

**TOWN OF SPOONER  
WASHBURN COUNTY, WISCONSIN**

**ORDINANCE No. 08-13-2018**

**SPOONER LAKE BOAT LAUNCHING FEE ORDINANCE**

**To Establish A Daily Boat Launching Fee At the Public Boat Spooner Lake  
Launching Ramp located at the Town Road near the Junction of Spooner  
Lake Road and County Highway "H"  
In the Town of Spooner  
and  
To Establish an Annual Boat Launching Pass  
for Residents of the Town of Spooner and  
for Town of Spooner Property Owners Who Are Non Residents**

WHEREAS, Spooner Lake comprises approximately 1,100 Acres of water area and is located entirely within the political boundaries of the Town of Spooner located within Washburn County, Wisconsin, and

WHEREAS, Spooner Lake Protection and Rehabilitation District is charged with the protection of the water quality and environment of Spooner Lake, and

WHEREAS, Washburn County has by Resolution No 27-18 Resolved to protect Spooner Lake and other lakes within Washburn County from infestation by aquatic invasive species including infestation by Zebra Mussel, and

WHEREAS, the State of Wisconsin Department of Natural Resources (hereinafter sometimes referred to as "DNR") has exempted from DNR's approval process of Public Boating Access Fee Schedule, Launch Fees below an Eight Dollar (\$8.00) maximum daily Base Fee, and

WHEREAS, The Town of Spooner and Spooner Lake Protection and Rehabilitation District seek intergovernmental co-operation for the benefit of the Public and for the protection of the waters of Spooner Lake, and

WHEREAS, the Town Board of Supervisors of the Town of Spooner, Washburn County, Wisconsin has the authority to take charge of and the duty, if a majority of the Board elects, to adopt this Ordinance establishing a boat launching fee under §60.22 (1) Wisconsin Statutes, and

WHEREAS, the Town Board of Supervisors of the Town of Spooner, Washburn County, Wisconsin, having elected to exercise Village Powers, has the authority under s. 60.23 (1), s.61.34 (2), and

§66.0301 (1) Wisconsin Statutes, to adopt this ordinance, which provides for intergovernmental cooperation with inland lake protection and rehabilitation Districts, including the Spooner Lake Protection and Rehabilitation District.

NOW THEREFORE, The Town Board of Supervisors of the Town of Spooner, Washburn County, Wisconsin, does adopt this ordinance, known as the SPOONER LAKE BOAT LAUNCHING FEE ORDINANCE, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting, and proper notice having been given, in order to promote the protection of Spooner Lake from infestation by aquatic invasive species including infestation of said lake by Zebra Mussel.

**SECTION 1. Definitions.** The following words and phrases have the designated meanings:

- (a) *Aquatic plant* - means a non-woody submergent, emergent, free-floating, or floating-leaf plant that normally grows in or near water and includes any part thereof. "Aquatic plant" does not mean wild rice when being harvested with a permit issued under NR 19.09 or any rights proffered by the Treaty of 1838.
- (b) *Invasive* means all vertebrate and invertebrate species including zebra mussel, quagga mussel, rusty crayfish, spiny water flea, or any other aquatic invasive prohibited by the State of Wisconsin.
- (c) *Invasive species* has the meaning given in 23.22(1)(c) Wisc. Stats., and NR 40.02(24), Wis Adm. Code, where invasive species means nonnative species including hybrid, cultivars, sub taxa, and genetically modified variants whose introduction causes or is likely to cause economic or environmental harm or harm to human health, and includes individual species, eggs, larvae, seeds, propagules and any other viable life stages of such species. For invasive fish, s.NR 40.04(12a) and Wis. Adm. Code, includes all nonnative species, but excludes established nonnative fish species.
- (d) *Aquatic invasive species* has the meaning given in s.NR 40.02(3m) Wis Adm. Code that aquatic invasive species are any invasive species that dwells in water or wetlands.
- (e) *Decontamination* is the process of removing invasive species, including aquatic invasive species or materials that may contain or transmit invasive species by disinfection or other methods.
- (f) *Decontamination Station* means a device provided at a public or private lake access to remove all potential invasive species. The station may consist of high temperature water (140 degrees or more) applied with a pressure washer by trained personnel, a recommended chemical solution applied with a low pressure sprayer, or other techniques or devices.
- (g) *Launching Ramp* means the Public Boat Spooner Lake launching ramp located at the Town Road near the Junction of Spooner Lake Road and County Highway "H".

- (h) *DNR Parking Lot* means the paved lot located at the southwest corner of Spooner Lake Road and County Highway "H". The DNR Parking Lot is marked for the parking of vehicles with attached boat trailers. The said lot is the property of the DNR.
- (i) *Boat* shall include all water craft, including but not limited to vessels, canoes, kayaks, pontoon boats, sailboats, power skis and rowboats.

**SECTION 2. Boat Launching Fee.** The Town of Spooner imposes a Five Dollar (\$5.00) Fee upon any individual who seeks to launch a boat or water craft at the *Launching Ramp*. The Five Dollar (\$5.00) Fee for the Launch Permit is due before the boat is launched and said Permit to Launch expires at the end of the day upon which the boat is launched and/or the Fee is paid. The retrieval of the boat upon the same day for which the Launch Permit was issued is included in the Launch Permit. The retrieval of a boat on a subsequent day other than the day the Launch Permit was issued requires the payment of an additional Five Dollar (\$5.00) Fee.

- (a) Payment of the Five Dollar (\$5.00) Fee shall be made by placing United States of America currency, also known as cash, in the deposit envelope provided at the "Lock Box Receptacle" located near the Launching Ramp and depositing the envelope in the Lock Box after tearing off the Daily Launch Permit attached as part of the deposit envelope.
- (b) The Daily Launch Permit, bearing the same sequential number as the Deposit Envelope, shall be displayed on the dash board of the vehicle used in the launching/retrieval of the boat so that the Daily Launch Permit can be observed through the front windshield of said vehicle in the event that said vehicle is parked in the DNR Parking Lot or in the vicinity of Spooner Lake Road and County Highway "H".
- (c) Any vehicle with an empty boat trailer attached, parked in the DNR Parking Lot or parked on the Westerly side of Spooner Lake Drive, not displaying either a Daily Launch Permit with the same date as the parking date (or a Season Launching Pass) is in violation of this Ordinance. The Town of Spooner prohibits by prior Ordinance and this Ordinance the parking of vehicles, with or without trailers, on the easterly side of Spooner Lake Road.
- (d) Launch Fees shall be paid at all times during the ice free portion of each calendar year. Launch Fees shall be due and paid during all of the open water period, including weekends, holidays and weekdays.

**SECTION 3. Season Launch Pass.** A Season Launch Pass is available only to (a) Town of Spooner Residents and (b) also to non-residents who own real estate within the Town of Spooner. The Season Launch Pass is good for the remaining days in the issuance year upon the payment to the Town Clerk of a yearly/season Twenty Dollar (\$20.00) Fee. The Season Launch Pass is available at the Town of Spooner Town Hall located at N6124 Blooming Vale Road, Spooner, WI (with a mailing address of

Post Office Box 578, Spooner, WI 54801) from the Town Clerk for the yearly fee of Twenty Dollars and no/100 (\$20.00). The Season Launch Pass is not prorated and is good only for the calendar year in which it was first issued by the Town Clerk. Season Launch Pass is not available to non-residents of the Town of Spooner unless the non-resident owns real estate located within the political boundaries of the Town of Spooner.

- (a) The paid Season Launch Pass Fees paid to the Town of Spooner shall be used to provide and maintain the supplies of Deposit Envelops, The Season Launch Pass card, maintain the equipment of the Lock Box Receptacle /Post, repairs to the boat launching ramp and repairs to the removable dock at the boat launching ramp.
- (b) A new Twenty Dollar (\$20.00) Fee is required to be paid to the Town Clerk for the Town of Spooner for each and any subsequent Season Launch Pass renewal.
- (c) Each Season Launch Pass shall identify the owner thereof and the singular boat identified by either serial license number or other identification as to make and/or model of boat to which the Season Launch Pass shall apply. A Season Launch Pass may not be assigned by the Owner to another subsequent individual nor transferred to another boat or water craft. In the event of the loss of an issued Season Launch Pass a replacement Season Launch Pass shall not be issued without the payment of an additional Twenty Dollar (\$20.00) Fee.
- (d) The Season Launch Pass, bearing the singular boat identification information, shall be displayed on the dash board of the vehicle used in the launching/retrieval of the boat so that the Season Launch Pass can be observed through the front windshield of said vehicle in the event that said vehicle is parked in the DNR Parking Lot or in the vicinity of Spooner Lake Road and County Highway "H".

**SECTION 4. Collection and Use of Five Dollar (\$5.00) Fee Boat Launch Fee.** Mind full that the Spooner Lake Protection and Rehabilitation District works to protect and rehabilitate Spooner Lake not only for the members of the District but also for all of the electors of the Town of Spooner, the Town of Spooner non-resident property owners and the general public, the Town of Spooner grants to Spooner Lake Protection and Rehabilitation District the right to maintain a Decontamination Station on the Town Road adjacent to the Launching Ramp. Spooner Lake Protection and Rehabilitation District intends to operate the Decontamination Station with volunteer inspectors and/or paid inspectors who will be educating all those who seek to launch boats upon the waters of Spooner Lake utilizing the Launching Ramp. Spooner Lake Protection and Rehabilitation District intends to use a mild bleach solution to be applied by a manual sprayer to all entering boats. This Town of Spooner grant of Section 4 shall include the issuance by the Town Clerk from time to time as requested by Spooner Lake Protection and Rehabilitation District of Parking Permits for not more than two (2) Inspectors vehicles at any one time to park upon the Town Road located between the Launching Ramp and the junction of Spooner Lake Road with Washburn County Highway "H". To support in part this protective work of the District, the Town of Spooner further grants to Spooner Lake Protection and Rehabilitation District the authority to confirm that before any individual

attempts to launch a boat at the Launching Ramp that said individual has either (a) made a Deposit of the Boat Launching Fee into the Lock Box Receptacle or (b) displayed a valid Season Launch Pass for the boat to be launched. Further, subject to the rights retained by the Town of Spooner herein below, the Town of Spooner grants to Spooner Lake Protection and Rehabilitation District the authority to inspect, open and retrieve deposited Launch Fee Envelops together with the cash payments therein from the Lock Box Receptacle and in consideration for overseeing the deposit of said fees before boat launching, the Town of Spooner further grants to Spooner Lake Protection and Rehabilitation District the delivery and possession of the Five Dollar (\$5.00) Boat Launch Fees collected from time to time to support in part the activities of Spooner Lake Protection and Rehabilitation District.

- (a) Spooner Lake Protection and Rehabilitation District shall from time to time, but not less frequently than quarterly, provide to the Town Clerk of the Town of Spooner a written report of the number of Boat Launching Fees paid and the total dollar amount of said fees received during the reported period. It is the intention of the Town of Spooner and the Spooner Lake Protection and Rehabilitation District that the provisions of SECTION 4 is an intergovernmental cooperation envisioned by the authorizing Wisconsin Statutes.
- (b) Notwithstanding the foregoing provisions of SECTION 4 Spooner Lake Protection and Rehabilitation District acknowledges the reservation of the Town of Spooner to the right and authority at any time and from time to time to reverse the above grants and to retain all and any Five Dollar (\$5.00) Boat Launch Fees as funds belonging to the Town of Spooner to be held as general funds of the Town of Spooner budget.

**SECTION 5. Hand launched Canoe(s) and Kayak(s) Are Exempt.** The provisions of this Spooner Lake Boat Launching Fee Ordinance shall not apply to hand launched Canoe(s) and hand launched Kayak(s) provided said Canoe(s) and/or Kayak(s) are not brought to the Launching Ramp on a trailer. Canoe(s) and Kayak(s) delivered to the Town Road leading to the Launching Ramp by means of a trailer shall be subject to all of the provisions of this Spooner Lake Boat Launching Fee Ordinance including but not limited to the payment of the Boat Launching Fee or the display of a current Season Launch Pass .

**SECTION 6. No Power Loading.** Power loading by applying the use of the propeller driven by the outboard motor of a boat to propel or push the boat upon which the motor is mounted to place the boat upon a trailer when retrieving a boat from the waters of Spooner Lake is prohibited and is a violation of this Spooner Lake Boat Launching Fee Ordinance. Power Loading is also a violation of pre-existing Town of Spooner Ordinances.

- (a) Loading a boat upon a submerged or partially submerged trailer is restricted to the manual or electric motor winching of the boat by cable or rope upon the boat by a winch attached to the trailer and rope or cable attached to the boat to be retrieved.

**SECTION 7. Violation of the Sooner Lake Boat Launching Fee Ordinance.** Launching a boat or water craft at the Launching Ramp by an individual or individuals with out the payment of the Boat Launching Fee or the display of a current Season Launch Pass shall be a violation of this Ordinance. Retrieving a boat or water craft at the Launching Ramp by an individual or individuals with out the payment of the Boat Launching Fee or the display of a current Season Launch Pass shall be a violation of this Ordinance.

**SECTION 8. Enforcement.** This ordinance may be enforced by any law enforcement office authorized to enforce the ordinances/laws of Washburn County and/or the laws of the state of Wisconsin.

**SECTION 9. Penalties.** Any person, partnership, limited partnership, limited liability company, corporation or other legal entity that fails to comply with any provision of this Spooner Lake Boat Launching Fee Ordinance shall, upon determination of said failure to comply or violation, pay a forfeiture of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), plus the applicable surcharges, assessments, and costs of enforcement for each violation. Each day a violation exists or continues, constitutes a separate offense under this Spooner Lake Boat Launching Fee Ordinance.

- (a) In addition, the Town Board of Supervisors may, by majority vote, seek court injunctive relief to enjoin further violations of this Spooner Lake Boat Launching Fee Ordinance.

**SECTION 10. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

**SECTION 11. Effective Date.** This Ordinance is effective on January 1st, 2019.

The town clerk shall properly post or publish this Spooner Lake Boat Launching Fee Ordinance. as required under §60.80, Wisconsin Statutes.

Adopted this 13<sup>th</sup> day of August, 2018.

/s/ John Fenniman, Chairperson Supervisor

/s/ Gary Frankiewicz, Supervisor

/s/ Miles Macone, Supervisor

Attest: /s/ Pam Strunk, Town Clerk