

Chapter 432

VESSELS, NONMOTORIZED

(HISTORY: Adopted by the Town Board of the Town of La pointe 6-13-1006 by Ord. No. 2006-06-13; amended in its entirety 11-28-2006. Subsequent amendments noted where applicable.)

432-1. Title.

The title of this chapter is "An Ordinance Amending the Town of La Pointe Nonmotorized Vessel Ordinance No. 2006-06-13.

432-2. Purpose.

The purpose of this chapter is to regulate:

- A. Unattended nonmotorized vessels situated on property belonging to the Town;
- B. Persons renting nonmotorized vessels which are situated on Town property; and
- C. Commercial use of nonmotorized vessels on Town property.

432.3. Village Powers.

As per 60.10(2)(c), Wis. Stats., a Town Meeting of the Town of La Pointe adopted a general and continuing resolution authorizing the Town Board of the Town to exercise powers of a village board under 60.22(3), Wis. Stats. This chapter is adopted under the general authority of the Town's village powers.

432.4 Definitions.

When used herein, the following words have the following definitions:

ACCESSORIES – The accessories associated with a nonmotorized vessel, including but not limited to such items as paddles, oars, life preservers, sails and anchors.

CLERK – The Town Clerk of the Town of La Pointe.

COMMERCIAL USE – Any use, including but not limited to rental or operation, of a nonmotorized vessel for which money is received.

CURRENT TOWN STICKER – A sticker issued by the Town for a particular nonmotorized vessel which is then current and not expired.

NONMOTORIZED VESSEL (NMV) – A canoe, kayak, rubber raft, boat or other watercraft or vessel used or capable of being used as a means of transportation on water which does not contain a motor. A referent to NMV also refers to related accessories of such NMV.

PERSON – A natural individual person or a corporation, limited liability company, partnership, association or other legal entity.

STICKER – A gummed label or decal provided by the Town to a paid registrant which is to be affixed to the exterior bow of the NMV above the ordinary waterline of such vessel.

TOWN – The Town of La Pointe in Ashland County, Wisconsin.

TOWN BOARD – The Board of Supervisors of the Town of La Pointe.

TOWN FEE SCHEDULE – A written schedule listing current fees in the Town of La Pointe adopted by the Town Board.

TOWN PROPERTY – Real property situated in the Town of La Ponte, Ashland County, Wisconsin, which is owned by the Town of La Pointe.

WIS. STATS. – Wisconsin Statutes, including successor provisions to statutes cited in this chapter.

432-5. Nonmotorized vessels on town property.

- A. No NMV shall be left unattended on Town property unless a current Town sticker is property affixed to such NMV. No person shall leave an NMV unattended on Town property without a current Town sticker properly affixed to such NMV.
- B. No NMV shall be left overnight on town property unless such NMV:
 - (1) Has a current Town sticker property affixed to such NMV; and
 - (2) Such NMV is left or placed in the area designated in this chapter or, if no area is designated by this chapter, by a sign erected at the site by the Town designating the NMV storage area.
- C. No NMV shall be left overnight at Big Bay Town Park unless such NMV:
 - (1) Has a current Town sticker property affixed to such NMV; and
 - (2) Such NMV is placed in a rack or, if the rack is full, immediately adjacent to the rack.

432-6. Stickers.

A person desiring an NMV sticker from the Town shall fully and accurately complete a written application therefor, file such application with the Town and pay the required fee. The fee for NMV stickers shall be as provided by the Town Fee Schedule. No sticker shall be issued unless the required fee for that sticker has been paid to the Town of La Pointe.

- A. The application for a sticker shall state:
 - (1) The name, address and telephone number of the NMV owner.

- (2) The Island address and telephone number of the NMV owner if different from the address and phone number above.
 - (3) The date of such application.
 - (4) A description of the NMV in terms of size, color, type of vessel, manufacture, model number and any identifying serial number or registration number, if there is one.
 - (5) The primary Town property where such NMV will be left unattended.
- B. When the sticker is issued, the issuer will enter the sticker number on the written application. Such stickers will be numbered and state the period for which they are issued.
 - C. A sticker which is issued for an NMV is properly affixed when it is affixed on the exterior bow of the NMV for which it is issued, above the normal waterline where it is readily visible.

432-7. Term of sticker.

The initial NMV stickers will be issued for the one-year period of July 1, 2006 to June 30, 2007. Subsequent periods will be similarly be from July 1 to June 30 of the following year.

432-8. Persons liable.

- A. If an NMV is discovered unattended on Town property in violation of this chapter, a citation for such violation may be issued to:
 - (1) A person who had been using or possessing such NMV;
 - (2) A person who is using or possessing the NMV at the time the citation is issued; or
 - (3) An owner of such NMV at the time of the violation.
- B. Each of the above persons is liable and responsible for such violation.

432-9. Commercial use of nonmotorized vessels on Town property

- A. Any person or legal entity utilizing a NMV for commercial use on Town property, including at Big Bay Town Park, Memorial Park (Joni's Beach) and Main Street/Middle Road Approach, shall obtain a commercial use permit.
- B. Commercial users shall obtain a permit from the Town and abide by all terms indicated in the permit. The permit shall include indemnification of the Town and require insurance.
- C. No commercial use of a NMV on town property is allowed without obtaining the permit.
- D. Commercial users obtaining the permit accept responsibility related to all term and conditions of its use.

- E. Applicable fees are required as provided by the Town Fee Schedule.
- F. The Town is held harmless against theft, loss, or damage to properties of the commercial user.
- G. Activities within the parks and grounds are subject to all rules, regulations and ordinances.

432-10 Commercial use permit process.

- A. Permit. A commercial use permit shall be obtained from the Town Administrator or designee in order to utilize nonmotorized vessels for commercial use on Town property, include at Big Bay Town Park, Memorial Park (Joni's Beach, or Main Street/Middle Road Approach.
 - (1) Application. A person or legal entity seeking issuance of a permit hereunder shall file an application with the Town Administrator. The application shall include:
 - (a) The name and address of the applicant;
 - (b) Federal and state tax identification number, if applicable;
 - (c) The applicant's general liability insurance information; and
 - (d) Any other information required to aid in the permit process.
 - (2) Fees. Each application shall be submitted with the required fees prior to consideration of the permit process.
 - (3) Standards for issuance. The Town Administrator or designee shall issue a permit in consideration of the following:
 - (a) The commercial use will not interfere with or unreasonably detract from the general public enjoyment of the park or promotion of public health, welfare, safety and recreation;
 - (b) The commercial use is not reasonably anticipated to incite disorderly conduct; and;
 - (c) The application is complete with all required information, including insurance information on file.
 - (4) Issuance. The Town Administrator or designee shall issue or deny the permit within five (5) business days of receiving the application. Denials shall be clarified in writing and state the reasons for such.
 - (5) Appeal. The applicant may appeal the denial of a permit through the Town Board. An appeal must be submitted to the Town Board within fifteen (15) days of the date of denial.

- (6) Liability. The commercial user identified in the permit assumes any and all liability related to its use of Town property, including at Big Bay Town Park, Memorial Park (Joni's Beach, or Main Street/Middle Road Approach.
- (7) Revocation. A permit may be revoked by the Town Administrator given violations of any rules, regulations or ordinances, or upon good and reasonable cause. A permit holder may appeal a revocation through the town Board. An appeal of a revocation must be submitted to the Town Board within fifteen (15) days of the date of revocation.

342-11. Enforcement by citations.

Any law enforcement officer or any officer or employee of the Town may enforce this chapter by issuing a citation on behalf of the town for each violation. Each day a violation occurs constitutes a separate offense for which a separate forfeiture may be imposed.

342-12. Impound Lot.

The Town has established and maintains an impound lot. Nonmotorized vessels, trailers, and accessories and other personal property in violation of this chapter may be impounded in such impound lot. Such impound lot may also be used for other law enforcement purposes unrelated to this chapter.

- A. When an NMV, trailer, accessory or other personal property is placed in the impound lot, such items shall not be removed from the impound lot unless:
 - (1) The amounts due to the Town for any forfeiture, transportation, towing, storage or other unpaid expenses have been paid to the Town; and
 - (2) The park attendant, Town Foreman or law enforcement officer involved has consented to or approved of such removal.
- B. A person who removes an NMV, trailer, accessory or other property from the impound lot in violation of this provision has violated this section of this chapter.

342-13. Removal, immobilization and impoundment.

- A. Any law enforcement officer or any officer or employee of the Town who discovers an NMV on the Town property in violation of this chapter may remove or cause such NMV to be removed to a suitable place of impoundment or may immobilize such NMV.
- B. Upon removal of an NMV to a place of impoundment, the law enforcement officer or officer or employee of the Town is to notify the Chief of Police of the Town of the pertinent details.
- C. The owner of an NMV is responsible for all costs of impounding and disposing of the NMV. Costs not recovered from the sale of the NMV may be recovered in a civil action by the town against the owner of the NMV.

342-14. Notice to owner; disposition of NMV.

- A. Any NMV which is immobilized or impounded and not disposed of under this provision shall be retained for a minimum period of fifteen (15) days after certified mail notice has been sent to the owner of record, if known or readily ascertainable, to permit reclamation of the NMV after payment of the reasonable costs of immobilization, impoundment and storage in addition to the forfeiture imposed by this chapter.
- B. Such notice shall set forth a description of the NMV and the place where the NMV is held and shall inform the owner of the owner's right to reclaim the NMV. The notice is to state that the failure of the owner to exercise his/her right to reclaim the NMV shall be considered a waiver of all right, title, and interest in the NMV and a consent to the sale of such NMV.
- C. Each immobilized or retained NMV not reclaimed by its owner may be sold. The Town may dispose of the NMV by sealed bid or auction sale in accordance with this chapter. At such sale, the highest bid for such NMV shall be accepted unless the same is considered inadequate by the authorized own representative conducting the sale, in which event all bids may be rejected. If all bids are rejected or no bids are received, the Town may either advertise the sale, adjourn the sale to an indefinite date, sell the NMV, at a private sale or junk the NMV. Any interested person may offer bids on each NMV to be sold. A public notice shall be posted at the Town Hall, and the person conducting the sale may provide any other notice, if any such person deems appropriate. The posting of the notice at the Town Hall shall be in the same form as the certified mail notice sent to the owner of record. Upon sale of an NMV, the Town shall supply the purchaser with a completed form enabling the purchaser to obtain a certificate of title for the NMV. The purchaser shall have ten (10) days to remove the NMV from the storage area but shall pay a reasonable storage fee established by the Town Fee Schedule for each day the NMV remains in storage after the second business day subsequent to the sale date. Ten (10) days after the sale, the purchaser shall forfeit all interest in the NMV and the NMV shall be considered to be abandoned and may be sold again. Any listing of NMVs to be sold by the Town shall be made available to any interested person or organization who or which makes a written request for such a list. The Town may charge a fee for the list.
- D. The owner of an NMV which was immobilized or impounded may secure release of the NMV by paying the forfeiture imposed by this chapter for the violation and the reasonable cost of immobilizing, transporting, impounding and storing such NMV, provided that this occurs prior to sale.
- E. Any NMV in violation of this chapter may be immobilized or impounded until lawfully claimed or disposed of under this chapter, except that if it is deemed by an authorized officer or employee of the Town that the costs of transporting and storage charges for the impoundment would exceed the value of the NMV, the NMV may be junked or sold by the Town prior to expiration of the impoundment upon determination by the Chief of Police that the NMV is not stolen or otherwise wanted for evidence or another reason.

342-15. Fraudulent practices prohibited.

Whoever does any of the following has violated this chapter:

- A. Lends to another a sticker for display upon an NMV for which the sticker has not been issued.
- B. Attaches a sticker for an NMV for which the sticker has not been issued.
- C. Uses an NMV which displays a sticker which was not issued for that NMV.
- D. Willfully paints, alters or adds to or cuts any portion of a sticker or who places or deposits or causes to be placed or deposited on a sticker any substance to hinder the normal reading of such sticker.
- E. Defaces, disfigures, covers, obstructs, changes or attempt to change any letter or number on a sticker or who causes a sticker to appear to be a different color.
- F. Reproduces, creates or manufactures by any means whatsoever a sticker.
- G. Uses or possesses an NMV having attached thereto a sticker fashioned in imitation or facsimile or altered so as to resemble a sticker issued by the Town.

Any person who violates any term or provision of this chapter shall, upon conviction, pay a forfeiture of not less than \$60 nor more than \$500 plus the applicable costs, surcharges and assessments for each violation. Each day a violation exists or continues shall constitute a separate offense under this chapter. In addition, the Town may seek injunctive and other equitable relief to terminate or enjoin further violations.