

BIG CEDAR LAKE PROTECTION AND REHABILITATION DISTRICT
ORDINANCE NO. 2003-1 (As amended by Ordinance No. 2004-6)

**AN ORDINANCE TO ESTABLISH A FEE FOR USE OF THE BIG CEDAR LAKE
PROTECTION & REHABILITATION DISTRICT LAUNCHING FACILITY**

WHEREAS the Big Cedar Lake Protection and Rehabilitation District (BCLPRD) is a lake district created under Wis. Stat. Ch. 33 for the purpose of undertaking a program of lake protection and rehabilitation, and

WHEREAS, Wis. Stat. 33.22(4m) provides that lake districts may undertake projects to enhance the recreational uses of a lake within its jurisdiction, including recreational boating facilities such as launching ramps, and

WHEREAS, Wis. Stat. 30.77(3)(e) allows lake districts to charge boat operators reasonable fees for use of a public boat launching facility that the lake district owns or operates and for the lake districts costs for operating or maintaining a water safety patrol unit, and

WHEREAS, the BCLPRD owns and operates a boat launching facility on Gonring Drive and operates and maintains a water safety patrol, and plans to continue these activities and services in the future, and

WHEREAS, the BCLPRD has expended and will in the future continue to expend substantial sums of money provided by local property taxes and state funding for these activities and services, and

WHEREAS, the Commissioners of the BCLPRD have determined that the continuation of the above activities and services require a fair and reasonable fee to be charged to boat operators to supplement revenues received from local property taxes and state funding for these activities and services,

**NOW THEREFORE, THE COMMISSIONERS OF THE BIG CEDAR LAKE
PROTECTION & REHABILITATION DISTRICT DO HEREBY ORDAIN AS FOLLOWS:**

Section 2003-1.1. LAUNCH FEE ESTABLISHED. No person shall launch a boat from the Gonring Drive launching facility during the period from and including May 1 through September 30 of each calendar year without paying the launch fee established in this Section. Any boat launched at a site other than the Gonring Drive launching facility shall be construed as having been launched at the Gonring Drive launching facility for purposes of this ordinance if a motor vehicle and empty trailer related to that boat is parked in any of the parking lots operated by the District on Gonring Drive or Cedarview Drive, on Gonring Drive or on roads and highways in the vicinity of Gonring Drive. In the event more than one vehicle is related to the launching of a single boat, each vehicle shall be construed as having launched such boat and each such vehicle shall be subject to pay the daily launch fee. Except as otherwise provided by resolution of the Board of Commissioners, the fee for launching one boat for one day shall be the amount of the resident state park daily entrance fee as established by the Wisconsin Department of Natural Resources and the fee for unlimited seasonal launching of one boat for a calendar year shall be ten (10) times the daily launch fee. [NOTE: As of August 1, 2007, the resident state park daily entrance fee is \$7.00.]

Section 2003-1.2. PAYMENT OF LAUNCH FEE. Each holder of a seasonal launching pass shall display the pass in a visible location on the dashboard of the motor vehicle used to launch the boat. Application for a season pass shall be made on a form provided by the District at the District's Offices at 4480 Gonring Dr., West Bend, WI 53095. Every

person that launches a boat on a single day shall utilize an envelope/tear-off payment stub system under which the person who launches a boat inserts the applicable fee into the envelope provided by the District, tears off the stub and places the stub in a visible location on the dashboard of the motor vehicle used to launch the boat, and places the envelope into a designated launch fee container near the launch facility. The parking of a motor vehicle with an empty trailer in any of the parking lots operated by the District on Gonring Drive or Cedarview Drive, on Gonring Drive or on roads and highways in the vicinity of Gonring Drive without a visible seasonal launching pass or valid tearoff payment stub on the motor vehicle's dashboard will be conclusive evidence of a failure to comply with Section 2003-1.1.

Section 2003-1.3. CITATION ENFORCEMENT. The Big Cedar Lake Protection & Rehabilitation District hereby adopts and authorizes the use of a citation to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists, as provided in Wis. Stats. Â§ 66.0113. Citations authorized under this ordinance may be issued by water safety patrol officers hired or contracted for by the Big Cedar Lake Protection & Rehabilitation District, and/or by any other employee hired by the Big Cedar Lake Protection.& Rehabilitation District. Nothing herein shall be construed to prohibit the District from enforcing this ordinance by any other lawful means.

Section 2003-1.4. PENALTIES/CASH DEPOSITS. A. The penalty/cash deposit for violations of Ordinance 2003-1 shall be \$25 for the first offense and \$50 for the second or subsequent offense during the same calendar year. The penalty/cash deposit may be paid at the District offices or by mail to the District at 4480 Gonring Dr., West Bend, WI 53095 within ten (10) calendar days of the date the violation occurred. The cancelled check will serve as the receipt.

B. In the event a penalty/cash deposit has not been paid to the District under Section 2003-1.4A above within ten (10) days of the date the violation occurred, the penalty/cash deposit is to be made with the Clerk of the Circuit Court for Washington County, Wisconsin, and said Clerk shall give a receipt for any penalty/cash deposit that is made in person, unless the penalty/cash deposit amount is mailed in and, in that case, the cancelled check will serve as the receipt. In addition to the penalty/cash deposit required in Section 2003-1.4A above that has not been paid to the District within ten (10) days of the date the violation occurred, the penalty/cash deposit shall include a penalty assessment if required by Section 165.87, Wisconsin Statutes, a jail assessment if required by Section 302.46(1), Wisconsin Statutes, and any applicable fees and court costs prescribed by Wisconsin Statutes.

Section 2003-1.5. SEVERABILITY. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Commissioners of the Big Cedar Lake Protection & Rehabilitation District 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 2003-1.6. EFFECTIVE DATE. This ordinance shall become effective on May 1, 2004, upon passage and publication.

(NOTE: Ordinance 2003-1 was adopted on February 12, 2004 and was published on February 18, 2004. Ordinance 2004-6 was adopted on August 2, 2004 and was published on September 1, 2004.)

I, the undersigned, hereby certify that as of August 1, 2007, the above Big Cedar Lake Protection and Rehabilitation District (BCLPRD) Ordinance is a true and correct copy of

BCLPRD Ordinance 2003-1 as that Ordinance has been amended by BCLPRD Ordinance 2004-6.

Roger E. Walsh, Chairperson
Big Cedar Lake Protection & Rehabilitation District

**BIG CEDAR LAKE PROTECTION AND REHABILITATION DISTRICT
ORDINANCE NO. 2018-1**

AN ORDINANCE TO ESTABLISH REGULATIONS AT THE LAUNCHING FACILITIES TO BIG CEDAR LAKE AT GONRING DRIVE, HACKER DRIVE AND CEDAR PARK DRIVE RELATING TO CLOSING THESE LAUNCHING FACILITIES WHEN THE TWO PARKING AREAS OWNED AND OPERATED BY THE BCLPRD ARE FULL WITH 34 VEHICLE UNITS

WHEREAS the Big Cedar Lake Protection and Rehabilitation District (BCLPRD) is a lake district created under Wis. Stat. Ch. 33 for the purpose of undertaking a program of lake protection and rehabilitation on Big Cedar Lake in Washington County, Wisconsin, and

WHEREAS the BCLPRD owns and operates a boat launching facility on Big Cedar Lake on Gonring Drive and has the authority to establish regulations on the use of such launching facilities at Big Cedar Lake, and

WHEREAS the BCLPRD has been authorized by the Town of West Bend, Wisconsin to establish regulations at the boat launching facilities to Big Cedar Lake at Hacker Drive and at Cedar Park Drive relating to closing the boat launching facilities at Hacker Drive and Cedar Park Drive when the two parking areas owned or leased and operated by the BCLPRD off of Gonring Drive are full with 34 vehicle and/or Vehicle-Trailer units, and

WHEREAS pursuant to NR 1.91(5) the Wisconsin Department of Natural Resources has determined that granting permits for boating access on bodies of water where the maximum access standards are exceeded will materially impair navigation and is detrimental to the public interest, and

WHEREAS public boating access on Big Cedar Lake is at the maximum provided for in NR 1.91(5) at one or more access sites on Big Cedar Lake which in total provide 1 vehicle-trailer unit per 25 open water acres,

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF THE BCLPRD that the following provisions relating to the use of the Gonring Drive, Hacker Drive and Cedar Park Drive launch facilities shall be in effect as of August 1, 2018:

Section 2018-1.1 BOAT LAUNCHING TO BIG CEDAR LAKE PROHIBITED AT THE GONRING DRIVE, HACKER DRIVE AND CEDAR PARK DRIVE BOAT LAUNCH FACILITIES WHEN THE TWO PARKING AREAS OWNED OR LEASED AND OPERATED BY THE BCLPRD OFF OF GONRING DRIVE ARE FULL WITH 34 VEHICLE AND/OR VEHICLE-TRAILER UNITS.

On Saturdays, Sundays and Holidays, from Memorial Day thru Labor Day of each year, no person shall launch a boat from the Gonring Drive, Hacker Drive or Cedar Park Drive boat launch facilities unless:

(A) At the time of launching, there is an available parking space in the BCLPRD's two parking areas owned or leased and operated by the BCLPRD off of Gonring Drive for the

vehicle and trailer which transported the boat, the western parking area containing 24 parking spaces and the eastern parking area containing 10 parking spaces, and

(B) such vehicle and trailer is then parked in a parking space in one of the BCLPRD's two parking areas off of Gonring Drive, provided however, to assure that parking in such parking areas is limited to the general public, no owner or tenant of property on Big Cedar Lake shall be required or permitted to park in such parking areas after launching a boat owned or operated by such owner or tenant at such launch facilities

Section 2018-1.2 BCLPRD TO ATTEMPT TO CLOSE THE BOAT LAUNCH FACILITIES WHEN PARKING AREAS OFF OF GONRING DRIVE ARE FULL; EFFECT OF FAILURE TO CLOSE. To aid in accomplishing the prohibition against launching at the Gonring Drive, Hacker Drive and Cedar Park Drive launch facilities, the BCLPRD will attempt to close the launch ramps at the Gonring Drive, Hacker Drive and Cedar Park Drive launch facilities when there is no available parking space in the BCLPRD's two parking areas off of Gonring Drive, provided however, the failure of the BCLPRD to close the launch ramps at the Gonring Drive, Hacker Drive and Cedar Park Drive launch facilities shall not allow any person to launch a boat in violation of Section 2018.1.1.

Section 2018-1.3. CITATION ENFORCEMENT. The BCLPRD hereby adopts and authorizes the use of a citation to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists, as provided in Section 66.0113, Wis. Stats. Citations authorized under this Ordinance may be issued by Water Safety Patrol Officers hired or contracted for by the BCLPRD, and/or by any other employee hired by the BCLPRD. Nothing herein shall be construed to prohibit the BCLPRD from enforcing this Ordinance by any other lawful means.

Section 2018-1.4. PENALTIES/CASH DEPOSITS.

1. The penalty/cash deposit for violations of Ordinance 2018-1.1 shall be \$75 for the first offense and \$150 for the second and/or subsequent offense during the same calendar year. The penalty/cash deposit may be paid at the BCLPRD offices or by mail to the District at 4480 Gonring Dr., West Bend, WI 53095 within ten (10) calendar days of the date the violation occurred. The cancelled check will serve as the receipt.
2. In the event a penalty/cash deposit has not been paid to the District under Section 2018-1.4(A) above within ten (10) days of the date the violation occurred, the penalty/cash deposit is to be made with the Clerk of the Circuit Court for Washington County, Wisconsin, and said Clerk shall give a receipt for any penalty/cash deposit that is made in person, unless the penalty/cash deposit amount is mailed in and, in that case, the cancelled check will serve as the receipt. In addition to the penalty/cash deposit required in Section 2018-1.4(A) above that has not been paid to the District within ten (10) days of the date the violation occurred, the penalty/cash deposit shall include a penalty assessment if required by Section 165.87, Wisconsin Statutes, or any other Wisconsin Statute, a jail assessment required by Section 302.46(1), Wisconsin Statutes, or any other Wisconsin Statute, and any applicable fees and court costs prescribed by Wisconsin Statutes.

Section 2018-1.5. SEVERABILITY. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Commissioners of the Big Cedar Lake Protection & Rehabilitation District 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 circumstance is held

invalid, the remainder of this Ordinance and the application of such provision to other persons or circumstances shall not be affected.

Section 2018-1.6. EFFECTIVE DATE. This Ordinance shall become effective on August 1, 2018, upon passage and publication.

I, the undersigned, hereby certify that this Ordinance was adopted by the Commissioners of the BCLPRD on July 11, 2018 and published in the West Bend Daily News on July, 2018 and that this Ordinance is a true and correct copy of BCLPRD Ordinance 2018-1.

Roger E. Walsh, Chairperson

Big Cedar Lake Protection & Rehabilitation District