

SEC. 12-2-2

REGULATION OF WATER TRAFFIC AND SWIMMING

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF SHELL LAKE AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The City Council of the City of Shell Lake do ordain as follows:

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Section I. Applicability and Enforcement

- (a) The provisions of this Ordinance shall apply to the waters of Shell Lake.
- (b) This chapter shall be enforced by the officers of the Washburn County Sheriff's Department and the Shell Lake Police Department.

Section II. 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.

Section III. State Boating and Safety Laws Adopted

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section IV. Definitions

- (a) "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.
- (b) "Swimming area" means no person shall operate a watercraft within the water area marked by buoys as a swimming area.

Section V. Controlled Areas

1. Slow-No-Wake Area

No person shall operate a boat faster than slow-no-wake in the portion of Shell Lake that lies within 100 feet in all directions from the courtesy dock. The courtesy dock is located approximately 100' SW of the universally accessible fish pier. This area is marked by two buoys located at GPS points N.45°44.491', W.91°55.284' and N45°44.507', W91°55.269'.

2. Swimming Areas

- a. Public beach: The following five markers (GPS points) identify this area:
 N.45°44.578' N.45°44.563' N.45°44.549' N.45°44.532' N.45°44.528'
 W.91°55.218' W.91°55.206' W.91°55.214' W.91°55.226' W.91°55.241'

(Physical description: The location of the public beach is as follows: Point of beginning is at the shoreline 80' southwest of the City Parks' north property line extending approximately 200' southwest along the shoreline.)

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b. Campground beach: The following two markers (GPS points) identify this area:
N.45°44.481' to N.45°44.459'
W.91°55.313' W.91°55.331'
(Physical description: This 150' X 150' area lies between campsites B6 and B7.)

Section VI. Posting Requirements

The City of Shell Lake shall place and maintain a synopsis of this ordinance at the public access point within the jurisdiction of the City pursuant to the requirements of NR 5.15 Wis. Admin. Code.

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Section VII. Penalties

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII. Severability

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Shell Lake City Council 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 to 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.

Section IX. Effective Date

This section will become effective upon passage and the day after publication.

Passed this 13th day of February, 2012.

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Jelly A. Peterson
Mayor

Bradley C. Peterson
City Administrator

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CONDITION REPORT

Controlled Area

The City of Shell Lake, PO Box 520, Shell Lake, WI 54871 has received a Department of Natural Resources permit to place a pier/wharf on the bed of Shell Lake. The pier will have a main stem extending out 144-feet from shore, with a 106-foot "L" containing five fingers extending out approximately 27-feet. This pier configuration will be in front of the current campground, south of the current fishing pier and be available for rent by campers only and have three to five designated mooring areas for short term transient use by the public, free of charge. This will be a floating pier, seasonably removed. The pier will accommodate no more than 15 mooring sites.

Swimming Areas

The following two areas will be designated as swimming areas: The public beach area in the city park and a campground swimming area. The public beach area was established by ordinance a number of years ago and the campground beach will be new in 2012.

The City is amending its present ordinance to include all three areas. (Refer to the attached photo which identifies the location of the proposed markers and their GPS coordinates.)

Please find attached a copy of our local ordinance.

- The local conditions necessitating the regulation or regulation change.
Since these three areas are located near the fishing pier, the campground, the city park and our main launch site, this is considered a heavy watercraft traffic area.
- How the new or changed local regulation will solve the situation.
Adding these markers will alert watercraft users that this is an area of the lake where special care is needed.
- The probable or possible negative effects of the measures considered, and who will be adversely affected by the adopted ordinance.
We know of no negative effects of this regulation.
- An opinion statement concerning the impact the regulation will have on public health, public safety, or welfare, if this regulation is not adopted.
These markers will have a positive impact on public health, public safety, or welfare.
- A statement summarizing the arguments of the interests opposed to the regulation or regulation change.
We know of no one opposed to this regulation.

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