

AN ORDINANCE REGULATING THE PLACEMENT OF BEACH SAND WITHIN 300 FEET OF THE WATERS OF BROWNS LAKE

The Town Board of the Town of Burlington, Racine County, Wisconsin, does hereby ordain as follows:

SECTION 11.30.010 PURPOSE. The purpose of this Ordinance is to regulate the placement of beach sand on properties within 300 feet of the waters of Browns Lake to reduce risk to public safety, health, welfare, and the aquatic environment caused by the deposit of inordinate amounts of beach sand into the waters of Browns Lake due to erosion and storm water runoff.

SECTION 11.30.020 FINDINGS. The Town Board finds that the placement of inordinate or excessive amounts of beach sand on areas adjacent to and within 300 feet of the waters of Browns Lake without appropriate storm water management considerations diminishes the public enjoyment and use of the waters of Browns Lake as a natural resource of the community and in particular can:

A. Diminish the capacity of Browns Lake to support fish, aquatic life, and recreational uses by increasing sediment and other pollutants.

B. Threaten public health, safety, property, and general welfare by increasing flood peaks and volumes.

C. Alter wetland communities by changing wetland hydrology.

SECTION 11.30.030 PERMIT REQUIRED.

A. No person shall place nor shall any property owner authorize placement of a deposit of beach sand or fine stone that

totals more than two cubic yards in any calendar year upon any property within 300 feet of the ordinary high water mark of Browns Lake unless such placement is authorized by a permit issued by the Town of Burlington.

B. When determining whether to issue such a permit, the Town Board shall consider:

1. The amount of beach sand or fine stone which the applicant seeks to place within 300 feet of the ordinary high water mark of Browns Lake.
2. The presence of permanent erosion control measures such as terracing, curbing, and water diversion areas which impact the area upon which the applicant seeks to place beach sand or fine stone.
3. The slope of the area upon which the beach sand or fine stone is to be placed.
4. The size of the watershed from which storm water drains across the area in which the beach sand or fine stone is to be placed.
5. The number and frequency of prior permits issued for placement of beach sand or fine stone within the area requested by the applicant.
6. Whether the applicant has sought a permit from the Wisconsin Department of Natural Resources to withdraw sand or other fine materials from the lake bed of Browns Lake for use as beach sand.

C. No permit shall be issued for placement of sand or fine stone material below the ordinary high water mark of Browns Lake.

D. Prior to the issuance of any permit under this section, the Town Board shall solicit input from members of the public regarding the permit application and shall obtain a recommendation regarding the permit application from the Browns Lake Sanitary District Commission.

SECTION 11.30.040 VIOLATION.

In the event any person shall violate the provisions of this section, or the provisions of any permit issued pursuant to the provisions of this section:

A. Upon conviction, the violator shall be subject to a forfeiture of not less than \$50 nor more than \$500 and each day such a violation continues shall constitute a separate violation.

B. The violator shall remove any material deposited within 300 feet of the ordinary high water mark of Browns Lake within twenty (20) days of written notice to do so from the Town. If the violator shall fail to do so, the Town may cause the material to be removed and all costs and expenses associated with such removal shall be charged as a special charge against the real estate upon which the material was unlawfully placed.