

BALSAM LAKE PROTECTION & REHABILITATION DISTRICT

BALSAM LAKE, POLK COUNTY, WISCONSIN

ORDINANCE RESOLUTION NO. 2021-01 TO REGULATE BOATING AND RELATED ACTIVITIES ON THE WATERS OF BALSAM LAKE, EAST BALSAM LAKE, LITTLE BALSAM LAKE AND BOSTON BAY

WHEREAS, Balsam, East Balsam, Little Balsam Lakes and Boston Bay are navigable water bodies and valuable natural resources that provide for abundant public recreation use and habitat for fish and wildlife, and

WHEREAS, the District's Board of Commissioners believe that the establishment of a water safety patrol is necessary to protect public health, safety and welfare, and

WHEREAS, Section 30.77(3)(am) of the Wisconsin Statutes authorizes public inland lake protection and rehabilitation districts to enact and enforce ordinances regulating the use, equipment and operation of boats and related activities regulated by Wis. Stats. §§30.60 to 30.71 on lakes within their boundaries in the interest of public health, safety and welfare, provided that at least fifty percent of the towns, villages and cities having jurisdiction over the lakes adopt resolutions authorizing the District to enact and enforce such ordinances and at least 60 percent of the footage of shoreline of the lake is within the boundaries of these towns, villages and cities, and

WHEREAS, the listed Balsam Lakes are entirely within the boundaries of the District's boundary and include shoreline frontage in the Village of Balsam Lake and the Towns of Apple River, Balsam Lake, Georgetown and Milltown, and

WHEREAS, the Village of Balsam Lake Board of Trustees and the Town Boards of the Towns, Balsam Lake, Georgetown and Milltown have each adopted Resolutions pursuant to Wis. Stat. § 30.77(3)(am), authorizing the District to enact and enforce ordinances applicable to the listed Balsam Lakes regulating the use, equipment and operation of boats pursuant to that section and the Town Board of the Town of Apple River will consider such a Resolution at its May 2021 meeting; and

WHEREAS, approximately 89 percent of the footage of shoreline of these lakes is within the boundaries of the Village of Balsam Lakes and the Towns of Balsam Lake, Georgetown and Milltown, which constitute a majority of the cities, villages and towns having jurisdiction over the listed lakes; and

WHEREAS, the District's legal counsel submitted its proposed Ordinance to the Wisconsin Department of Natural Resources for review under Wis. Stat. §30.77(3)(d) by electronic mail on March 25, 2021 and received the Department's advisory review dated April 13, 2021 and, with due notice, the District's Board of Commissioners conducted a public hearing on the proposed Ordinance on May 15, 2021; and

WHEREAS, the Board of Commissioners have considered the Department's advisory review, public comments submitted to the District and offered at the public hearing, the listed Balsam Lakes' types, sizes, shapes and depths, features of special environmental significance, the amount, type and

speed of boating traffic, boating safety and congestion and the degree to which the boating traffic on the body of water affects other recreational uses and the public's health, safety and welfare, including the public's interest in preserving the state's natural resources and an advisory letter from the Wisconsin Department of Natural Resources dated April 13, 2021 and, based on its consideration of the matter, the Board of Commissioners have determined to adopt a boating ordinance and establish a water safety patrol to protect and maintain public health, safety and welfare, in the listed Balsam Lakes.

NOW THEREFORE, the Board of Commissioners of the Balsam Lake Protection and Rehabilitation District, pursuant to its authority under the laws of Wisconsin, including without limitation, Section 30.77(3) and Chapter 33 of the Wisconsin Statutes and the authorizing resolutions adopted by the Boards of the Village of Balsam Lake and Towns of Apple River, Balsam Lake, Georgetown and Milltown, adopted the laws of the State of Wisconsin, **DO ORDAIN as follows:**

**ORDINANCE NO. 2021-01
TO REGULATE BOATING AND RELATED ACTIVITIES
ON THE WATERS OF
BALSAM LAKE, EAST BALSAM LAKE,
LITTLE BALSAM LAKE AND BOSTON BAY**

Section 1. This Ordinance is adopted in order to protect the public health, safety and welfare, including the public's interest in preserving the state's natural resources, pursuant to Wis. Stat. §30.77(3)(am).

Section 2. Applicability and Enforcement. The provisions of this Ordinance shall apply to the waters of Balsam Lake, East Balsam Lake, Little Balsam Lake and Boston Bay, within the jurisdiction of the Village of Balsam Lake and the Towns of Apple River, Balsam Lake, Georgetown and Milltown, all in Polk County, Wisconsin. The Ordinance shall be enforced by the officers of the District. The District adopts the citation method of enforcement of this Ordinance; however, the issuance of a citation hereunder shall not preclude the District or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

Section 3. 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.

Section 4. Definitions. The definitions as set forth in Section 30.01 of the Wisconsin Statutes are incorporated herein by reference as though fully set forth herein. In addition, in this Ordinance, the term “slow-no-wake” means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

Section 5. State Boating and Safety Laws Adopted. The State laws regulating boating and related activities as found in Wis. Stats. §§ 30.50 to 30.71 are adopted by reference here and made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Ordinance. Any future amendments of the statutes incorporated herein are intended to be made part of this Ordinance in order to secure uniform state-wide regulation and enforcement of boating ordinance violations.

Section 6. Slow No Wake Areas. No person shall operate a boat faster than slow-no-wake in the following locations: the channels connecting Balsam Lake with East Balsam Lake and Little Balsam Lake and the channel south of the first island approaching the Balsam Lake public boat landing. The locations of these slow-no-wake areas shall be shown on a map posted at each public boat landing on

the affected lakes and may be marked by regulatory markers authorized by the Wisconsin Department of Natural Resources placed each end of those designated areas identified by the Global Positioning System.

Section 7. Penalties and Deposits. Wisconsin state boating law penalties as found in Wis. Stat. § 30.80 and deposits established by the Wisconsin Judicial Conferences in the Uniform Deposit and Bail Schedule, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment are deleted.

Section 8. Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that the District Board would have passed the other provisions of this ordinance. 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 9. Effective Date, Posting and Filing. This Ordinance shall take effect immediately upon passage and posting or publication as provided by law, but not earlier than May 25, 2021. This Ordinance shall be prominently posted at all public access points on the affected lakes and filed with the Wisconsin Department of Natural Resources.

Passed and Adopted at a duly convened meeting of the Board of Commissioners of the Balsam Lake Protection and Rehabilitation District this 15th day of May, 2021 on a vote of:
_____ Ayes _____ Nays _____ Abstaining.

BALSAM LAKE PROTECTION & REHABILITATION DISTRICT

By: _____
Thomas Kelly, Chair (date)

Attest: _____
Dave Mariani, Secretary (date)

CERTIFICATION

The undersigned, Dave Mariani, certifies as follows: (1) that he is the duly serving Secretary of the Balsam Lake Protection and Rehabilitation District, (2) that pursuant to a notice published in the Inter-County Leader on May 6th, 2021 and mailed to the clerks of the Village of Balsam Lake and the Towns of Apple River, Balsam Lake, Georgetown and Milltown and the Balsam Lake Homeowners Association on May ___, 2021, the District's Board of Commissioners held a public hearing on this Ordinance as proposed at ___ o'clock, A .M. on May ___, 2021 at the Balsam Lake Village Hall, (3) that this Ordinance as proposed was sent to the Wisconsin Department of Natural Resources for its advisory review pursuant to Wis. Stat. §30.77(3)(d) on March 25, 2021 and that the District received the Department's review letter dated April 13, 2021, (4) that the District was authorized to adopt and enforce this ordinance by resolutions adopted pursuant to Wis. Stat. §30.77(3)(am) by the Board of Trustees of the Village of Balsam Lake on April 5th, 2021 and by the Town Boards of the Towns of Apple River on May ___, 2021, Balsam Lake on April 19th, Georgetown on April 21st, 2021 and Milltown on April 12th, 2021, (5) that this Ordinance 2021-1 was duly adopted by the District's Board of Commissioners at a duly convened meeting on the 15th day of May, 2021, and (6) that this Ordinance 2021-1 was published in the Inter-County Leader on May 6th, 2021, was mailed to the Wisconsin Department of Natural Resources on May/June _____, 2021 and was posted at the Balsam Lake Village Hall and the Town Halls of the Towns of Apple River, Balsam Lake, Georgetown and Milltown, all in Polk County, Wisconsin on May/June ___, 2021.

Dave Mariani, Secretary

