

## UPDATE ON THE TOWN OF SPIDER LAKE BOATING ORDINANCE #12

To Town of Spider Lake residents and property owners:

**Background.** Last December (12/19/2022), REU Hayward, LLC (Duke Uihlein), a property owner in the Town, filed a lawsuit against the Town of Spider Lake challenging the Town's Boating Ordinance #12, calling into question the Town's ability to regulate boat speeds and hours on our lakes.

**Hearing.** That legal challenge was heard on October 4, 2023 in Circuit Court, Sawyer County. At that hearing, Judge John Anderson noted that even though the Town's original boating ordinance predated Wisconsin statute (Wis. Stat. § 30.77 by 1973 Wisconsin Act 302) – a statute that requires an advisory review by the Department of Natural Resource of ordinances that pertain to navigable waters – amendments to the ordinance *were* also subject to the same advisory review by the Department.

**Ruling.** Because the ordinance amendments *were* subject to advisory review by the Department of Natural Resources and, because the Town could not produce evidence that any advisory reviews were conducted by the department, Judge Anderson ruled, *“that the Town of Spider Lake’s boating ordinances is null, void, invalid, and of no legal effect.”*

The judge also ruled,

*“This judgement is limited solely to the issue of the advisory review conducted under Wis. Stat. § 30.77 and the court is not otherwise addressing the merits of the remaining claims or legal theories in any way.”*

**Result.** This ruling was disappointing, but not unexpected. What it means is that until a new boating ordinance is adopted waterskiing, jet skis, and wake boating are permissible at all hours and speeds on Town lakes this winter.

**Next steps.** We have already authorized the town attorney to draft a new Boating ordinance for the Town that will maintain and return to the speed limit restrictions identified in the original Boating Ordinance #12 as well as update the ordinance in other areas. Once the new ordinance is drafted:

1. The Town will convene a Public Hearing to present the new ordinance and collect public input (desired by the Town and required by law).
2. Next, the Town will secure an advisory review from the Wisconsin Department of Natural Resources, so that the new ordinance fully complies with Wisconsin statute (Wis. Stat. § 30.77 by 1973 Wisconsin Act 302).
3. After that, the Town Board of Supervisors will consider the adoption of the new Boating Ordinance and then,
4. The Town will file the Ordinance with Sawyer County.

If you have any questions, please reach out to Town Chair Tim Sheldon  
([tim.sheldon@townofspiderlakewi.gov](mailto:tim.sheldon@townofspiderlakewi.gov))