

SUMMARY OF THE BOATING ORDINANCE INFORMATIONAL SESSION HELD ON MARCH 13, 2024

A Boating Ordinance Informational Session was held in-person and by Zoom at Spider Lake Town Hall on Wednesday, March 13 from 5:30 to 6:10 pm. This is a summary of that session for those who were unable to attend.

THE MAIN GOAL OF BOARD ACTION is to have an ordinance in place soon, for the 2024 boating season. This new ordinance is intended to resemble the old Ordinance #12 and contains similar restrictions. Once the new ordinance is in place, we will take the necessary amount of time to solicit feedback and conduct additional research on related topics and potentially make any modifications to the ordinance if deemed appropriate.

Purpose of the meeting. The informational session was an effort on the part of the Board to increase understanding and transparency about the ordinance process by providing an overview of the process, a history and context, and the reason for proposing a new ordinance. This session did not and will not replace the formal public hearing, which we will be scheduled sometime next month (April).

WHAT WAS DISCUSSED IN THE SESSION:

- The Town Board's decision-making process
- The Statutory rights of Towns, Villages, and Cities
- The DNR's mandate to advise.
- Ordinance's evolution from 1950s to 2020
- Reason and Intent of the new Ordinance
- Similarities and Differences between the previous Boating Ordinance (#12) and the proposed Boating Ordinance (#02-2024)

Public Input. Public input is a vital and a critical element of the decision-making process in the Town of Spider Lake and the Town Board of Supervisors goes to great lengths to keep the community informed and solicit feedback. This informational session and at official Public Hearing (April) are two efforts to keep the public well-informed of Board activities.

In addition to these specific meetings, the Board uses the Town website extensively to post meeting agendas, agenda packets, and minutes. Committee meetings are also posted, and community members are encouraged to attend and participate. Also, most Board meetings have a dedicated time to receive public comments.

Finally, during the summer of 2022, the Board convened three listening sessions where community members could address any topic and over 60 taxpayers participated. During this past year (2023), the Board administered a survey to all 925 property owners to collect perspectives on a broad range of topics related to Town governance.

This is all to say, the Board values and actively solicits feedback from residents, taxpayers, and visitors.

The Town Board's Decision-Making process. While public input is certainly important, basing decisions solely on public perspectives is not enough. The Board must consider the impact of potential decisions on public health and safety, the environment, and the finances of the Town as well as how a decision relates to the Town's Comprehensive Plan.

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Rights of Towns to regulate watercraft on their lakes. Towns (also, Villages and Cities) have the statutory right to enact ordinance on lakes in their jurisdiction. s. 30.77(3)(a) Wis. Stat.

(a) Except as provided in par. (ab), any town, village, or city may, in the interest of public health, safety, or welfare, including the public's interest in preserving the state's natural resources, enact ordinances applicable on any waters of this state within its jurisdiction if the ordinances are not contrary to or inconsistent with this chapter and if the ordinances relate to the equipment, use, or operation of boats or to any activity regulated by ss. 30.60 to 30.71.

Wisconsin Department of Natural Resources' advisory role. The authority of the DNR in relation to a Town is the protection of the natural resources, protection of access to the lakes, and protection of public health and safety on the lakes. In this capacity, the DNR does not the authority over the Town, but an advisor to the Town. The DNR makes recommendations, however, those recommendations are advisory, not mandatory.

Advisory reports shall state in what regard such ordinances are considered consistent or inconsistent with this chapter as to public health, safety or welfare, including the public's interest in preserving the state's natural resources, and shall be accompanied by suggested changes, if any. No later than 20 days after receipt by the department of proposed ordinances, the department shall advise the town, village, city, lake district or town sanitary district in writing as to the results of its advisory review under this paragraph. The department shall address the results sent to a town, village, or city to its clerk.

Process overview. State statute does not spell out a general procedure for ordinance adoption; however, the main elements are:

- **March 2024** – Draft an ordinance.
- **March 2024** – Send proposed ordinance to the DNR for advisory review (starts clock)
- The DNR has 20 days to review the ordinance and provide advisory comments. Town may enact the ordinance 60 days after sending ordinance to DNR.
- **April 2024** – Town must convene a Class 2 Public Hearing
- **May 2024** – After the public hearing, the Board of Supervisors may move to adopt the ordinance.
- Ordinance is published or posted in accordance with Wis. Stat 60.80
- An affidavit of posting is completed and filed in Clerk's Office under s. 60.80(4), s. 985.12 Wis. Stat.
- Send approved ordinance to the County Clerk to record.

A brief history of the Boating Ordinances. The Town of Spider Lake has a long history of preserving and protecting our lakes and watersheds and promoting the health and safety on our lakes –for the last seventy years!

- **1950s** – Bigger boats and higher speed motors began causing concern for fishermen, personal health and safety, lake usage, the protection of wildlife, and the erosion of our natural shorelines.
- **1956** – Committee consisting of the Spider Lake Improvement Association (aka SCLA), the Teal, Lost Land and Ghost Lakes Improvement Association, the Town of Spider Lake Board, and an attorney met to draw up a boating ordinance to address “the control of speed boats, the excess speed, discourteous handling of a boat and motor, reckless use of a boat, etc., as well as to eliminate water skiing.” The result was the Town of Spider Lake Boating Ordinance #1 which made it unlawful for boats to exceed a 10-mph speed limit on all bodies of water within the Town of Spider Lake.

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- **1961** –TOSL Ordinance #1 was replaced by TOSL Ordinance #2 which eliminated waterskiing from Lost Land and Teal Lakes and restricted skiing hours within all other bodies of water within the Town of Spider Lake to between 11am to 3pm. The 10-mph speed limit was continued at all other times for all bodies of water in the Town of Spider Lake.
- **1962** – Ordinance #2 was challenged in the Sawyer County Circuit Court. The Circuit Court Judge ruled that Ordinance #2 was valid and binding and the complaint was dismissed.
- **Oct 2023** – The most recent version of the Boating Ordinance (Ord. #12) challenged in District Court by REU Hayward LLC

The Judge ruled that the current Boating Ordinance was not valid because some revisions to the original ordinance had not been reviewed by a DNR Advisory Panel

- **Jan 2024** – Draft a new ordinance.
- **Mar 2024** – Send draft ordinance to DNR for advisory review.
- **April 2024** – Hold a public hearing on proposed Boating Ordinance #02-2024
- **May 2024** – Move to adopt ordinance during Town Board Meeting (must be 60 days after DNR receives proposed ordinance)

New Boating Ordinance #02-2024 as compared to former Boating Ordinance #12	
Section 1: Intent	Same
Section 2: Applicability & Enforcement	Same
Section 3: State Boating and Safety Laws Adopted	Same
Section 4: Definitions	<i>Shore Zone</i> and <i>Swimming Zone</i> definitions eliminated; not used
Section 5: Regulations (formerly Prohibited Operation)	<ul style="list-style-type: none"> • Speed Restrictions: Same (10 mph) • Waterskiing will be expanded to include all other lakes over 50 acres per DNR recommendation. • Waterskiing will remain prohibited on Lost Land and Teal. Same • Waterski hours on lakes (where permitted): Same (11am-3pm) <p>State requirements were redundant, and so removed (PWC certifications)</p>
Section 6: Penalties & Deposits	Same
Section 7: Conflicting Ordinances	Same
Section 8: Severability	Same
Section 9: Posting Requirements (new)	Town posting requirements for the Ordinance now included
Section 10: Effective Date	Same