

**Town of Hayward Ordinance
#03-2009
Water Activity Restriction for
Osprey Lake**

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF OSPREY LAKE, SAWYER COUNTY, WISCONSIN AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The Town Board for the Town of Hayward, Sawyer County, Wisconsin do ordain as follows:

Section I. Applicability and Enforcement

- a. The provisions of this ordinance shall apply to the waters of Osprey Lake located within the jurisdiction of the Town of Hayward, Town of Hunter, and the Town of Round Lake, Sawyer County, Wisconsin.
- b. The provisions of this ordinance shall be enforced by any Town Board Member, authorized employee, or authorized representative of the Town of Hayward, Town of Hunter, and the Town of Round Lake Sawyer County Wisconsin, and officers of the Town of Hayward Police Department, or Sawyer County Sheriff Department.

Section II. Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III. State Boating and Safety Laws Adopted

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section IV. Definitions

- a. "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

Section V. Jet Skiing and Water Skiing

No person shall operate a boat faster than "Slow-no-wake" in the water of Osprey Lake during the hours of 6:00 pm to 10:00 am the next day, for all watercraft using Osprey Lake daily.

Section VI. Posting Requirements

The Town's of Hayward, Hunter, and Round Lake shall place a synopsis of this ordinance at all public access points within the jurisdiction of the Town's pursuant to NR 5.15 Wis. Admin. Code.

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Section VII. Penalties

Wisconsin state boating penalties as found in Wis. Stats. 30.80 and deposits as established under the Uniform Deposit and Bail Schedule are hereby adopted by reference and all references to the fines amended to forfeitures and all references to imprisonment deleted.

Section VIII. Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board 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 this ordinance and application of such provisions to other persons or circumstances shall not be affected.

Section VIII Effective Date

This ordinance will become effective upon passage and the day after publication.

Passed this 9 day of February, 2009

The original Ordinance is on file at the Town of Hayward

See page 3 for attachment.

Town of Hayward

Ordinance # 03 - 2009

(Attachment to Water Activity Restriction for Osprey Lake Ordinance)

Osprey Lake Conditions Report

- Local conditions necessitating the regulation or regulation change: Osprey Lake is approximately 160 acres in size excluding the two small adjacent lakes west and southwest of the main body of water. Much of the 160 acres are very shallow or bog -like and not conducive for water sport activities. With the potential for 64 homes (the current homes/cabins/lots plotted equal 64) on this small body of water, Osprey Lake would have the highest density of homes per acre of any water body located within Sawyer County. Added to this is the general public who use the lake via public boat landing. This high density level will create user conflicts, water safety hazards, and shoreline erosion. Regulation is needed to provide all user groups (including the public at large) the opportunity for safe lake usage in a reasonable manner.
- How the added or changed regulation will solve the problem: Restricting the time of day for water skiing and jet skiing, will significantly reduce the number of lake users on the water at any one time. All individuals will have equal opportunity to use the lake relative to their preferred recreational preference. However; by reducing the potential for overcrowding on the lake by multiple user groups all within a given time period, the lake will be safer for all who use it, and the potential for user conflicts will be greatly reduced. Regulation does not discriminate against any one user group but encourages and promotes the development of niches of recreational use in a reasonable safe manner for all users.
- The negative effects of the corrective measures considered and who will be negatively affected. Negatively affected will be those wishing to water ski or operate personal water craft (PCW) during the hours from dawn to 10:00 a.m., and from 5:00p.m. till dusk in the evening. To date no significant user group actively fits within these parameters. Osprey Lake due to its small shallow nature has not been a destination lake for water skiing and or jet skiing by the public at large. The demographics of the lake are not conducive to these types of activities. Most non-lake property owners seek out the lake for fishing or other quiet water activities In addition the majority of property owners on the lake are in favor of an ordinance and do not feel that they will be negatively effected by it.
- An opinion statement concerning the impact the regulation will have on public health, safety, or welfare if this regulation is not adopted. The safety and welfare of those using the lake will be compromised if the ordinance is not adopted. Ordinance affords all user groups a greater opportunity for safe lake usage. Without the ordinance, frequent user conflicts and water accidents are likely to occur. The lake is just too small to support all types of recreational usage at all times.
- A statement summarizing the arguments of interest opposed to the regulation or regulation change. Certain individuals may be opposed to any or all forms of regulation. Individual users who live on, or recreate on Osprey Lake have never had hours of water skiing and personal water craft (PWC) use limited. These individuals may feel the ordinance is infringing on their right to lake usage by limiting their hours of usage relative to these activities. To date no such group or individuals appear to be opposed to proposed regulations.