

ORDINANCE NO. PL 2011-01

AN ORDINANCE TO REGULATE ENVIRONMENTALLY SENSITIVE AREAS
ON PLEASANT LAKE

WHEREAS the Department of Natural Resources study dated March 5, 2009, has determined that the areas listed below are environmentally sensitive, that is, areas of critical or unique fish and wildlife habitat, or areas of water quality or erosion control benefitting Pleasant Lake; 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 waters adjacent to the following locations are hereby designated as sensitive areas and are outlined on the attached map # 1 prepared by the DNR.

Sensitive area 1 is a small bay on the northeast side of Pleasant Lake almost totally isolated from the main lake. This sensitive area is part of Camp Juniper Knoll, operated by the Girl Scouts of Chicago. This approximately three-acre plant community consists of open water, deep marsh, and shallow marsh.

Sensitive area 2 is a bay located just east of sensitive area 1 and is known locally as "The Bay".

Sensitive area 3 locally known as "The Pond" is located in the southeast part of Pleasant Lake on the property designated PL 86-100

Sensitive area 4 includes most of the remaining shoreline of Pleasant Lake with the exception of the developed shoreline. Three shoreline areas are excluded from the shore out to 60 feet (see Map 1)

SECTION II. CIRCUMVENTION OF THIS ENVIRONMENTAL
ORDINANCE

A riparian land owner is not permitted to avoid the intent of this ordinance by grounding, anchoring or tying up motorized boats (other than a canoe or kayak) to the shoreline without having a pier. Such activity destroys and/or erodes the shoreline and is detrimental to Pleasant Lake. Riparian owners are required to have appropriate and legal mooring for their boats in the form of an approved pier.

SECTION III. GENERAL CONTROLS

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

1. No chemical treatment of any kind without the proper DNR permit
2. 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
3. No harvesting of large-leaf and floating-leaf pond plants is allowed except as noted in Sensitive Area 2.
4. No fallen trees shall be removed in Sensitive Areas 1 & 3 and in Sensitive Area 2 from PL 32 west to the mouth of the Bay.
5. Any environmental altering activities done in the environmentally sensitive areas without obtaining a permit from the Town of LaGrange.

SECTION IV. NEW PIERS

Construction of new piers in environmentally sensitive areas will be restricted based on the recommendations contained in the Pleasant Lake (Walworth County, Wisconsin) Integrated Sensitive Area Report March 5, 2009, and this ordinance

SECTION V. SPECIFIC AREA CONTROLS

1. No new piers, slips, boardwalks or mooring facilities in Sensitive Areas 1 & 3 will be permitted. All existing piers, slips, boardwalks or mooring facilities in Sensitive Area 2 will be grandfathered as of the date of the adoption of this Ordinance. In Sensitive Area 2 no piers are permitted along the currently undeveloped shoreline. No new piers will be permitted along the currently developed shoreline. Existing piers may be repaired or replaced but must be in the footprint of the current pier.

In Sensitive Area 4 existing piers may be repaired or replaced but must be in the footprint of the current pier. New piers will be permitted. The number of new moorings permitted will be limited and based upon the carrying capacity of the resource. In no event shall there be more than one slip per household and slips must be clustered with a MINIMUM of 6 slips per pier. Piers are to be located and clustered in such a way as to minimize the impact on the resource.

All new development of piers or slips in Sensitive Area 4 shall require a permit from the Town of LaGrange.

2. No motorized boating is allowed in Sensitive Areas 1 & 3. No motorized boating is allowed outside of the developed channels in Sensitive Area 2 except for electric trolling motors.

The channel starts at the survey stake on the northeast corner of PL 32 and follows the shoreline south and east to PL 44. The channel extends from the shoreline out to 50 feet.

3. Management Recommendations for Sensitive Area #2

Please note that this section of recommendations makes a distinction between the currently undeveloped shoreline and the currently developed shoreline. Any land that is subsequently developed will still be held to the standard of "currently undeveloped" for the purposes of interpreting this recommendation document. The currently developed shoreline includes portions of the southern shoreline of the bay as well as portions of the eastern shoreline of the bay.

- A. No **new** mechanical harvesting permits should be issued in this sensitive area. One mechanical harvesting permit is on file (originally issued in 2005). A total Of 0.36 acres is permitted for harvesting. The depth of the harvest may not exceed thirty inches downward from the surface of the water. This permit will continue to be issued but with a time of year restriction (No harvesting before August 1st of any given year starting in 2008). The permit cannot be transferred to a new landowner. The existing permit should be assigned to the Lake Management District when the current holder is no longer a property owner.
- B. Manual removal permits should be limited to a maximum of 20 feet along each landowner's shoreline and a maximum of 30 feet from the shoreline out into the lake. A NR 109 permit is needed for manual removal. Manual removal permits should only be issued in the area where the pier and boats are located for each property and should only be issued along the currently developed shoreline.
- C. A DNR permit should not be issued for any of the following along the currently developed shoreline.
- | | |
|---------------------------|-------------------------------|
| Filling of wetlands | Rip Rap |
| Aquatic plant screens | Recreational floating devices |
| Sea Walls/Retaining Walls | Pea Gravel/Sand Blankets |
- D. Limited dredging to maintain the navigational channel may be considered if the water depth in the navigational channel becomes less than 30 inches deep. The navigational channel is located mainly along the currently developed shoreline.
- E. A DNR permit should not be issued for any of the following along the

undeveloped shoreline.

Dredging	Pea Gravel/Sand Blankets
Filling of wetlands	Rip Rap
Aquatic plant screens	Recreational floating devices
Sea Walls/Retaining Walls	New Piers

F. A DNR permit should not be issued for boardwalk or ramp construction along the currently undeveloped shoreline. A rustic canoe access path can be marked for any new residential development.

4. Management Recommendations for Sensitive Area #3

A. A DNR permit should not be issued for any of the following:

Dredging	Pea Gravel/Sand Blankets
Filling of wetlands	Rip Rap
Aquatic plant screens	New Piers
Boat Ramps	Sea Walls/Retaining Walls
Recreational floating devices	

5. Management Recommendations for Sensitive Area #4

A. Do not remove fallen trees along shoreline, except where navigation is impaired. If navigation is impaired by a fallen tree, cut into smaller pieces and place outside of boating lane.

B. A DNR permit should not be issued for any of the following:

Dredging	Pea Gravel/Sand Blankets
Filling of wetlands	Wetland removal
New Sea Walls	

C. No new rip rap should be permitted if shoreline littoral zone has emergent vegetation such as bulrush, pickerelweed, sedges, etc. Existing rip rap should be maintained in compliance with Natural Resources Code 328.

D. Manual removal permits should be limited to a maximum of 20 feet along each landowner's shoreline and a maximum of 30 feet from the shoreline out into the lake. A NR 109 permit is needed for manual removal. Manual removal permits should only be issued in the area where the pier and boats are located for each property.

E. No mechanical aquatic plant removal should be permitted. Manual removal Of exotic species such as Eurasian water milfoil, curly leaf pondweed or Purple loosestrife will require a permit.

SECTION VI. PRE-EXISTING PIERS, WHARFS, AND MOORING FACILITIES IN ALL AREAS

- A. In order to protect the legitimate rights of persons with pre-existing piers, wharfs and mooring facilities, all persons with a wharf, pier or mooring facility legally in place in all areas of Pleasant Lake as of January 1, 2012, shall provide the following information to the Town of LaGrange: Name of riparian owner, address of owner, address where pier is located, year pier was first placed in Pleasant Lake, length of pier, width of pier and number of mooring facilities. All persons failing to provide this information with the Town shall be deemed not to own a pier, wharf or mooring facility with rights as a pre-existing pier, wharf or mooring facility and such structures shall conform to the standards established in the current DNR regulations.

SECTION VII. PARTIES TO A VIOLATION

Whoever directly commits a violation of this ordinance or aids and 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 VIII. ENFORCEMENT

1. The Town of LaGrange may enforce this by civil action or citation issued ~~by the Town of LaGrange~~ *upon request* upon the request of the Town Board.
2. 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 1 yr.*
3. Second and subsequent offenses. Any person violating any section of this ordinance shall forfeit not less than \$600.00 nor more than \$1500 plus allowable statutory costs for the second offense within one (1) year.
4. Bond is set at one-half the maximum forfeiture.
5. Violation of each provision of this ordinance is a separate offense. Each day a violation continues is a separate offense.
6. Failure to pay the forfeiture shall subject the violator to a term in the Walworth County Jail.

SECTION IX. SEVERABILITY AND REPEAL

1. 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.

2. 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 seconded by Supervisor
Sukala on the 14th day of Feb, 2011

Attest:

Crystal Hoffmann

Crystal Hoffmann, Town Clerk

Approved:

Scott Taylor
David Hill
Donald D. Sukala
Richard F. Callaway
J. L.