

## SUBCHAPTER 4: TOWN BOAT LAUNCH

**SUBCHAPTER 4: TOWN BOAT LAUNCH****9.400 TITLE**

This Subchapter shall be known as the "Town of Lyndon Boat Launch Ordinance" or the "Boat Launch Ordinance," except as referred to herein, where it shall be known as "this Subchapter."

**9.401 AUTHORITY**

This Subchapter is enacted pursuant to the authority generally granted by Chapter 60, Wis. Stats., and specifically by §§60.22 and 30.77(3)(e), Wis. Stats.

**9.402 PURPOSE**

The Town has constructed a boat launch for the use and enjoyment of the general public, and shall be open to the general public. The purpose of this ordinance is to regulate the use of the boat launch for the general public and to impose fees for such use.

**9.403 DEFINITIONS**

"Boat launch area" shall be defined as all the public property and road right-of-way located at the eastern end of River Bay Road, where the Town has constructed a ramp into the river, a portable pier, and a parking area.

**9.404 REGULATIONS**

- (1) **DAMAGE:** No person shall cause damage, or allow others to cause damage, to the boat launch area, including (but not limited to) the ramp, pier, lights, signs, fences, and all other property owned by the Town.
- (2) **LITTERING:** No person shall throw or deposit any glass, refuse, garbage, waste, filth, or other liter upon the boat launch area.
- (3) **PARKING:** No vehicle may be parked in the boat launch area, except vehicles which have purchased and properly displayed a parking/launching permit, as described below.
- (4) **BOAT LAUNCHING:** No boat may be launched from the boat launch area, except boats which have purchased and properly displayed a parking/launching permit as described below. A separate permit for launching a boat is not required if a parking permit has been purchased and properly displayed on the vehicle which transported the boat to the boat launch area.

**9.405 PARKING/BOAT LAUNCH PERMIT**

- (1) **PERMIT REQUIRED:** A parking/launching permit shall be purchased prior to the launching of any boat from the boat launch area and prior to the parking of any vehicle in the boat launch area.
- (2) **ACQUISITION AND PLACEMENT OF PERMITS:** Each person who needs to acquire a parking/launching permit shall utilize the payment system located at the boat launch area. Each such person shall obtain an envelope, with an attached payment stub, from the dispenser at the boat launch area. Each such person shall insert the applicable fee into the payment envelope, tear off the payment stub, and place the envelope (without the stub) into the designated receptacle at the boat launch area. Each such person parking a vehicle in the boat launch area shall place the payment stub on the dashboard of the driver's side of his/her vehicle in a location which is clearly visible by a person standing outside the vehicle who wishes to verify that a permit has been acquired. Each such person who is launching a boat, but who is not parking his/her vehicle in the boat launch area, shall keep the payment stub in his/her boat, and shall, upon request, present it to

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any representative of the Town for inspection.

- (3) **VISIBILITY OF STUB:** Vehicles parked in the boat launch area without a visible and valid payment stub on the dashboard of the vehicle's driver's side shall be in violation of this subchapter.

**9.406 FEES**

- (1) **ESTABLISHMENT:** Fees for parking/launching permits shall be established by separate resolution. The Town may impose different fees for different sizes, types, and frequencies of use. Such fees shall be clearly posted at the boat launch area.
- (2) **USE OF FEES:** Fees shall be placed in a non-lapsing account and used for the maintenance and repair of the boat launch.

**9.407 OWNER LIABILITY**

- (1) **OWNER OF VEHICLE LIABLE:** When any vehicle is found parked in the boat launch area in violation of any provision of this Subchapter, and when the identity of the operator of such vehicle cannot be readily determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of the enforcement of this subchapter and shall be subject to the applicable forfeiture.
- (2) **OWNER OF BOAT LIABLE:** When any boat is found using the boat launch area in violation of any provision of this Subchapter, and when the identity of the operator of such boat cannot be readily determined, the owner, as shown by the ownership registration of the boat supplied by the DNR, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of the enforcement of this subchapter and shall be subject to the applicable forfeiture.
- (3) **AFFIDAVIT OF NON-RESPONSIBILITY:** A vehicle owner or a boat owner, cited for violation under this subchapter, may complete an "Affidavit of Non-Responsibility" within ten (10) days of receiving the citation if such owner did not commit the violation noted on the citation. Affidavits of Non-Responsibility may be obtained from the Town Clerk. Completing an Affidavit of Non-Responsibility does not invalidate or cancel the citation issued to the owner, who remains liable for the infraction until the person identified by the owner as the operator of the vehicle or boat is found guilty of the violation.

**9.408 REMOVAL OF ILLEGALLY PARKED VEHICLES**

- (1) **TOWING PERMITTED:** Any vehicle parked in violation of this Subchapter may be towed and/or stored, pursuant to ' 349.13 Wis. Stats. by the Town or by a private party at the direction of the Town.
- (2) **NOTICE REQUIRED:** Upon the towing and/or storing of any vehicle pursuant to this section, the Town shall mail or serve to the owner or operator of the vehicle, a citation for the ordinance violation committed by the vehicle. Such mailing or service shall be accomplished within 24 hours of the towing. With the citation, there shall be included a statement of the towing and storage charges, an explanation of how the vehicle can be obtained by payment of a deposit, and an explanation of the defendant's right to a prompt hearing to determine probable cause for the citation.
- (3) **DEPOSIT AND RELEASE OF VEHICLE:** A towed or stored vehicle shall not be released to the operator or owner until a deposit has been paid to the Town, equal to the cost of the towing and storage, or until the citation has been dismissed, or until the Town elects to pursue another lawful remedy for the collection of the charges. Such deposit

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shall be held by the Town pending disposition of the violation which caused the vehicle to be towed and/or stored.

- (4) **PROMPT HEARING:** Upon failure of the defendant to pay the deposit for the release of the vehicle, the defendant may request a prompt hearing for the purpose of determining whether the citation should be dismissed due to the lack of probable cause for the offense charged. Such request can be made by the defendant, or his representative, by contacting the Town Clerk. Upon receipt of such a request, a probable cause hearing shall be held during the next business day before the Town Chairman. If a finding of probable cause is made by someone other than the Circuit Court, then the defendant may request, and upon request shall be entitled to, a de novo probable cause hearing before the Circuit Court, or a commissioner thereof, within 10 days of the request. If it is found that probable cause does not exist, then the Citation shall be dismissed and the vehicle released without charge.

**9.409 ABANDONED VEHICLES:**

In addition to the requirements of §342.40 Wis. Stats., the following requirements apply:

- (1) **PRESUMPTION OF ABANDONMENT:** Whenever any vehicle, whether operative or inoperative, has been parked in the same place in the boat launch area for more than 72 hours, the vehicle shall be deemed to have been abandoned within the meaning of this section:
- (2) **FORFEITURE AND COSTS:** Any person who violates this subsection, including the Statute incorporated herein, shall be subject to the forfeiture set forth in Chapter 25 of this Code, and shall also be responsible for all costs of impounding and disposing of the vehicle. The Town may impound the vehicle on Town property, and if so, the charge for such impoundment shall be \$2.00 for each day or any fraction thereof.
- (3) **DISPOSAL PROCEDURE:** In addition to the procedure set forth in §342.40 Wis. Stats., the Town may dispose of the vehicle by auction sale, conducted at the front entrance to the Town Hall by a representative of the Town.
- (4) **NOTICE:** No vehicle shall be seized or towed by the City on the sole grounds that the vehicle is abandoned, prior to adjudication of abandonment. Nothing herein shall limit or prevent the towing of a vehicle pursuant to Section 14.37 without prior notice or adjudication.

**9.410 PENALTIES**

- (1) **PARKING VIOLATIONS:** Except as otherwise provided in this subchapter or by State Statute, the forfeiture for any parking violation shall be as hereinafter provided, in addition to any costs associated with the prosecution thereof which are recovered or authorized by State Statute or Administrative Regulation:
- (a) \$10.00 if paid within 10 days of the issuance of the Citation, or before the mailing of 1<sup>st</sup> Notice required by ' 345.28 Wis. Stats., whichever is later;
- (b) \$20.00 if paid after the mailing of the 1st Notice required by ' 345.28 Wis. Stats., but before the mailing of the 2nd Notice required by ' 345.28 Wis. Stats.
- (c) \$30.00 if paid after mailing the 2nd Notice required by ' 345.28 Wis. Stats., but before the mailing of the Notice of Suspension to the Wis. Department of Transportation; and
- (d) \$40.00 if paid after the mailing of the Notice of Suspension to the Dept. of Transportation required by ' 345.28 Wis. Stats.

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