

## PG 1

## CHAPTER

**BOATING – WATER REGULATIONS****BOATING - WATER REGULATIONS ORDINANCE**

- (1) **TITLE/PURPOSE.** This ordinance is entitled the “Town of Birch Creek Boating – Water Regulations Ordinance”. The purpose of this ordinance is to adopt boating and water use regulations for the Town of Birch Creek.
- (2) **AUTHORITY**
  - (A) The Town Board of the Town of Birch Creek 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, Wisconsin Statutes, to regulate, control, prevent, and enforce against in the Town of Birch Creek certain uses, activities, businesses, and operations by persons, including boating and water regulations. Under Section 30.77, Wisconsin Statutes, the Town of Birch Creek may enact regulations pertaining to the use, operation, or equipment of boats, which conform with Sections 30.60 to 30.71, Wisconsin Statutes, or rules promulgated by the Department of Natural Resources under those sections. The Town of Birch Creek, 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, Villages, and Cities, 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 shore land 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 Birch Creek may regulate such areas by Town of Birch Creek 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 provide 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 establish by these sections and this ordinance the regulations, controls, and enforcement against certain uses, activates, businesses and operation by persons using water in the Town of Birch Creek.

(4) **APPLICABILITY AND ENFORCEMENT**

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

(B) The officers of the Town of Birch Creek, of Chippewa County, and the State of Wisconsin Department of Natural Resources, shall enforce this chapter.

(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 interest, and the capability of the water resources.

(6) **STATE BOATING AND SAFETY LAWS ADOPTED.** Except as specifically noted other wise in this ordinance, Section 30.50 to 30.71 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 Birch Creek 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, 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, and aquaplane or similar device.
  - (G) **Hazard** means an area creating an unsafe condition for public bathing or water skiing.
- (9) **SPEED RESTRICTIONS.** No motorboat shall be operated with the shore zone at a speed sufficient to cause a wake. No person shall operate a motorboat 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 agent of the Town who are authorized to do so, or any other person upon the water 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 NAVIGATIONS AIDS.** Buoys will be placed to provide the public with the provisions of this section as follows:

**A. WAYSIDE PARK** - Town of Lake Holcombe, Section 20, T32N, Range 6W. Five (5) “**SWIM AREA**” buoys. The purpose is to designate the public swim area for the Lake Holcombe Wayside Park. (See Map A)

**B. CHRISTIAN HARBOR YOUTH CAMP** – Town of Lake Holcombe, Section 17, T32N, Range 6W. Four (4) “**SWIM AREA**” buoys. The purpose is to designate the swim area for the Christian Harbor Youth Camp. (See Map B)

**C. PINE LAKE** – Town of Lake Holcombe, Section 20 & 21, T32N, Range 6W. One (1) “**SLOW-NO-WAKE**” buoys, one (1) “**SLOW-NO-WAKE**” sign, and three (3) “**HAZARD**” buoys. The regulatory sign will be placed on the bridge pier entering into Pine Lake. 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. C1 Slow no wake buoy 45.239646 -91.135893, C2 Hazard buoy 45.240030 -91.133050, C3 Hazard buoy 45.240850 -91-130150, C4 Hazard buoy 45.241485 -91.127884. (See map andGPS coordinates spreadsheet)

**D. XCEL ENERGY DAM** – Town of Lake Holcombe, Section 32, T32N, Range 6W. Seven (7) “**WARNING**” buoys. Seven (7) Warning buoys are attached to eyebolt 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. (See Map D)

**E. BIRCH CREEK PARK** – Town of Birch Creek, Section 18, T32N, Range 6W. Three (3) “**SWIM AREA**” buoys. 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. (See Map E)

**F. CRANBERRY LAKE CHANNEL** – Town of Birch Creek, Section 19, T32N, Range 6W. Three (3) “**SLOW-NO-WAKE**” buoys. F1 Slow no wake buoy 45.236420 -91.153230, F2 Slow no wake buoy 45.235750 -91.155800, F3 Slow no wake buoy 45.235330 -91.157250. (See Map and GPS coordinates spreadsheet)

**G. ISLE BAY/SIMEK BAY CHANNEL** – Town of Lake Holcombe, Section 17, T32N, Range 6W, Three (3) “**SLOW-NO-WAKE**” buoys. G1 Slow no wake buoy 45.263657 -91.132779, G2 Slow no wake buoy 45.262793 -91.134984, G3 Slow no wake buoy 45.261430 -91.135800. (See Map and GPS coordinates spreadsheet)

**H. WHITE BIRCH CAMPGROUND** – Town of Lake Holcombe, Section 9, T32N, Range 6W, Two (2) “**SWIM AREA**” buoys. The purpose is to designate the swim area for the White Birch Campground. (See Map H)

**I. LIONS CLUB PUBLIC PARK** – Town of Lake Holcombe, Section 7, T32N, Range 6W. Two (2) “**SWIM AREA**” buoys. The purpose is to designate the public swim area for the Lake Holcombe Lions Public Park. (See Map I)

**J. WAYSIDE CHANNEL – PARADISE POINT BAY** – Town of Lake Holcombe, Section 3, T32N, Range 6W. One (1) “**SLOW-NO-WAKE**” buoy. J1 Slow no wake buoy 45.280820 -91.105220. (See Map & GPS coordinates spreadsheet)

**K. REEF WEST OF HIGHWAY 27 BRIDGE**– Town of Lake Holcombe, Section 9, T32N, Range 6W. Two (2) “**HAZARD**” buoys. The buoys are located on the reef West of Highway 27 Bridge. K1 Slow no wake buoy 45.274176 -91.118681, K2 Slow no wake buoy 45.274570 -91.120120. (See Map and GPS coordinates spreadsheet)

**L. NORTH OF GOAT ISLAND** – Town of Lake Holcombe, Section 20, T32N, Range 6W. Four (4) “**HAZARD**” buoys. The buoys are located north of Goat Island. L1 Hazard buoy 45.254170 -91.148430, L2 Hazard buoy 45.253870 -91.149020, L3 Hazard buoy 45.254380 -91.146770, L4 Hazard buoy 45.254380 -91.148270. (See Map and GPS coordinates spreadsheet)

**M. CRANBERRY CREEK CHANNEL** – Town of Birch Creek, Section 19, T32N, Range 6W. Four (4) “**SLOW-NO-WAKE**” buoys. The buoys are located down the channel to Pine Drive Restaurant. M1 Slow no wake buoy 45.241900 -91.160580, M2 Slow no wake buoy 45.240770 -91.163330, M3 Slow no wake buoy 45.240036 -91.164067, M4 Slow no wake buoy 45.239407 -91.165855. (See Map and GPS coordinates spreadsheet)

**N. PINE POINT PARK CHANNEL** – Town of Birch Creek, Section 19, T32N, Range 6W. Two (1) **“SLOW –NO-WAKE”** buoys and One (1) **“HAZARD”** buoy. N2 Slow no wake buoy 45.242249 -91.154549, N3 Slow no wake buoy 45.241241 -91.152273, N4 Hazard buoy 45.241910 -91.152907. (See Map and GPS coordinates spreadsheet)

**O. PINE POINT COUNTY PARK** – Town of Birch Creek, Section 19, T32N, Range 6W. Five (5) **“SWIM AREA”** buoys. The purpose is to designate the swim area for the Pine Point County Park. (See Map O)

**P. DEER TRAIL CREEK** – Town of Willard, Section 31 & 32, T33N, Range 6W. Three (3) **“SLOW-NO-WAKE”** buoys. P1 Slow no wake buoy 45.301770 -91.154880, P2 Slow no wake buoy 45.301830 -91.155520, P3 Slow no wake buoy 45.301950 -91.156950. (See Map and GPS coordinates spreadsheet.)

**Q. WHISPERING PINES AREA** – Town of Willard, Section 35, T33N, Range 6W. Three (3) **“SLOW-NO-WAKE”** buoys. Q2 Slow no wake buoy 45.294557 -91.085659, Q3 Slow no wake buoy 45.293787 -91.086455, Q4 Slow no wake buoy 45.292647 -91.087244. (See Map and GPS coordinates spreadsheet.)

**R. NORTH SHORE BAY** – Town of Lake Holcombe, Section 4, T32N, Range 6W. Two (2) **“SLOW-NO-WAKE”** buoys and Two (2) **“HAZARD”** buoys & one (1) **SLOW-NO-WAKE** sign. R1 Slow no wake buoy 45.283780 -91.117600, R2 Slow no wake buoy 45.284350 -91.118870, R3 Slow no wake buoy 45.281980 -91.118550, R4 Slow no wake buoy 45.282000 -91.115050. (See Map and GPS coordinates spreadsheet)

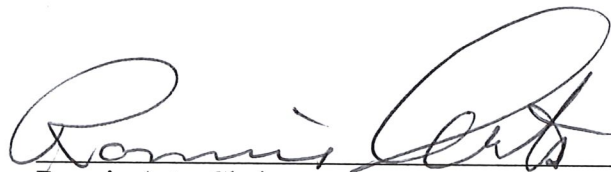
**S. CHANNEL NEAR BIRCH CREEK CAMPGROUND BOAT** – Town of Birch Creek, Section 18, T32N, Range 6W. Two (2) **“SLOW-NO-WAKE”** BUOYS. S1 Slow no wake buoy 45.258780 -91.151290, S2 Slow no wake buoy 45.256280 -91.152710. (See Map and GPS coordinates spreadsheet.)

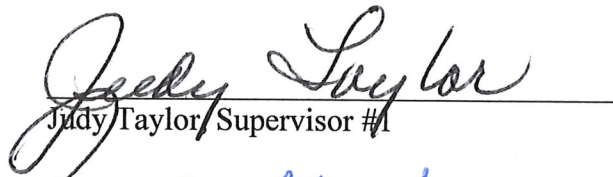
**(13) POSTING REQUIREMENTS.** The Town of Birch Creek shall place and maintain a copy of this ordinance at all public access points with the jurisdiction of the Town of Birch Creek.

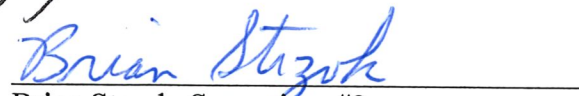
**(14) PENALTIES.** Wisconsin State boating penalties as found in Section 30.80, Wisconsin Statutes are adopted by reference. All deposits for boating violations shall be in accordance with the amount established by the Uniformed Deposit Schedule under Section 23.66 Wisconsin Statutes, as amended from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

**(15) SEVERABILITY.** The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Town of Birch Creek 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 be affected.

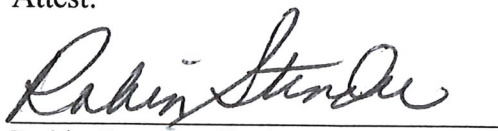
Presented to the Town Board on June 13<sup>th</sup>, 2017  
Notice posted and published in Cornell Courier on 6-30-17  
Public hearing on July 11<sup>th</sup>, 2017.  
Presented to the Town Board for Approval on July 11<sup>th</sup>, 2017  
Approved on July 11<sup>th</sup>, 2017

  
\_\_\_\_\_  
Ronnie Arts, Chairman

  
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Judy Taylor, Supervisor #1

  
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Brian Strzok, Supervisor #2

Attest:

  
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Robin Stender, Clerk