and the landowners heirs and assigns. It shall identify the item located on the public reserve strip as falling into one of the categories set forth in Attachment "A". Depending on the category into which the item falls, the town and the landowner may reach different agreements affecting whether the item is to be removed (as in the case of landscaping on a steep bank which may be beneficial to preventing erosion of the land) or, in the alternative, at the other extreme, items which are to be removed as soon as possible, such as propane tanks and junk piles. The agreement may also reflect different times in which the landowner is to remove the item, depending on the category into which the item falls and depending upon any other factors which the Town deems to be appropriate in a case-by-case analysis.

C) The agreement shall identify the amount of time the landowner shall have in which to remove the item, repair the item, as the case may be, and if necessary, the method by which the item shall be removed and shall contain any other provisions which shall be appropriate determined by the nature of the item and other factors governing its removal.

D. Under Section 4 of this ordinance, the Town has the authority to mandate and order the removal of an item, the timing of the removal and any other conditions of the removal of the item in the event of a failure of the Town and the Landowner to reach an agreement affecting the item.

E. The failure of the Landowner to comply with the terms and conditions of the agreement which has been entered into by the Town and the Landowner shall constitute a violation of this ordinance, subjecting the landowner to the penalties set forth below.

SECTION 6. ENFORCEMENT

A. The Town Chairperson or his/her designee, shall enforce the provisions of this ordinance.

B. When informed of an alleged violation of this ordinance, the Town, through its Chairperson or his/her designee, shall investigate. 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. 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. In the event that the alleged violation has not ended within a reasonable time, but no longer than ten (10) days following the issuance of a written warning, the Chairperson or designee may issue a citation alleging violation of this ordinance.

C. Notwithstanding the provisions of paragraph "B" above, in the event that the Town, through its Chairperson or his/her designee shall believe that a substantial and serious violation of this ordinance has occurred, the Chairperson or designee may immediately issue a citation and shall not be required to issue verbal or written warnings.

SECTION 7. 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) A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

E) In the event that a person is found to have violated the provisions of this ordinance, the Town may seek an Order of the Sawyer County Circuit Court requiring removal of items or improvements or constructions in violation of this ordinance together with restoration of the location where the violation occurred to the condition which it was in prior to the placement of the item or improvement or construction upon the location at the cost of the violator. The Town shall also recover from the violator the cost of removal of the items, improvements, or constructions and the cost of remediation and restoration of the area.

F) In addition to the penalties stated herein, the Town Chairperson or designee may institute appropriate action to seek to enjoin violations of this ordinance in addition to any of the other penalties or remedies stated herein, including but not limited to application to the Sawyer County Circuit Court for a Writ of Prohibition or Mandamus.

G) In addition to the penalties and remedies set forth in this section, the Town, through its Town Chairman or designee may issue an order denying access to the public access strip for a period of not less than one year for any conviction of a violation of this Ordinance.

SECTION 8. CITATION

A) With respect to the Town of Bass Lake, issuance of Citations under Section 66.119 of the Wisconsin Statutes is hereby authorized. Section 66.119 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 9. 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

Attachment A

A. Immediate Items

Fences
Home Firewood
Trash
Junk
Debris
Tires
Boats
Trailers
Cars
Drain Tile (DNR Violation)
Concrete Block Column
LP Tanks
Holding Tanks
Satellite Dishes

B. Short Term Items

Fire Pits
Swings
Walkways
Benches
Flag Poles
Landscaping (not large rocks)
View Sheds (can't rebuild)
Hammocks
Bell on Pole
Patios
Picnic Tables
Chairs

C. Long Term Items

Boat Houses
Decks
Sheds
Houses
Deck Steps
Stairs
Pump Houses
Wells
Septic
Irrigation
Chair Lifts