

RESTRICTION OF MOTORS: BEAR LAKE ORDINANCE 02-03

WHEREAS the Town of Blackwell has entertained a request put forth by the USDA- Forest Service to restrict Bear Lake to electric motors only and

WHEREAS Town officials have both formally and informally polled residents and visitors to Blackwell about this issue and

WHEREAS at it's annual meeting of electors held on April 8, 2003, the Board put the issue to a vote, which passed 12 - 0,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN BOARD OF BLACKWELL, that Bear Lake is hereby designated an electric motor only lake, and will be posted as such following the publication of this ordinance. Enforcement will be delegated to the USDA- Forest Service, in their capacity as operators of the federal campgrounds on this site.

Adopted this 13th day of May, 2003 by the Town Board of Blackwell.

Approved:

Ronald E. Henkel, Chairman

ATTEST:

Jenny Henkel, Clerk/Treasurer

**AMENDMENT TO ORDINANCE 02-03 TO INCLUDE
PENALTY AND SEVERABILITY CLAUSES.
RESTRICTION OF MOTORS: BEAR LAKE**

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

The Town Board of the Town of Blackwell, Forest County
do ordain as follows:

Section 1. Applicability and Enforcement

- (a) The provisions of this Ordinance shall apply to
the waters of Bear Lake, located in sections
17 and 18, T.35N.-R.16E. fully in the Town of
Blackwell, Forest County.
- (b) This chapter shall be enforced by the officers of
the Town of Blackwell.

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 re-
sources.

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) No person shall operate a motorboat, as defined in 30.50 (6), Wis. Stats., that is propelled by internal combustion engine or engines on the waters of Bear Lake at any time. Electric motors only are permitted on said waters.

Section V. Controlled Area

The controlled area includes the entire 68 acres of the lake.

Section VI. Posting Requirements

The Town of Blackwell shall place a synopsis of this ordinance at all public access points within the jurisdiction of the Town of Blackwell, pursuant to the requirements of NR5.15 Wi.Admin. Code.

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 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 IX. Effective Date

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

Passed this 11th day of May, 2004.

Ronald Henkel, Town Chair

AMENDMENT TO ORDINANCE 02-03 TO INCLUDE PENALTY AND SEVERABILITY CLAUSES
RESTRICTION OF MOTORS: BEAR LAKE

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

THE TOWN BOARD OF BLACKWELL, FOREST COUNTY DO ORDAIN AS FOLLOWS:

SECTION I. APPLICABILITY AND ENFORCEMENT

- (A) The provisions of this Ordinance shall apply to the waters of Bear Lake, located in sections 17 and 18 T.35N - R.16E. fully in the Town of Blackwell, Forest County.
- (B) This chapter shall be enforced by the officers of the Town of Blackwell

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) No person shall operate a motorboat, as defined in 30,50 (6), Wis. Stats. that is propelled by internal combustion engine or engines on the waters of Bear Lake at any time. Electric motors only are permitted on said waters.

SECTION V. CONTROLLED AREA

The controlled area includes the entire 68 acres of the lake.

SECTION VI. POSTING REQUIREMENTS

The Town of Blackwell shall place a synopsis of this ordinance at all public access points within the jurisdiction of the Town of Blackwell, pursuant to the requirements of NR5.15 Wi. Administrative Code.

SECTION VII. PENALTIES

Wisconsin state boating penalties as found in Wis. Stats. 30.80 and deposits as 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 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 IX. EFFECTIVE DATE

This section shall become effective upon passage and the day after publication

Motion by Johnson, seconded by Walsh to approve amendment to Ordinance 02-03. Motion carries with unanimous vote.

Dated: May 11, 2004
Jenny Henkel
Attest: Jenny Henkel, Clerk/Treasurer

Ronald E. Henkel
Ronald E. Henkel, Chairman

CONDITION REPORT: BEAR LAKE

Bear Lake is a 68 acre lake located in the Town of Blackwell, Forest County. The maximum depth of this lake is 24 ft. It is a drainage lake and home to panfish and largemouth bass. Part of the land surrounding the Lake is Nicolet National Forest, and has been developed into a campground with 27 tent and trailer spaces. The rest of the land was in private ownership, and recently sold to a development company, with plans to place 33 buildable lots along with back lots, extend the current town road around the lake and run electricity to the sites. Prior to the sale, the USDA, Forest Service, expressed some interest in having the Town restrict gasoline motors on the lake. They had been noticing increased weed growth, and filming on top of the water. As noted in the original ordinance, the Town did hold a public hearing after publishing the proposed ordinance, and did vote at the annual meeting of electors held in April on this restriction. It has been in effect for one camping season, and already the results have been evident, with increased wildlife and better fishing. The Forest Service informed the town that they have had no complaints from their campers, instead only positive comments. The developers of the private property were noticed before the sale went through of the restrictions, and had no problems with it. The town sees only an increased need to regulate boating on this lake as it becomes utilized by more of the public. The Forest Service has also instituted some habitat restoration for fish along the shores of their ownership.

