

CHAPTER 11

BOATING -- WATER REGULATIONS

11.01 BOATING -- WATER REGULATIONS ORDINANCE

(1) TITLE/PURPOSE. This ordinance is entitled the "Town of Lake Holcombe Boating -- Water Regulations Ordinance". The purpose of this ordinance is to adopt boating and water use regulations for the Town of Lake Holcombe.

(2) AUTHORITY

(A) The Town Board of the Town of Lake Holcombe has specific statutory authority, powers and duties pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of Village Board Powers under Section 60.10, (1993-1994) Wisconsin Statutes, to regulate, control, prevent, and enforce against in the Town of Lake Holcombe certain uses, activities, businesses, and operations by persons, including boating and water regulations. Under Section 30.77, (1993-1994) Wisconsin Statutes, the Town of Lake Holcombe may enact regulations pertaining to the use, operation, or equipment of boats which conform with Sections 30.60 to 30.71, (1993-1994) Wisconsin Statutes, or rules promulgated by the Department of Natural Resources under those sections. The Town of Lake Holcombe, in conjunction with other townships, having jurisdictions on the waters of lakes located in more than one (1) township or municipality can regulate when all towns, cities, and villages having jurisdictions on the waters of the lake have enacted identical local regulations or unless at least 50% of the Towns, Villages, and Cities have jurisdiction over the lake have enacted an identical ordinance and at least 60% of the footage of the shoreland of the lake is within the boundaries of these Towns, Villages, and Cities. (Reference Section 30.77(3)(a), Wisconsin Statutes.)

(B) With respect to regulations local in nature such as "slow and no wake" ordinances for narrow channel areas, the Town of Lake Holcombe may regulate such areas by Town of Lake Holcombe ordinance. (Reference Section 30.77(3), Wisconsin Statutes.)

(C) All ordinances must be publicized in accordance with Section 30.77(4), Wisconsin Statutes.

(D) All local ordinances are subject to advisory review by the Department of Natural Resources as provided in Section 30.77(3)(d), Wisconsin Statutes.

(3) **ADOPTION OF ORDINANCE**. The Town Board has, by adoption of this ordinance, confirmed the specific statutory authority, powers, and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance the regulations, controls, and enforcement against certain uses, activities, businesses and operations by persons using waters in the Town of Lake Holcombe.

(4) **APPLICABILITY AND ENFORCEMENT**

(A) The provisions of this ordinance shall apply to all waters of the Town of Lake Holcombe.

(B) This Chapter shall be enforced by the officers of the Town of Lake Holcombe, of Chippewa County, and the State of Wisconsin Department of Natural Resources.

(5) **INTENT**. The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

(6) **STATE BOATING AND SAFETY LAWS ADOPTED**. Except as specifically noted otherwise in this ordinance, Section 30.50 to 30.71 (1993-1994) Wisconsin Statutes, describing and defining regulations with respect to boating and boating safety for which the penalty is a forfeiture, including penalties to be imposed and procedure for prosecution, are hereby adopted and incorporated by reference by the Town of Lake Holcombe and made a part of this ordinance as if fully set forth herein. Any future amendments, modifications, revisions, additions, or deletions of the above-noted statutory chapter shall be incorporated herein and made a part of this ordinance in order to secure uniform State regulation of boating in the State of Wisconsin.

(7) **ADDITIONAL TRAFFIC RULES**. In addition to the traffic rules in Section 30.65, (1991-1992) Wisconsin Statutes, adopted herein, the following rules shall apply to boats using the waters covered by this ordinance:

(A) No person shall operate any boat contrary to any legally placed buoys, or any regulatory markers.

(8) **DEFINITIONS**

(A) **Regulatory Marker** means any anchored or fixed marker in the water or anchored platform on the surface of the water other than aids to navigation and shall include but not be limited to bathing beach markers, speed zone markers, information markers, mooring buoys, fishing buoys, and restricted area markers.

(B) **Slow-No-Wake** means that speed at which a boat moves as slowly

as possible while still maintain steerage control.

(C) Shore Zone means the water area within 200 feet of any shore.

(D) Swimming Zone means an authorized area marked by official buoys to designate a swimming area.

(E) Public Access means any access to the waters by means of public property.

(F) Water Ski means a boat towing a person using water skis, an aquaplane or similar device.

(G) Hazard means an area creating an unsafe condition for public boating or waterskiing.

(9) SPEED RESTRICTIONS. No motor boat shall be operated within the shore zone at a speed sufficient to cause a wake. No person shall operate a motor boat on the waters of said lake at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing.

(10) RESTRICTED AREAS. No person shall operate a boat within a water area which has been clearly marked by buoys or some other distinguishing device as a bathing or swimming area.

(11) MARKERS AND NAVIGATION AIDS; POSTING ORDINANCE

(A) Duty of Officers. Officers, employees and agents of the Town who are authorized to do so are authorized and directed to place authorized markers, navigation aids and signs in such water areas located within the boundaries of the Town as shall be appropriate to advise the public of the provisions of this ordinance and to post and maintain a copy of this ordinance at all public access points within the jurisdiction of the Town.

(B) Standard Markers. All markers placed by the officers, employees and agents of the Town who are authorized to do so, or any other person upon the waters of the lake, shall comply with the regulations of the Uniform Navigation Aids System established by the Wisconsin Department of Resources as amended from time to time. (Reference N.R. 509)

(C) Interference with Markers Prohibited. No person shall without authority, remove, damage, or destroy or moor or attach any watercraft to any buoy, beacon, or marker placed in the waters of the lake by the authority of the State, County or Town or by any private person pursuant to the provisions of this ordinance.

(12) **MARKERS AND NAVIGATION AIDS.** Buoys will be placed to provide the public with the provisions of this sections as follows:

(A) Lake Holcombe Wayside Park on Lake Holcombe, Section 20, T32N, Range 6W, Town of Lake Holcombe. Five (5) regulation buoys will be placed designating "**SWIM AREA**". The purpose is to designate the public swim area for the Lake Holcombe Wayside Park. (See attached map.)

(B) Christian Harbor Youth Camp on Lake Holcombe, Section 17, T32N, Range 6W, Town of Lake Holcombe. Four (4) regulation buoys will be placed designating "**SWIM AREA**". The purpose is to designate the swim area for the Christian Harbor Youth Camp. (See attached map.)

(C) That portion of Lake Holcombe known as Pine Lake, Sections 20 and 21, T32N, Range 6W, Town of Lake Holcombe. One (1) regulatory sign will be placed on the bridge pier entering into Pine Lake designating the entire area as "**SLOW-NO-WAKE**". The purpose of this section is to reduce shoreline erosion and eliminate hazards to boaters due to the fact that Pine Lake is a large stump field. Two (2) "**SLOW-NO-WAKE**" regulation buoys will be placed on Pine Lake. One buoy will be placed 100 feet East of bridge carrying West Lake Shore Drive traffic. A second buoy will be placed 100 feet West of the western-most small island located in the North/South center of Pine Lake.

(D) Town of Birch Creek, Section T32N, Range 6W. Attached to eye bolt anchor located on the North shore approximately One Hundred Fifty (150) feet upstream of the spillway, thence about One Thousand Three Hundred (1300) feet South to eye bolt anchor located on the South shore approximately Two Hundred (200) feet upstream of the powerhouse.

(E) Town of Birch Creek Park on Lake Holcombe, Section 18, T32N, Range 6W. Three (3) regulation buoys will be placed designating "**SWIM AREA**". The purpose is to designate the public swim area for the Birch Creek Park. (First buoy to be One Hundred (100) feet East from South property line of Park, then Northeast at Seventy-five (75) feet intervals.

(F) "**SLOW-NO-WAKE**" Regulatory Markers on Holcombe Flowage:

(1) First regulatory marker located SW 1/4 SE SE, Section 19, Township 32N, Range 6 W, where Lake Holcombe narrows to under Two Hundred (200) feet.

(2) Second regulatory marker located SW 1/4 SW SE, Section 19, Township 32N, Range 6 W, at County "M" Bridge.

(3) Third regulatory marker placed approximately one-half the distance between the first and second regulatory markers, approximately Two Hundred (200) feet North from the West property line of Tax Roll Computer No. 199. (See map.)

This area is commonly referred to as the "Cranberry Channel".

(G) Town of Lake Holcombe T32N-R-6W, Sections 8 and 17; channel leading Southwest of the Isle Bay Resort. Four (4) buoys "SLOW-NO-WAKE" will be located as shown on attached map.

(H) Town of Lake Holcombe, White Birch Campground, SE 1/4 of NE 1/4 of SE 1/4 of Section 9, T32N, Range 6W. Two (2) regulation buoys will be placed designating "SWIM AREA" for users of White Birch Campground. (See map.)

(I) Lake Holcombe Lion's Public Park on Lake Holcombe, Section 7, T32N, Range 6 W, Town of Lake Holcombe. Two (2) regulation buoys to be placed to designate "SWIM AREA". The purpose is to designate the Public Swim Area for the Lake Holcombe Lions Public Park. (See attached map.)

(J) Wayside Channel on Paradise Point Bay. A buoy to be placed as shown on the attached map to designate "SLOW-NO-WAKE". See attached map.

(K) Placement of "HAZARD BUOYS" on the reef West of Highway 27 at the location shown on the attached map and 3 at the reef North of the Church Highland shown on the attached map.

(13) **POSTING REQUIREMENTS.** The Town of Lake Holcombe shall place and maintain a copy of this ordinance at all public access points within the jurisdiction of the Town of Lake Holcombe.

(14) **PENALTIES.** Wisconsin State boating penalties as found in Section 30.80, (1991-1992) Wisconsin Statutes, are adopted by reference. All deposits for boating violations shall be in accordance with the amount established by the Uniformed Deposit Schedule under Section 23.66 (1991-1992) Wisconsin Statutes, as amended from time to time.

(15) **SEVERABILITY.** The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Town of Lake Holcombe would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance, or the application of any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

**ORDINANCE TO AMEND SECTION 11.01  
OF THE ORDINANCE BOOK  
TOWN OF LAKE HOLCOMBE**

000570

The Town Board of the Town of Lake Holcombe do ordain as follows:

Section 11.01(2)(A) of the Town Code of Ordinances is amended to read as follows:

(A) The Town Board of the Town of Lake Holcombe has specific statutory authority, powers and duties pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of Village Board Powers under Section 60.10, (1993-1994) Wisconsin Statutes, to regulate, control, prevent, and enforce against in the Town of Lake Holcombe certain uses, activities, businesses, and operations by persons, including boating and water regulations. Under Section 30.77, (1993-1994) Wisconsin Statutes, the Town of Lake Holcombe may enact regulations pertaining to the use, operation, or equipment of boats which conform with Sections 30.60 to 30.71, (1993-1994) Wisconsin Statutes, or rules promulgated by the Department of Natural Resources under those sections. The Town of Lake Holcombe, in conjunction with other townships, having jurisdictions on the waters of lakes located in more than one (1) township or municipality can regulate when all towns, cities, and villages having jurisdictions on the waters of the lake have enacted identical local regulations or unless at least 50% of the Towns, Villages, and Cities have jurisdiction over the lake have enacted an identical ordinance and at least 60% of the footage of the shoreland of the lake is within the boundaries of these Towns, Villages, and Cities. (Reference Section 30.77(3)(a), Wisconsin Statutes.)

Section 11.01(6) is amended to read as follows:

(6) **STATE BOATING AND SAFETY LAWS ADOPTED.** Except as specifically noted otherwise in this ordinance, Section 30.50 to 30.71 (1993-1994) Wisconsin Statutes, describing and defining regulations with respect to boating and boating safety for which the penalty is a forfeiture, including penalties to be imposed and procedure for prosecution, are hereby adopted and incorporated by reference by the Town of Lake Holcombe and made a part of this ordinance as if fully set forth herein. Any future amendments, modifications, revisions, additions, or deletions of the above-noted statutory chapter shall be incorporated herein and made a part of this ordinance in order to secure uniform State regulation of boating in the State of Wisconsin.

Section 11.01(11)(B) is amended to read as follows:

(B) **Standard Markers.** All markers placed by the officers, employees and agents of the Town who are authorized to do so, or any other person upon the waters of the lake, shall comply with the regulations of the Uniform Navigation Aids System established by the Wisconsin Department of Resources as amended from time to time. (Reference N.R. 509)

Section 11.01(12)(J) is created to read as follows:

Wayside Channel on Paradise Point Bay. A buoy to be placed as shown on the attached map to designate "SLOW-NO-WAKE". See attached map.

000570

Section 11.01(8)(G) is created to read as follows:

(G) **Hazard** means an area creating an unsafe condition for public boating or waterskiing.

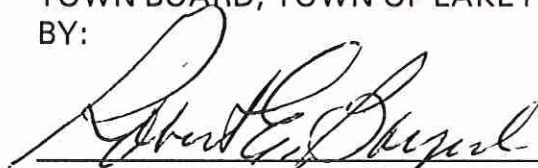
Section 11.01(12)(K) is created to read as follows:

Placement of "**HAZARD BUOYS**" on the reef West of Highway 27 at the location shown on the attached map and 3 at the reef North of the Church Highland shown on the attached map.


This ordinance is effective upon passage and publication as provided by law.

DATED at Holcombe, Wisconsin this 13<sup>th</sup> day of March, 1997.

TOWN BOARD, TOWN OF LAKE HOLCOMBE,  
BY:

  
Robert Bayerl, Town Chairman

Attest:

  
Darlene Luethi, Town Clerk

Passage: 3/13/97  
Publication: 4/3/97

BLE **2857** District Western

THE Town OF Lake Holcombe  
 COUNTY OF Chippewa, WISCONSIN.

Placement  Discontinue  Change

Instructions and qualifications on back of form. Complete form set (all 3 copies) and contact your local conservation warden.

SECTION I -- APPLICANT AND PROPERTY OWNER

Property Owner's Name <u>Requested by:</u>		Applicant's Name <u>Town of Lake Holcombe</u>			
Street or Route <u>Lake Holcombe Improv. Assoc.</u>		Street or Route <u>4277B 7th AVE.</u>			
City, State, Zip Code <u>All Adjacent</u>		City, State, Zip Code <u>Holcombe, WI 54745</u>			
Telephone Number (include area code) <u>Property Owners</u>		Telephone Number (include area code) <u>715-545-4803</u>			
I consent to the placement of water marker(s) adjacent to the waters of my private property. Property Owner's Signature <u>See Attachments</u>		Name of lake or body of water on which buoys are to be placed <u>Lake Holcombe</u>			
Date Signed		Location of marker(s) <u>324 600 3</u>			
Type of Marker(s)	Qty.	Type of Marker(s)	Qty.	Message On Marker	Remarks
Aid to Nav. Center		Boat Excluded <input checked="" type="checkbox"/>			Name of Beach <u>00:0570</u>
Aid to Nav. Red		Swim Area <input checked="" type="checkbox"/>		<u>Swim Area</u>	
Aid to Nav. Green		Controlled Area <input checked="" type="checkbox"/>	<u>1</u>	<u>Buoy - Slow - No Wake</u>	
Mooring		Hazard Warning <input checked="" type="checkbox"/>			
		<u>Controlled Area</u>	<u>4</u>	<u>Signs - Slow - No Wake</u>	
Non-standard		Describe:			

Attach a sketch(es) or chart(s) showing the proposed location of the marker(s). Express exact location of water marker(s) in distance from one or more fixed objects, whose location is known.

The above information provided in support of the application for placement of water marker(s) is true and correct.

Applicant's Signature [Signature] Date Signed 7-9-97

SECTION II -- POLITICAL SUBDIVISION

Approved -- The above named applicant may place and maintain, subject to DNR approval, the described marker(s).  
 Disapproved -- The placement of the described marker(s) may not take place.

Restrictions  None  Yes - Restrictions Signs must be controlled area.

Approved By (Name) \_\_\_\_\_ Title \_\_\_\_\_ Date Signed \_\_\_\_\_

Agency - Political Subdivision or DNR \_\_\_\_\_

**Applicant Shall Comply with all State and/or Local Requirements.**

LEAVE BLANK -- DEPARTMENT OF NATURAL RESOURCES USE ONLY

Warden's Recommendation <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	LE Safety Specialist <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved
By (Warden's Signature) <u>Tom E. Harris</u>	By <u>TR Bokelman</u>
Date Signed <u>9/10/97</u>	Date Signed <u>10-03-97</u>
Ordinance on File <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	Bureau of Law Enforcement <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved
	By <u>Deane R. Crayton</u>
	Date Signed <u>2-13-98</u>

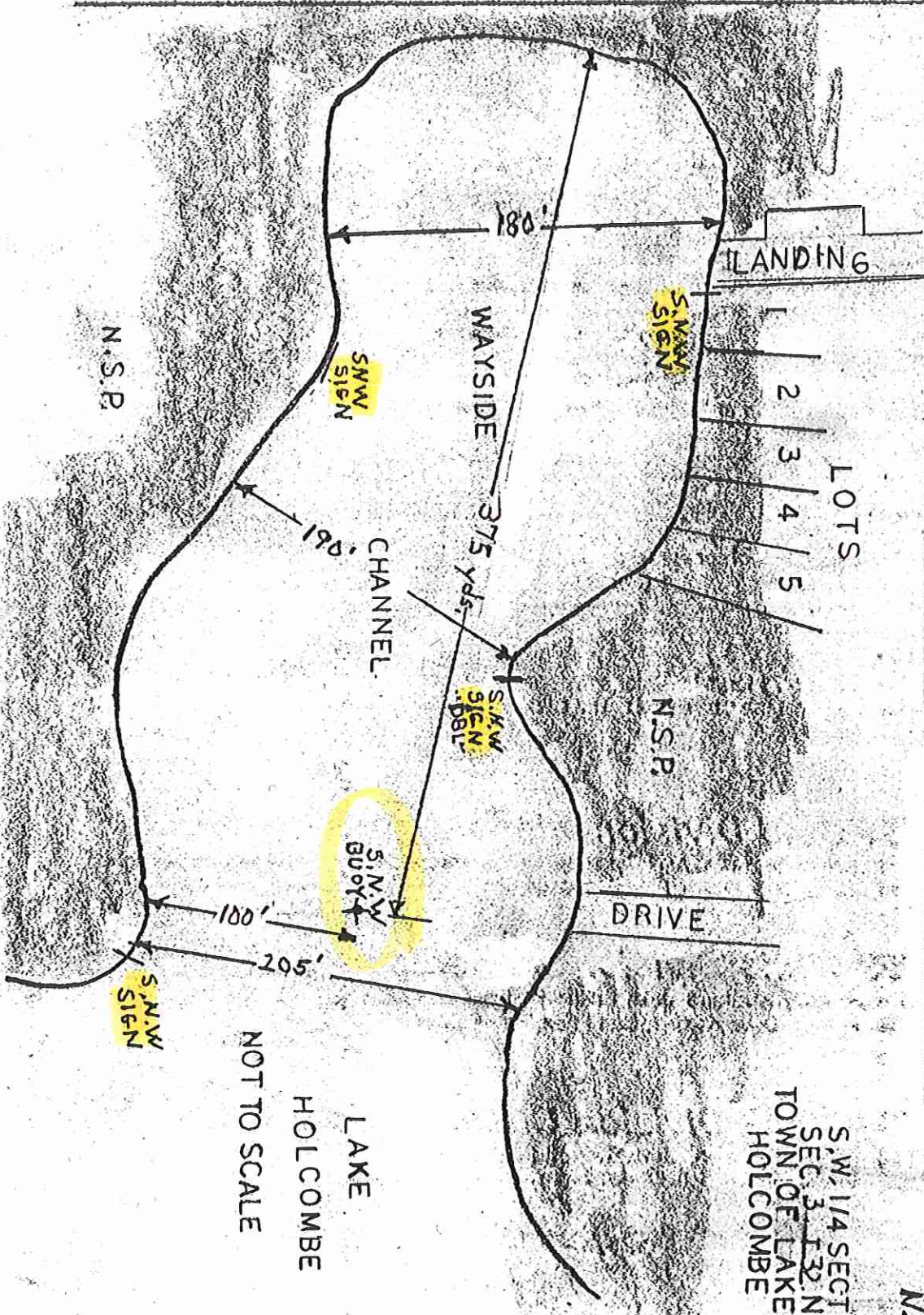
Permit Distribution: Copy 1 - Dept. of Natural Resources, Madison, Copy 2 - Political Subdivision, Copy 3 - Permittee.

Waterway marker(s) may not be placed until all the requirements of Section NR 5.09, Wis. Adm. Code, are met.



STATE HWY. 27

PARADISE POINT RD



N.S.P.

S.N.W. SIGN

S.N.W. SIGN

WAYSIDE

LANDING 6

1

2

3

4

5

LOTS

CHANNEL

375 yds.

N.S.P.

DRIVE

S.N.W. BUOY

100'

205'

S.N.W. SIGN

LAKE HOLCOMBE  
NOT TO SCALE

S.W. 1/4 SECT  
SEC. 3, T32N  
R132W  
LAKE  
HOLCOMBE

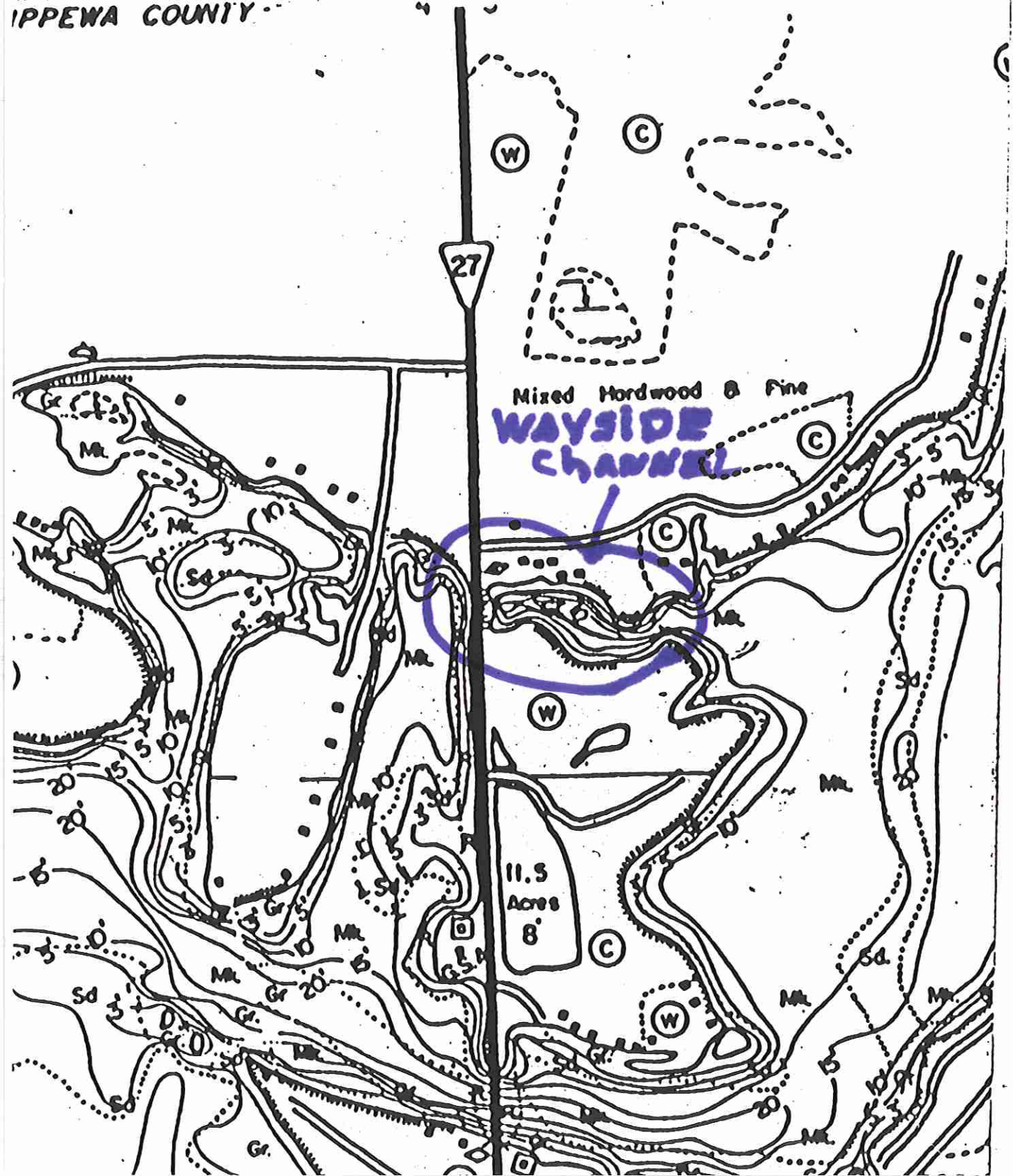
N.

IPPEWA COUNTY

27

Mixed Hardwood & Pine  
**WAYSIDE CHANNEL**

11.5  
Acres  
B



Re: "Slow No Wake" on Wayside Channel

Boating traffic on Lake Holcombe has increased dramatically since 1975. According to the Department of Natural Resources, Wisconsin boat registrations have nearly doubled. The average boat motor has increased from 9 h.p to 55 hp. The introduction of personal watercraft, over 17,000 registered, has led to more accidents. They make up 3.1 percent of all registered boats, but are involved in 34 percent of all accidents involving injuries. Lake Holcombe is not immune to these statistics.

The width of the Wayside Channel causes it to be a concern for the safety of its users. The narrowness being on the average of 190 feet. (see map) These bottle necks cause boats going in opposite directions to merge into a very narrow traffic lane. This greatly increases the chance of accident, particularly at a speed greater than "Slow No Wake".

The opening of the channel into the main portion of the lake is also a concern for safety. Boats approaching the opening have a blind corner. Boats traveling at higher speeds risk collision with other on-coming boats, especially after dark.

The "Slow No Wake" regulation will not solve all problems or totally eliminate the chances of a boat related tragedy. It will however, reduce those chances and help to insure the safety of all of the channels users.

The negative effects to some users would be the extended time required to travel the length of the channel. The distance from the boat landing to the opening to the lake is approximately 375 yards. This would take approximately 2 min. 15 seconds longer at a "Slow No Wake" speed of 5 mph. versus a speed of 20 mph.

The channel also has numerous stumps, some exposed, along its shorelines. Bank erosion is evident by the number of trees leaning or fallen into the water. Certainly, some shoreline erosion can be attributed to nature, however, boat wakes do add substantially to the problem.

The need for a "Slow No Wake" channel is mostly because of the public boat landing at its far end. The landing and parking area has been improved and expanded over recent years and its use increased. Often times vehicles are parked on Paradise Point Road because the parking lot is full. Many local users will launch or land their boats without having need to park their vehicles. Twenty five or more vehicles with boats can be observed in the area at one time. It is a high use boat landing and that usage can be expected to increase.

The need for a "Slow No Wake" zone is most apparent to the five residents fronting the channel and representing 100% of the property owners affected, and who favor this regulation.