

A JOINT BOATING ORDINANCE FOR THE TOWN OF AMHERST AND THE VILLAGE OF AMHERST JUNCTION TO REGULATE BOATING UPON THE WATERS OF LAKE EMILY. _____ #DNR 0887

The Town Board of the Town of Amherst and Village Board of Amherst Junction do ordain as follows:

Section I. **Applicability and Enforcement**

- (a) The provisions of this Ordinance shall apply to the waters of Lake Emily
- (b) This chapter shall be enforced by the officers of the Town of Amherst, Village of Amherst Junction, or their official designee(s) and any law enforcement agency with jurisdiction.

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) "Slow-No-Wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.
- (b) "Water ski" means a boat towing a person using water skis, aquaplane or similar device.
- (c) The "West Bay" is described as the area west of the GIS co-ordinates "Slow-No-Wake" buoy line. (Shown in map attachment)
- (d) The "East Side" of Lake Emily pertains to all waters east of the GIS co-ordinance "Slow-No-Wake" buoy line. (Shown in map attachment)
- (e) The "Water Ski Area" is described as the area in-between the designated "Slow-No-Wake" buoy line, on the East Side of Lake Emily and the buoy line at the far West Bay of Lake Emily. The "Water Ski Area" begins (150') west of the public swimming beach as marked by identifying posts.

Section V **Speed Regulation.**

- (a) It shall be unlawful for any person to operate or cause to be operated any motor boat at a speed in excess of Slow No Wake on Lake Emily, except in the "Water Ski Area" during the hours of 11:00 A.M. to 4:00 P.M. daily.
- (b) No one can operate a motor boat faster than "Slow-No-Wake" at any time on the East Side of Lake Emily, east of the "Slow-No-Wake" buoy line as established by GIS co-ordinance.

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(c) No one can operate a motor boat faster than “Slow-No-Wake” at any time on the far West Bay located west of the “Slow-No-Wake” buoy line.(Shown in map attachment)

(d) In addition, the West Bay on the far West end of Lake Emily, is also designated “Research Area”. A “Slow-No-Wake” buoy will be placed at the entrance according to the attached GIS co-ordinates, designated on the map, (Shown in map attachment)

Section VI Posting Requirements

The Town of Amherst and the Village of Amherst Junction shall place and maintain a synopsis of this Ordinance at all public access points to Lake Emily, within the jurisdiction of the Town pursuant to the requirements of NR 5.15 Wis. 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 Conflicting Ordinances Repealed

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section IX Severability

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town & Village 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 X Effective Date

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

Passed this ____th. day of _____, 2009.

Michael Peplinski
Town of Amherst Chairperson

Michael Ballinger
Village of Amherst Junction President

Shawn Lea
Town of Amherst Clerk

Karen Shulfer
Village of Amherst Junction Clerk

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CONDITION REPORT

All waters East of the Lake Emily swimming beach area have been marked “Slow-No-Wake”, for many years, providing a public health and safety zone for those who are fishing, swimming, and camping. The “Slow-No-Wake” area on the East end of Lake Emily is marked by encompassing land belonging to Portage County Parks and should continue to be maintained as a “Slow-No-Wake” area for public safety as well.

The reasons for this are as follows:

- (a) That for public health & safety, it includes the Public Boat Launch and Swimming Area .
- (b) That the main traffic channel past the swimming beach is too narrow for safe speeds faster than “Slow-No-Wake”
- (c) Although this area is not noted in the original ordinance, it does work well for the residents and the Parks, therefore, we wish to continue and include the “Slow-No-Wake” zone on the East side of Lake Emily into this ordinance.

Water skiing and other high speed water-recreation on Lake Emily is preserved on the West side of Lake Emily.

The reasons for this are as follows:

- (a) This has always been acceptable to the Town and its residents and should remain .
- (b) There is ample room on the West side of Lake Emily to afford such recreation without endangerment of public health and safety.

The West Bay on the far West end of Lake Emily will be designated “Slow-No-Wake”.

The reasons for this are as follows:

- (a) The West bay, on the far West end of Lake Emily, is very difficult to access without coming within one hundred feet (100’) of existing docks, swim rafts, etc., therefore as a safety precaution, boaters need to be reminded that they are entering a “Slow-No-Wake” area. It is possible to make a turn in one part of a 100 ft. area; however, this is not what normally happens with boats traveling at high speeds. In addition, because of its isolation and plant life, this area needs to be protected for ongoing research. Presently the research is “Milfoil Weevil Studies”.
- (b) The West Bay should remain undisturbed, in order to acquire accurate research data.
- (c) The integrity of the riparian environment within and immediately surrounding the bay, and its natural inhabitants, should remain undisturbed.
- (d) This is also an environmentally sensitive nesting area.
- (e) A research area further facilitates state funding.

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On-Going Research on the far West Ed of Lake Emily

The on-going DNR research involves the long-term tracking of the native population of milfoil weevils (*Euhrychiopsis lecontei*). In 2008, the following surveys were conducted on the western bay of Lake Emily:

- ~ Aquatic macrophyte community surveys
- ~ Weevil population surveys
- ~ Sediment cores for nutrient analysis
- ~ Eurasian water milfoil sampling for DNA analysis
- ~ Shoreline habitat weevil survey

The following surveys are planned for 2009-2013:

- ~ Aquatic macrophyte community surveys
- ~ Weevil population surveys
- ~ Eurasian water milfoil sampling for DNA analysis
- ~ Fish surveys (possible)
- ~ Aquatic insect surveys

We appreciate the cooperation of the lake residents in reducing disturbances to this bay.

Thank you,
Amy Thorstenson
Golden Sands RC&D Council, Inc.
UW-Stevens Point Graduate Program