

TOWN OF BASS LAKE, SAWYER COUNTY
ORDINANCE REGARDING THE PUBLIC RESERVE STRIPS LOCATED IN THE
NORTHWOODS BEACH SUBDIVISION
NO. 2015 –XX-XX-2

SECTION 1. PURPOSE

The purpose of this Ordinance is to provide rules and regulations for use and conduct in the public reserve 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 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 RESERVE STRIPS IN NORTHWOODS BEACH

The public reserve strips are the public lands located between the waters 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 reserve 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 reserve strips. Such items may include, but are not limited to: permanent structures, sheds, fences, propane tanks, decks, wood piles. If there are items that have been placed at some prior time, they may be required to be removed. The timing of removal 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 owners 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, 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 reserve strips.

- F) Any portion of the public 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 reserve 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. ENFORCEMENT

- A) The Town of Bass Lake Board shall in connection with their duties imposed by law diligently enforce the provisions of this Ordinance.
- B) The Town of Bass Lake Board shall have the authority to order, in writing, any person or persons acting in violation of this Ordinance, as determined by the Court, to timely leave the public reserve strips.

SECTION 6. PENALTY

- A) Any person who violates any provision of this Ordinance is responsible for a municipal civil infraction and may be subject to payment of a civil fine of not less than \$500.00, plus court imposed costs such as court costs, reasonable attorney fees, and restoration costs. The court is authorized to impose sanctions such as the required removal of items and the restoration of the location to the condition present before placement of the item.
- B) Any person may be denied access to the shoreline and the public reserve strip for not less than one year for any violation of this ordinance.

SECTION 7. 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 _____, 2015.

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

Town Chairperson, Justin Hall

Town Supervisor, Ralph Meixner

Town Supervisor, Brian Bisonette

Town Supervisor, Joel Valentin

Town Supervisor, Doug Mrotek

Attested:

Town Clerk, Erica Warshawsky