

Upon motion made by Mc Manus and seconded by Lehr, it was moved that the following Ordinance be adopted:

ORDINANCE NO. 23

AN ORDINANCE ESTABLISHING BOATING RESTRICTIONS ON LAKE HANSON

BE IT ORDAINED by the Board of Commissions of Hanson County, South Dakota, that:

[A] Conditions precedent.

1. The restrictions of this Ordinance will become effective during any period while the water level on Lake Hanson shall rise to the extent that water is going over the spillway 12" deep or more;
2. This Ordinance shall be in effect when notice of its applicability is posted at the boat ramp on Lake Hanson.

[B] Required actions.

During the "high water" time period:

1. There shall be established on Lake Hanson "no wake zone" as defined by the Administrative Law Rules of South Dakota (ARSD) 41:04:01:06(4), and acts amendatory thereof and supplemental thereto.
2. These restrictions shall apply until such time as the amount of water going over the spillway at Lake Hanson is less than 12" deep at the point where it is going over the spillway.

[C] Markings and Notice.

The following markings and notice shall be established regarding water conditions on Lake Hanson:

1. There shall established appropriate signage at the boat ramp to give notice to the public when the boat ramp is closed during high water level times;
2. There shall be in place a post on or near the shoreline, with appropriate markings to indicate when the high water level restrictions apply.

[D] Enforcement.

This ordinance may be enforced by the Hanson County Sheriff or by any other law enforcement officer having jurisdiction within Hanson County.

[E] Penalty for Violation.

A violation of this Ordinance shall be subject to a maximum penalty of a fine of Two Hundred Dollars (\$200.00) or by incarceration in a County Jail for a period of up to thirty (30) days, or by both such fine and imprisonment.

[F] Severability Provision.

Any section, portion, or part of this Ordinance which is determined by any Court to be invalid shall be considered removed there from and the balance of said Ordinance shall remain in effect if the same can be done for the purpose of carrying out the intent of this Ordinance.

[G] Repealer.

The previous Ordinance No. 22 and any effective part thereof, is hereby repealed.

The first original Ordinance No. 22 as adopted by the Hanson County Commissioners and entered by the County Auditor dealing with zoning ordinance requirements and amended Section 1231: Platting of Lands and Section 1233: Agricultural Use Covenant Required is hereby left unchanged and unaltered.

Justification for Ordinance.

1. Due to a clerical error, this Ordinance, minus the repealer paragraph, was previously adopted and entered as Ordinance No. 22, which number designation was in error and there is a need to correct that error.
2. There is a need to protect the shoreline and adjoining property around Lake Hanson from further erosion;
3. This need is more critical during times of high water on Lake Hanson;
4. During times of high water on Lake Hanson, the property of adjoining landowners base is increased risk from the ravages of erosion and damages due to waves and water action along the shoreline.

First reading: June 3, 2003

Second reading: June 17, 2003

Published: June 26, 2003

Effective date: July 17, 2003
(20 days after publication)

Votes For: 3 Votes Against: 0

Ordinance adopted.