

39 **NOW, THEREFORE, BE IT RESOLVED**, that the Sawyer County Board of Supervisors,
40 does ordain as follows:

- 41
- 42 1. Adoption. The Decontamination Ordinance as set forth in Exhibit A is hereby
43 adopted.
 - 44 2. Administration. Sawyer County Conservation Administrator is hereby directed and
45 empowered to take the steps necessary to implement the Decontamination
46 Ordinance.

47

48 SEE ATTACHED EXHIBIT A

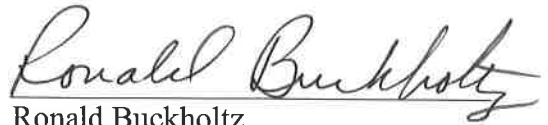
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68

69 This Resolution and Decontamination Ordinance is recommended for adoption by the Sawyer
70 County Board Supervisors at its meeting on January 20, 2022 by this Sawyer County Land, Water,
71 and Conservation Committee on December 16, 2021.

72



73
74 Bruce Paulsen, Chairman



Ronald Buckholtz

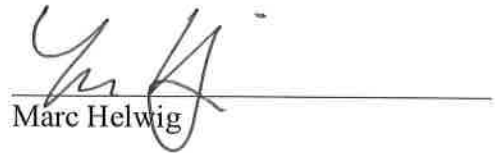
75

76

77



78
79 Jesse Boettcher



Marc Helwig

80

81

82

83

84 Brian Bisonette

85

86

87

88


89 This Resolution and the Sawyer County Decontamination Ordinance is hereby adopted by the
90 Sawyer County Board of Supervisors this 20th day of January, 2022.

91

92

93

94



95 Tweed, Shuman,
96 Sawyer County Board of Supervisors Chairman



Lynn Fitch
County Clerk

EXHIBIT A

Section 1. Definitions

- (a) “Aquatic Plant” means any non-woody submergent, emergent, free-floating, or floating leaf plant and includes any part thereof, including, but not limited to, seeds, heads, roots, or associated mud. Aquatic Plant does not mean wild rice. Specifically, the term Aquatic Plant does not mean wild rice when being harvested with a permit issued under Wis Admin. Code NR 19.09 or any rights proffered by the Treaty of 1838.
- (b) “Aquatic animal” means all animals that live in, on, or near the water. This includes all vertebrate and invertebrate species, including, but not limited to, reptiles, amphibians, fish, and shellfish, or their eggs, larvae, or young.
- (c) “Aquatic Invasive Species” has the meaning given in Wis. Admin. Code Ch. NR 40.02(3m) that Aquatic Invasive Species are any Invasive Species that dwell in water or wetlands.
- (d) “Boat” has the meaning given in Wis. Admin. Code Ch. NR 40.02(6).
- (e) “County” means Sawyer County.
- (f) “County Board” means the Sawyer County Board of Supervisors.
- (g) “Equipment” means any vehicle, Boat, Boat trailer, boating equipment, fishing equipment, hunting equipment and/or trapping equipment, or other equipment or gear of any type used from any inland or outlying water or from its bank or shore.
- (h) “Invasive” means all pathogens, plants, vertebrates and invertebrates species, including, but not limited to, zebra mussels, quagga mussels, rusty crayfish, spiny water flea, or any other Aquatic Invasive Species prohibited by the State of Wisconsin.
- (i) “Invasive Species” has the meaning in Wis. Stat. § 23.22 (1)(c), and Wis. Admin. Code Ch. NR 40.02(24), where invasive species means nonnative species, including hybrid, cultivars, sub taxa, and genetically modified variants whose introduction causes or is likely to cause economic or environmental harm or harm to humans’ health, and includes species, eggs, larvae, seeds, propagules and any other viable life-stage of such species. For invasive fish, Wis. Admin. Code Ch. NR 40.02(24), includes all nonnative species, but excludes established nonnative fish species.
- (j) “Terrestrial plant” means a plant that normally lives or grows on land and includes wetland species.
- (k) “Decontamination” means the process of removing Invasive Species or materials that may contain or transmit any type of Invasive Species, by disinfection, beyond physical removal, including those not visible or very difficult to see, or other methods.
- (l) “Decontamination Station” means any device provided at a public or private waterway access to remove all potential Invasive Species. The station may consist of high temperature water (140 degrees Fahrenheit or more) applied with a pressure washer by trained personnel, a recommended chemical solution (such as a simple bleach/water 500 ppm solution, i.e., 2 tablespoons bleach per gallon of water) applied with a low-pressure

sprayer, or any other acceptable technique as approved and abided by Wisconsin Department of Natural Resources Best Management Practices or other equivalent policy. Most stations consist of an informational sign, handouts, a long handled soft scrub brush and a long handle grab hook to help remove vegetation.

- (m) "Ordinance" means this Decontamination Ordinance adopted by the County Board, as it may be amended.

Section 2. Prohibited Transport of Aquatic Plants and Animals

- (a) If a Decontamination Station is available and functioning for use at a public or private access, the owner or user of a Boat or Equipment shall decontaminate the Boat or Equipment when entering and exiting out of the waterbody per posted directions and/or inspection protocol using the Decontamination Station provided as set forth herein.
 - (i) When a Decontamination Station is available and functioning for use at a public or private access, no person may operate a Boat, Equipment, vehicle or transport any watercraft, including, but not limited to, Boats, personal watercraft, canoe, kayak, stand up paddleboard, surfboard, sailboat, paddleboat, or any Equipment including boating equipment, fishing equipment, hunting equipment and/or trapping equipment (including, but not limited to, floatation devices, nets, anchors, anchor lines, fishing lines, decoys, live wells, and waders), and any associated trailer or boating equipment from navigable waters onto a public highway if Aquatic Plants, terrestrial plants, or Aquatic Animals are attached, or to do so in violation of an order from a law enforcement officer who has reason to believe that Aquatic Plants or Aquatic Animals are attached, except as provided in Section 3.
 - (ii) When a Decontamination Station is available and functioning for use at a public or private access, the owner or user of a Boat or Equipment shall remove all Aquatic Plants and Aquatic Animals prior to entry onto a public highway or launching a Boat or placing Equipment or trailers into a navigable water.
- (b) This section shall not apply to bait used on that particular waterbody in accordance with Wisconsin Department of Natural Resources rules and regulations.

Section 3. Exceptions to Transport of Aquatic Plants and Animals

Unless otherwise prohibited by law, a person may transport Aquatic Plants:

- (a) For disposal as part of a harvest or control activity conducted under an aquatic plant management permit pursuant to Wis. Admin. Code Ch. NR 109.
- (b) When transporting commercial Aquatic Plant harvesting equipment to a suitable location, away from any water body, for purposes of cleaning and remaining Aquatic Plants or Aquatic Animals.
- (c) When harvested for personal or commercial use, as to be used as compost, or mulch, and in a sealed container.

- (d) When conducting an Aquatic Plant study for the purposed of vouchering or conducting an educational workshop.

Section 4. Liability of Owner, Lessee or User

- (a) In the event of a violation of Section 2 or 3 the owner, lessee, or user of the Boat or Equipment shall also be subject to the enforcement provisions of Section 5. An owner, lessee, or user may not be penalized as set forth in this subsection if either of the following apply:
 - (i) Another person was cited for or convicted for a violation of Section 2 or 3 arising out of the same incident; or
 - (ii) The Boat or Equipment was stolen.
- (b) Subsection (a) of this Section does not apply to a lessor of a Boat or Equipment if the lessor keeps a record of the name and address of the lessee and provides the same to law enforcement upon request.
- (c) Subsection (a) of this Section does not prohibit or limit the prosecution of the user/operator of a Boat or Equipment for violations in Section 2 or 3.

Section 5. Citation and Enforcement

- (a) Any person who violates a provision of this Ordinance shall be subject to forfeiture plus all surcharges, assessments and court costs will be added to the fines as applicable by law as follows:
 - (i) First offense: a warning letter from the County Aquatic Invasive Species Coordinator in conjunction with the County Sheriff, to be kept on file for five (5) years.
 - (ii) Second offense: a forfeiture of not less than \$300 plus court costs.
 - (iii) Third offense and subsequent offenses: a forfeiture of not less than \$1,000 plus court costs.
- (b) Each violation shall be considered a separate offense.
- (c) Legal action may be initiated against a violator by the issuance of a citation pursuant to Wis. Stat. § 66.0113(1)(a) and this Ordinance. This citation may be issued by a law enforcement officer of the County.
- (d) The citation shall consist of the following:
 - (i) The name and address of the alleged violator.
 - (ii) The factual allegations describing the alleged violation.
 - (iii) The time and place of the offense.
 - (iv) The section of the article violated.

- (v) A description of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
- (vi) The time at which the alleged violator may appear in court
- (vii) A statement which in essence informs the alleged violator:
 - (1) That the alleged violator may make a cash deposit for the amount of the applicable penalty, to be mailed to the county clerk of courts prior to the initial appearance on the citation.
 - (2) That, if the alleged violator makes such a deposit, he or she need not appear in court unless subsequently summoned.
 - (3) That, if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to the forfeiture plus costs or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
 - (4) That, if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may consider the nonappearance to be a plea of no contest and enter judgment for the amount of the penalty listed on the citation, and that the County may commence an action against the alleged violator to collect this penalty.
- (viii) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under subsection (d)(vii) of this Section and shall send the signed statement with the cash deposit.
- (ix) Such other information as may be deemed necessary or as required by Wisconsin law.
- (e) Wis. Stat. § 66.0113(3), relating to a violator's options and procedures on default, is hereby adopted and incorporated herein by reference.

In the event of any conflicting terms between this Ordinance and any state law, the state law shall control.