

Town of Hayward, Sawyer County Motorboat Wake Protection Area Ordinance
No. 07-2021

An ordinance to regulate boating upon all the waters within the Town of Hayward, Sawyer County, Wisconsin and prescribing penalties for violation thereof:

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

Section 1 – Applicability and Enforcement: The provisions of this Ordinance shall apply to all the waters within the Town of Hayward, Sawyer County. This ordinance shall be enforced by the officers of the Town of Hayward and Sawyer County.

Section 2 – 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 to minimize shoreline erosion.

Section 3 – State Boating and Safety Laws Adopted: State boating laws as found in ss. 30.50 to 30.71, Wis. Stats. are adopted by reference here.

Section 4 – Penalties: Wisconsin state boating penalties as found in s. 30.80, Wis. Stats., deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conferences are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment are deleted.

Section 5 – Severability: The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Town of Hayward, Sawyer County 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 circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section 6 – Motorboat Wake Prohibition Area: No person shall operate a motorboat, as defined in s. 30.50(6), Wis. Stats. on the waters within the Town of Hayward, Sawyer County in a manner to enhance an elevated wake for over 50 feet in length closer than 700 feet from any shoreline, dock, pier, raft or other restricted area(s) within the Town of Hayward, Sawyer County. An elevated wake is a trail of disturbed water left by the passage of a watercraft in excess of 24 inches. Such prohibited operation shall apply to wake enhancement watercraft by the use of ballast, mechanical hydrofoil(s), uneven loading or operation at transition speed. Transition speed means the speed at which the boat is operating at greater than slow-no-wake speed, but not fast enough so the boat is planning.


Section 7 – Posting Requirements: The Town of Hayward, Sawyer County shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the Town of Hayward, Sawyer County pursuant to the requirements of NR 5.15, Wis. Adm. Code.

Section 8 – Effective Date: This section will become effective upon its passage.

Passed this 13th day of JULY, 2021

Attested by: Bryn Hand
Bryn Hand, Clerk

Signed,


Chairman

7/13/2021
Date

Andrea Wittwer
Supervisor

July 13, 2021
Date

Attest

Bryan Hand

ABSENT
Supervisor

Date

Clerk Date 7/13/21

TOWN OF HAYWARD, SAWYER COUNTY

CONDITION REPORT FOR ORDINANCE 07-2021

Re: Motorboat Wake Protection Area Ordinance Condition Report

The Town of Hayward, Sawyer County has seen a recent increase in enhanced elevated wake activity. Concerns have been raised regarding the increased damage to the shorelines and increased lakebed disturbance.

Numerous studies have been conducted regarding the effects of recreational boat wakes on lakes and rivers by showing the impact they can have on shoreline erosion and sediment resuspension. Shallow lakes, shallow parts of lakes, narrow channels connecting lakes are the most susceptible to the impacts of large wake activity. These examples typify Chippewa Flowage and other lakes in the Town.

The creation of large, sustained wakes also creates a safety concern for other recreational users: creating the danger of capsizing for small watercraft such as canoes and kayaks, along with interference to water skiing and fishing activities.

Effect on wildlife: Birds, particularly waterfowl, nest close to shorelines and are especially vulnerable when molting to shoreline disturbances. Studies have shown that when boaters pass repeatedly too close to shorelines inhabited by birds and wildlife creating large wakes, the following impacts can occur: relocation of nesting sites, abandonment of nests and loss of young. There can also be long term impacts as many species of birds that normally would return year after year to the same nesting area are forced elsewhere to perhaps less desirable bodies of water. This disturbance and dislocation are often associated with narrow bodies of water. Due to enhanced wake size, this same impact will occur due to the inability of the wave to dissipate prior to reaching the shore. Please note that the Chippewa Flowage has an abundance of islands and floating bogs that harbor loons that nest close to water's edge.

After receiving many complaints and requests to limit wake enhancement activities from damaging the shoreline and lake beds within the Town of Hayward, drafted an ordinance to minimize the adverse effects of enhanced wake activity, and provide for safety of non-motorized use of the lakes.

The Town of Hayward and the Lac Courte Oreilles Band of Lake Superior Indians have within their boundaries the Chippewa Flowage. The Chippewa Flowage was created in the 1920's and submerged many Native American burial sites. The depth's needed to create lake wakes are disturbing the lakebed and causing desecration of Native American burial sites. We must be respectful of their history under the water.

Currently in Wisconsin, boats are required to operate at no-wake speed within 100 feet of piers, docks, and moored boats. Personal watercraft (jet skis, e.g.) are required to operate at no-wake speeds within 200 feet of the shoreline. Given the current data, it makes sense to

require boats that produce large wakes for sustained distances to operate at a greater distance from shorelines, docks, and piers than boats and personal watercraft. Requiring boats that produce large wakes for extended lengths to operate at a minimum distance of 700 feet from shore or bogs will minimize the damage to the lakes in the Town of Hayward by providing enough distance for the wake to dissipate, and protect a majority of the shallow water areas. The safety and welfare of those using the lakes within the Town of Hayward will be compromised if this ordinance is not adopted. This ordinance affords all user groups to co-exist, and users of the lakes in the Town of Hayward an opportunity for safe lake usage. Without this ordinance frequent user conflicts will occur as well as water accidents.

Maintaining water quality is in the best interest of all property owners and the public at large relative to the use of said resources. Not only for recreational activities such as boating, skiing, and tubing, but also for fishing and swimming. Increased sedimentation which can reduce light penetration and inhibit primary production, abrade and clog fish gills, and prevent feeding by sight feeders, will negatively alter fish populations. Without adequate protections, erosion and sedimentation will accelerate lake eutrophication with a negative impact on ALL who use these water resources.

Certain individuals may be opposed to any or all forms of regulation. For individual users who live on or recreate on lakes within the Town of Hayward this will be a new regulation. These individuals may feel the ordinance is infringing on their rights to lake usage by limiting the area of usage relative to their activities.

After reviewing all current data and public input, the Town Board concluded that the public safety and protection of the Town's greatest resource, its lakes, would be best served by the ordinance.