

ORDINANCE NO. 2010-001

AN ORDINANCE TO REGULATE ENVIRONMENTALLY SENSITIVE AREAS
ON THE LAUDERDALE LAKES

WHEREAS the Department of Natural Resources study dated December 12, 2006, has determined that the areas list below are environmentally sensitive, that is, areas of critical or unique fish and wildlife habitat, or areas of water quality or erosion control benefiting Lauderdale Lakes; and

WHEREAS preservation of the aquatic plants in the environmentally sensitive areas will assist in preserving the fish and wildlife habitat,

NOW THEREFORE, the Town Board of LaGrange adopts this ordinance.

SECTION I. Locations of Environmentally Sensitive Areas.

The water adjacent to the following locations are hereby designated as sensitive areas:

Area 1: The Southwest end of Green Lake from Fireman's Point to LL869;

Area 2: A small bay on the North shore of Middle Lake from LL783 to 789;

Area 3: The Western third of Middle Lake from LL741 to LL559A;

Area 4: The area adjacent to a wetland on the Southwestern shore of Mill Lake from LL342 to LL323;

Area 5: The area between Treasure Island and the Lauderdale Country Club from LL248 on Country Club Drive to LL254A and B on Treasure Island and to the Southwest corner of the wetlands on the golf course;

Area 6: The Northwest corner of Mill Lake from LL487 to W5431 Acorn Way;

Area 7: The area locally known as Turtle Cove Bay, South of Jansky Island and goes from Island Way on Mill Lake to a line from LL535D on Jansky Island to LL528 across the Bay.

SECTION II. GENERAL CONTROLS

In all DNR designated Sensitive Areas no person shall do any of the following:

1. No chemical treatment of any kind;
2. Mechanical control of plants is allowed except as set forth in Section III of this ordinance.
3. None of the following in-lake activities are allowed:
 - a. Filling
 - b. Aquatic plant screens
 - c. Wetland alterations
 - d. Boardwalks
 - e. Pea gravel/sand blankets
 - f. Dredging
4. No harvesting of large-leaf and floating-leaf pond plants is allowed except as noted in Sensitive Area 7.(see #7 below)
5. Any environmental altering activities done in the environmentally sensitive areas without obtaining a permit from the Town of LaGrange.

SECTION III. SPECIFIC AREA CONTROLS

No person shall do any of the following in the Specific Sensitive Areas:

1. Sensitive Area 1:

Mechanical plant harvesting limited to a 25 foot wide navigation channel from boat launch to open water.
2. Sensitive Area 2:

No mechanical plant harvesting allowed in this Area
3. Sensitive Area 3:
 - a. Mechanical plant harvesting limited to a navigational channel along currently developed shorelines,(areas outside the special location designated "electric motor only") but only after fish spawning activities have finished.
 - b. No mechanical plant harvesting of any kind in the special area designated "electric motor only."
 - c. No person shall operate a motorboat, as defined in 30.50 (6), Wisconsin State Statutes, which is propelled by an internal combustion engine. Electric, muscle powered, or wind powered craft only are permitted. The subject electric motor zone runs along a portion of the Northern shore of sensitive area #3. The area will be clearly marked by buoys and includes the Northern edge of the existing boat channel to access the Northwestern end of Middle Lake to the adjacent Northern lakeshore. The LL numbers are from the East LL721 to the West LL662.
4. Sensitive Area 4:

Mechanical plant harvesting limited to navigation channel with a maximum width of 25 feet to piers.

5. Sensitive Area 5:

Mechanical plant harvesting limited in this Area to the location west of the bridge. Within the location west of the bridge, plant harvesting is limited to that required to provide access to piers and moorings.

6 Sensitive Area 6:

No harvesting of plants by any means in this Sensitive Area. Floating plant debris that is a result of plant tops cut off by normal boating outside the Sensitive Area and blown into this Area may be mechanically skimmed from the surface for removal.

6. Sensitive Area 7:

- a. Mechanical plant harvesting is limited to the center of the existing boating access channel. Maximum depth of cut is 2 feet from the water surface. Mechanical harvesting is not allowed immediately adjacent to the islands or around individual piers.
- b. This area contains large-leaf and floating-leaf pond plants that must be harvested to provide for a boating channel. This is the only Area on Lauderdale Lakes where harvesting of these plants is allowed. The harvesting of these plants is limited to providing access to existing piers.
- c. Manual raking of aquatic plants around homeowner piers in this Sensitive Area requires a NR 109 Permit.

SECTION IV.

Parties to a Violation.

Whoever directly commits a violation of this ordinance or aids or abets a violation, including property owners and contractors, is as responsible as the person who directly commits the acts in violation of this ordinance, even though he or she did not directly commit the offense and although the person who directly committed the offense has not been found guilty.

SECTION V.

Enforcement.

a. The Town of LaGrange may enforce this by civil action or citation issued by the Town Attorney upon the request of the Town Board.

b. First offense. Any person violating any section of the ordinance shall forfeit not less than \$200 nor more than \$500 plus allowable statutory costs each first offense within one (1) year.

c. Second and subsequent offenses. Any person violating any section of this ordinance shall forfeit not less than \$600 nor more than \$1500 plus allowable statutory costs for the second offense within one (1) year.

d. Bond is set at one-half the maximum forfeiture.

e. Violation of each provision of this ordinance is a separate offense. Each day a violation continues is a separate offense.

f. Failure to pay the forfeiture shall subject the violator to a term in the Walworth County Jail.

SECTION VI.

Severability and Repeal.

a. 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 as to whether or not one or more provisions may be declared invalid and any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions, other persons or circumstances shall not be affected thereby.

b.. All ordinances and parts of ordinances in conflict with this ordinance heretofore enacted by the Town of LaGrange are hereby repealed.

Adopted by the LaGrange Town Board on motion of Supervisor Callaway and seconded by Supervisor Sukala on the 14th day of June 2010.

Approved:

Frank Taylor, Chairman

Daniel Wilson, Supervisor

Donald Sukala, Supervisor

Richard Callaway, Supervisor

Attest:

Crystal Hoffmann