



**Meeting:** Village Board  
**Meeting Date:** 9/24/2012  
**Agenda Item:** 6g

**Mission Statement**  
Delivering quality services in a courteous,  
cost-effective and efficient manner.

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## VILLAGE BOARD MEETING STAFF REPORT

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**REPORT TO:** Burt R. McIntyre, President  
Village Board of Trustees

**REPORT FROM:** Michael J Kaster, PE, Director of Engineering

**AGENDA ITEM:** Review and take action on Ordinance 2012-12 establishing a fee for use of the "Deerfield Docks" and "Howard Memorial Park" Launching Facilities

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### **POLICY ISSUE**

Should the Village Board adopt the Ordinance establishing a fee for use of the "Deerfield Docks" and "Howard Memorial Park" launching facilities?

### **BACKGROUND INFORMATION**

The Village staff, under board request, prepared construction documents, cost estimates and permits for proposed improvements to the existing boat launch facilities at Howard Memorial Park, and on Deerfield Docks. Staff also engaged an engineering consultant (Graef-USA Inc.) to assist in applying for a Wisconsin Waterways Commission grant for recreational boating facilities. The grant was applied for, and the Village of Howard was awarded a 45% match funding grant for the two projects.

The grant funds are:

- \$32,782.50 for the Howard Memorial Park Boat Launch Upgrade project.
- \$19,388.00 for the Deerfield Docks Boat Launch Upgrade project.

These grant amounts are dependent upon the Village adopting an Ordinance that establishes fees for the launching of boats at the subject facilities to help defray maintenance costs. Should the Village choose to not adopt an Ordinance, the Wisconsin Waterways Commission will reduce **each** grant amount by \$5,000.00, reducing the total amount of grant funding for the two projects from \$52,170.50 to \$42,170.50.

The proposed Ordinance would establish a fee of \$3 for each launch and a fine of \$25 for not paying the fee. The Village would place a fee box at each launching facility and provide envelopes for the public to place the payment in. The envelopes would also have a tear off section that would then be placed on the vehicle used to launch the boat as proof of payment.

Under these proposed projects improvements to the launches include, dredging of launch areas that are too shallow for most crafts, improvements to extend and deepen the ramps, and the purchase and installation of floating docks.

DNR permitting for the projects has been received and is valid from 5/9/12 to 5/9/15. With permitting in place once the grant funding is determined, the Village would then commit the remainder of the required funding, and bid the project. This work could be budgeted and bid for 2013 construction.

**PRIOR ACTION/REVIEW**

The Village Board approved a motion to “Consider adding \$30,000 for Memorial Park boat ramp improvements during the 2012 budget process” on 5/9/2011.

The Village Board approved a motion to “Adopt Resolution 2012-11 Authorizing Improvements to Recreational Boating Facilities at the Howard Memorial Park Boat Launch, and the Deerfield Docks Boat Launch” on 5/14/2012.

**FISCAL IMPACT:**

- |                              |            |
|------------------------------|------------|
| 1. Is There A Fiscal Impact? | <u>No</u>  |
| 2. Is it Currently Budgeted? | <u>No</u>  |
| 3. If Budgeted, Which Line?  | <u>N/A</u> |
| 4. Amount?                   | <u>N/A</u> |

**RECOMMENDED ACTION**

Village staff recommends that the Village Board approve the attached ordinance.

If the Village Board agrees with this action, the following motion could be used, ***“Motion to approve Ordinance 2101-12 establishing a fee for the Howard Memorial Park Boat Launch, and the Deerfield Docks Boat Launch .”***

**POLICY ALTERNATIVE(S)**

The Village Board could take the following actions:

- Approve ordinance 2012-12
- Approve the ordinance with modifications
- Deny the ordinance and proceed with reduced grants
- Table the ordinance and request additional information

**ATTACHED INFORMATION**

- I. Ordinance 2012-12
- II. Boat Launch Improvement Plans
- III. Letter from Wisconsin DNR stating intent on funding grants for the projects.

**COPIES FORWARDED TO:**

- I. None

**ORDINANCE NO. 2012-12**

**AN ORDINANCE TO ESTABLISH A FEE FOR USE OF THE HOWARD  
MEMORAIL PARK AND DEERFIELD DOCKS LAUNCHING FACILITIES**

WHEREAS, Wis. Stat. § 30.77(3)(e)1.a. allows municipalities to charge boat operators reasonable fees for use of a public boat launching facility that the municipality owns or operates, and

WHEREAS, Village of Howard owns and operates a boat launching facility at Howard Memorial Park, and Deerfield Docks, and plans to continue these services in the future, and

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

WHEREAS, the Village of Howard has determined that the continuation of the above 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 VILLAGE OF HOWARD DO HEREBY ORDAIN AS FOLLOWS:

**Section 1.1. LAUNCH FEE ESTABLISHED.** No person shall launch a boat from the Howard Memorial Park Boat Launch or the Deerfield Docks Boat Launch without paying the launch fee established in this Section. Except as otherwise provided by resolution of the Village of Howard, the fee for launching one boat for one day shall be \$3.00.

**Section 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. 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 Village of Howard, 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 Village of Howard at Howard Memorial Park and Deerfield Docks or on roads and highways in the vicinity of such launching facilities without a visible valid tear off payment stub on the motor vehicle's dashboard will be conclusive evidence of a failure to comply with Section 1.1.

**Section 1.3. CITATION ENFORCEMENT.** The Village of Howard 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. § 66.0113. Citations authorized under this ordinance may be issued by patrol officers hired or contracted for by the Village of Howard, and/or by any other employee hired by the Village of Howard. Nothing herein shall be construed to prohibit the Village of Howard from enforcing this ordinance by any other lawful means.

**Section 1.4. PENALTIES DEPOSITS.**

- A. The penalty deposit for violations of this Ordinance shall be \$25. The penalty may be paid at the Village of Howard offices or by mail to the Village of Howard, 2456 Glendale Avenue, Green Bay, WI 54313 within thirty (30) calendar days of the date the violation occurred. A receipt will be given for penalties paid, or sent to the payer if paid by mail.
- B. In the event a penalty has not been paid to the Village of Howard under Section 1.4A above within thirty (30) days of the date the violation occurred, the penalty is to be made with the Clerk of the Circuit Court for Brown County, Wisconsin, and said Clerk shall give a receipt for any penalty that is paid in person, unless the penalty amount is mailed in and, in that case, a receipt will be mailed out to the payer. In addition to the penalty required in Section 1.4A above that has not been paid to the Village of Howard within thirty (30) days of the date the violation occurred, the penalty 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 other applicable fees and court costs prescribed by Wisconsin Statutes.

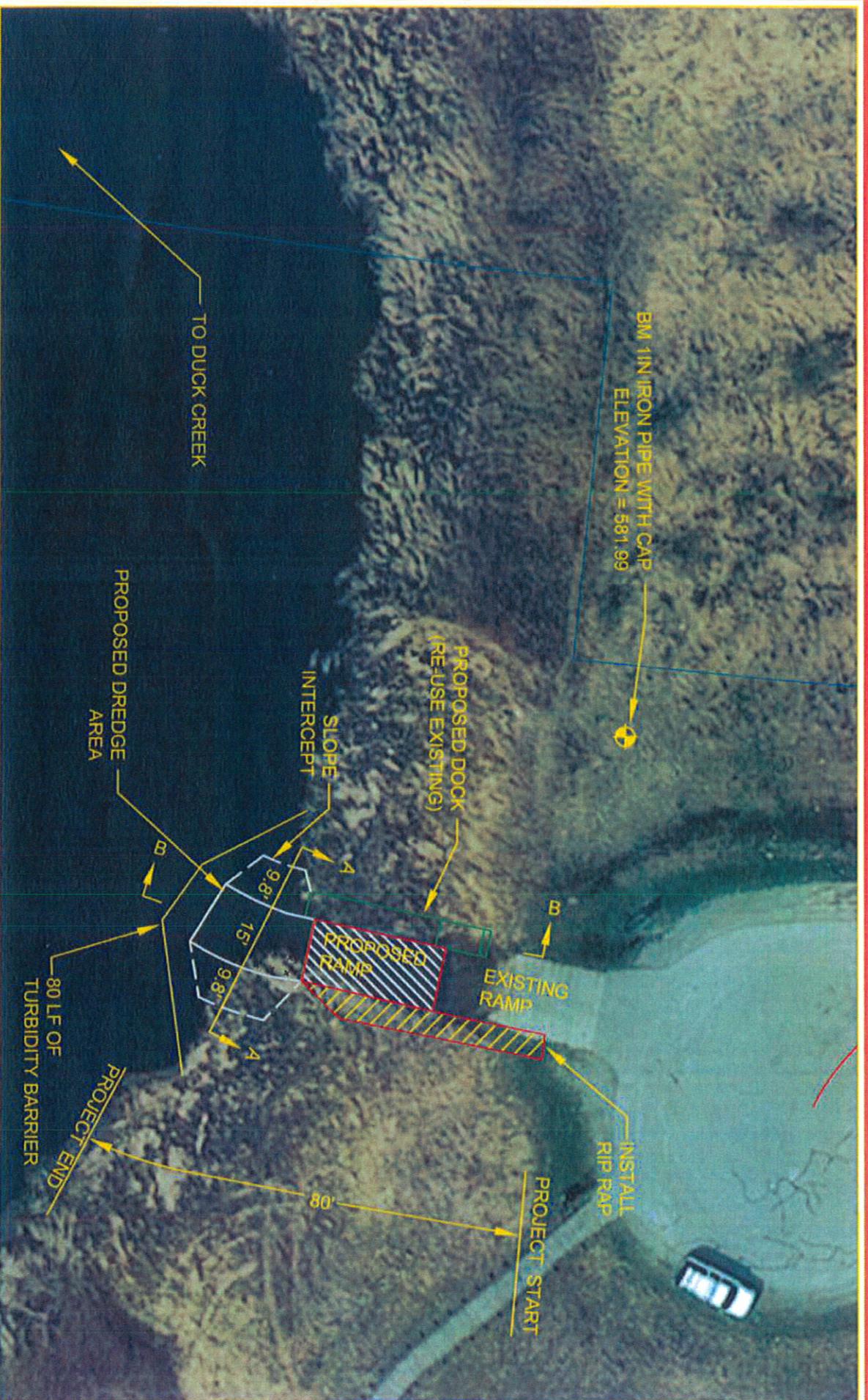
Section 1.5. SEVERABILITY. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village of Howard would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this 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 1.6. EFFECTIVE DATE. This ordinance shall become effective on \_\_\_\_\_, upon passage and publication.

Adopted this \_\_\_\_ day of \_\_\_\_\_. 20\_\_

\_\_\_\_\_  
Burt McIntyre, Village President

\_\_\_\_\_  
Christopher Haltom, Village Clerk

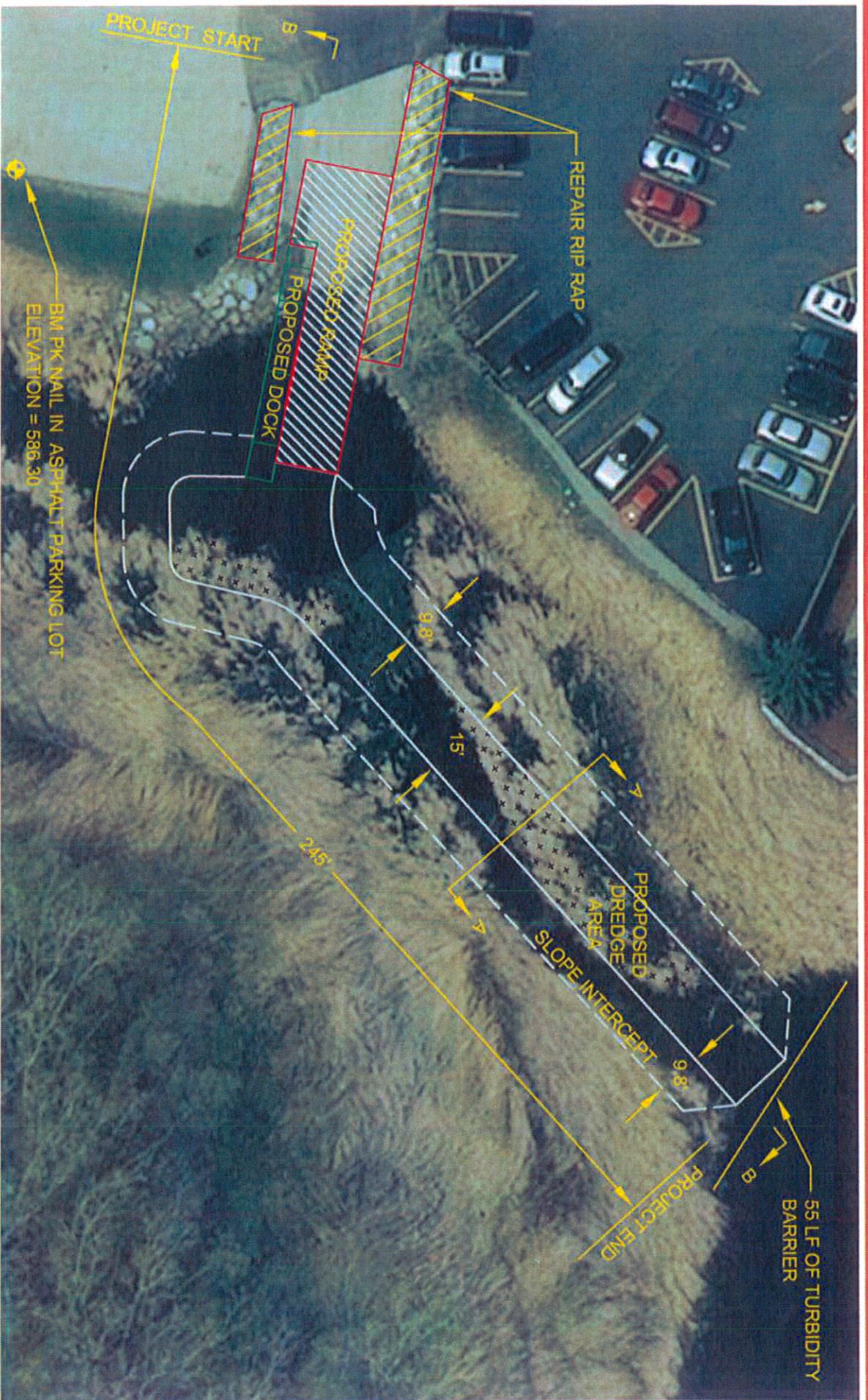


# WEST DEERFIELD BOAT LANDING

SCALE: 1"=30'

VILLAGE OF HOWARD ENGINEERING DEPARTMENT  
 1336 CORNELL RD., GREEN BAY, WI 54313 (920) 434-4060





# MEMORIAL PARK BOAT LANDING

SCALE: 1"=30'



VILLAGE OF HOWARD ENGINEERING DEPARTMENT  
 1336 CORNELL RD., GREEN BAY, WI 54313 (920) 434-4060



State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
101 S. Webster Street  
Box 7921  
Madison WI 53707-7921

Scott Walker, Governor  
Cathy Stepp, Secretary  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



September 12, 2012

Mike Kaster  
Director of Engineering, Village of Howard  
1336 Cornell Road  
Green Bay WI 54313

Subject: Recreational Boating Facilities Grants

Dear Mike:

The Wisconsin Waterways Commission approved funding for the Village's two recreational boating facilities (RBF) grant proposals at their meeting on August 2<sup>nd</sup>, 2012. The grant amounts they approved are:  
Memorial Park Boat Launch Upgrade: Grant = \$32,782.50 if the Village has a boat launch fee ordinance in place by December 3<sup>rd</sup>, 2012. The grant will be \$27,782.50 if the Village does not have a boat launch fee ordinance in place by then.

West Deerfield Avenue Boat Launch Upgrade: Grant = \$19,388 if the Village has a boat launch fee ordinance in place by December 3<sup>rd</sup>, 2012. The grant will be \$14,388 if the Village does not have a boat launch fee ordinance in place by then.

Grant contracts for both these projects will be written and mailed to the Village for signature, once I have heard from you concerning how the Village wants to proceed; with or without a boat launch fee in place.

Please call or email if you have questions. I can be reached at: (920) 662-5121 or

[Christine.Halbur@Wisconsin.gov](mailto:Christine.Halbur@Wisconsin.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Christine Halbur', written over a horizontal line.

Christine Halbur  
WDNR Northeast Region Grants Team Supervisor