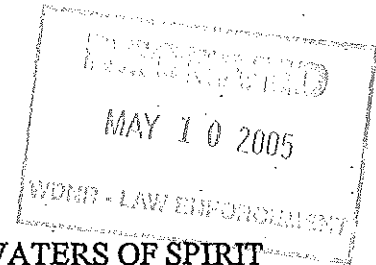


#0801

**Boating Ordinance  
Town of Birchwood  
Washburn County, Wisconsin**



A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF SPIRIT LAKE, ALSO KNOWN AS SPUTE LAKE, AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The Town Board of the Town of Birchwood do ordain as follows:

Section I. Applicability and Enforcement

- (a) The provisions of this Ordinance shall apply to the waters of Spirit Lake, also known as Spute Lake.
- (b) This chapter shall be enforced by the officers of the water safety patrol of the Town of Birchwood.

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, Wisconsin Statutes, are adopted by reference.

Section IV. Motor Boat Prohibited Area

No person shall operate a motorboat, as defined in section 30.50(6), Wisconsin Statutes, that is propelled by an internal combustion engine or engines, on the waters of Spirit Lake, also known as Spute Lake. Electric motors only are permitted on said waters.

Section V. Posting Requirements

The Town of Birchwood shall place and maintain a copy of this Section at all public access points within the jurisdiction of the Township.

Section VI. 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.

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Section VII. Severability

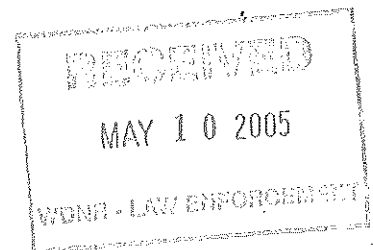
The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to 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 VIII. Effective Date

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

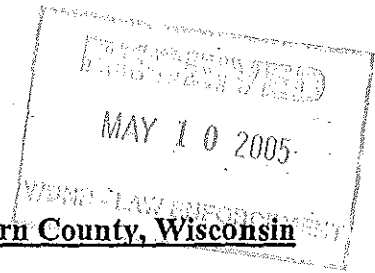
Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2004

\_\_\_\_\_  
Chairman



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Condition Report



Spirit Lake, aka Spute Lake, Town of Birchwood, Washburn County, Wisconsin

This Condition Report is prepared in accordance with the requirements of the Wisconsin Department of Natural Resources, in conjunction with a proposed Boating Ordinance to be adopted by the Town of Birchwood, pursuant to Section 30.77(3) of Wisconsin Statutes, that would prohibit gasoline-powered motors on watercraft using the lake.

Spirit Lake, aka Spute Lake, is a 12.9 acre spring fed lake, with no inlet or outlet, located approximately four miles north of Birchwood, Wisconsin. The lake is an "ice block lake", consisting of two bays connected by a narrow channel between the west shore and a peninsula (or island, depending on the water level). The south bay is the smaller, and is approximately 45 feet deep; the larger north bay is approximately 50 feet deep.

Washburn County Road "T" runs along the west side of the lake, but because of the road's elevation, there is no access to the lake directly from the County Road. Public access to the lake is provided by a one-lane unpaved driveway, running from the County Road around the southern shore of the lake's south bay. A portion of the driveway running to and past the public access point has been maintained by the Town of Birchwood for a number of years, and therefore is a public road pursuant to Wisconsin statutes. Immediately south of the driveway are two Class III wetlands.

The lake supports populations of largemouth bass and bluegills, and a small population of crappies. Local residents report that the size and number of fish caught in the lake has declined noticeably in the last two or three years.

Two loons have domiciled on the lake in 2004, though they have not produced offspring; and there is an active beaver lodge on the south shore of the peninsula/island that separates the lake's two bays.

A survey conducted by the Wisconsin DNR a number of years ago stated that at that time the lake's waters were unusually clear, with a Secchi disc visible to a depth of twenty feet. Since that time, water quality probably has declined. In the past two years, on occasion oil or gas slicks have been seen on the lake.

There are three houses on the lake. One is a full-time residence; a second is utilized year-round on approximately a half-time basis; and the third is used as a vacation home. The residents of the lake report that, until the past two or three years, canoes and rowboats were the vast majority of the watercraft on the lake. The small "lift down" access point, and the narrow driveway, both probably discouraged the use of boats with gasoline-powered outboard motors. Recently, however, gasoline-powered outboard motors have been used on the lake much more frequently, often several times per week.

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The result has been, as noted above, gasoline or oil slicks on the water, and considerable damage to the driveway at the public access point. The additional weight of outboard motors makes "lift-down" access for such craft impracticable, and so boaters with that equipment are obliged to back their trailers into the lift-down. When those trailers are pulled out, especially after they have been re-loaded, the tow vehicles tend to spin their wheels, thereby tearing up the surface of the driveway and leaving ruts deep enough that repair by the lake's residents has been required.

The narrow nature of the one-lane driveway, and the presence of wetlands on the side of the driveway opposite the lake shore, makes turnaround for any trailer and tow vehicle physically very difficult or impossible. Consequently, trailers with outboard motor-equipped boats have backed up from the public access point – up a steep hill, onto County Road "T" at a point where access to the County Road is substantially "blind", as to northbound County Road traffic, due to the presence of a steep hill and turn on the located on the County Road just south of the driveway. This backing procedure therefore has created an extremely dangerous situation.

