

CHAPTER 6 – 10/29/2018 Clean Version

REGULATING PIERS, WHARVES, MOORING BUOYS,
SWIMMING RAFTS AND INFLATABLES ON ROCK LAKE

SECTION:

- 5-6-1: Findings and Intent
- 5-6-2: Authority
- 5-6-3: Applicability and Enforcement
- 5-6-4: Definitions
- 5-6-5: Piers and Wharves
- 5-6-6: Mooring Buoys
- 5-6-7: Swimming Rafts and Inflatables
- 5-6-8: Permits for Piers, Wharves, Mooring Buoys, Swimming Rafts and Inflatables
- 5-6-9: Enforcement, Penalties and Remedies
- 5-6-10: Repeal of Conflicting Ordinances
- 5-6-11: Severability
- 5-6-12: Effective Date

5-6-1: FINDINGS AND INTENT: The near shore area is the most heavily used portion of Rock Lake and its most valuable ecological area. The placement of riparian structures, individually and on a cumulative basis, can negatively impact public navigation, recreation, safety, water quality, and fish and wildlife habitat. This ordinance is enacted to regulate the density, size and location of piers, wharves, mooring buoys, swimming rafts, and inflatables in order to protect navigation, recreation and other public interests in waters, and reduce conflicts between adjacent riparian owners by separating their respective uses of the riparian zone and by reducing congestion of boats. In addition, this ordinance is enacted to protect the environmental resources of Rock Lake.

5-6-2: AUTHORITY: This ordinance is adopted pursuant to Sections 30.13 and 30.772(3) of the Wisconsin Statutes.

5-6-3: APPLICABILITY AND ENFORCEMENT: The provisions of this ordinance shall apply to the waters of Rock Lake, in the Town of Lake Mills. The provisions of this ordinance shall be enforced by the officers of Jefferson County, State of Wisconsin, and the Town of Lake Mills.

NOTE: Some piers, wharves, mooring buoys, swimming rafts and inflatables require permits from the Wisconsin Department of Natural Resources (WDNR). Removal of aquatic vegetation is regulated under Chapter NR 109 of the WI Adm. Code and permits may be required.

5-6-4: DEFINITIONS:

- 47 (1) “Exclusive Riparian Zone” means the portion of Rock Lake adjacent to a
48 parcel of riparian property into which the riparian owner has the exclusive right to place
49 structures as determined under Wisconsin law.
50
- 51 (2) “Inflatable” has the same definition as raft and includes water trampolines.
52
- 53 (3) “Lot Width” means the distance of a straight line between side lot lines
54 measured at the Ordinary High Water Mark.
55
- 56 (4) “Mooring Buoy” means any float or marker which is attached to a mooring
57 anchor and either is suitable for attachment to a boat through the use of a pennant or other
58 device or facilitates the attachment of the boat to the mooring anchor.
59
- 60 (5) “Ordinary High Water Mark” or “OHWM” means the point on the bank or
61 shore up to which the presence and action of water is so continuous as to leave a distinct
62 mark either by erosion, destruction of terrestrial vegetation or other easily recognized
63 characteristic.
64
- 65 (6) "Person" means an individual, individuals, partnership, association,
66 corporation, governmental body, or agency, or any other entity.
67
- 68 (7) "Pier" means any structure extending into Rock Lake from the shore with
69 water on both sides, built or maintained for the purpose of providing a berth for water
70 craft or for loading or unloading cargo or passengers onto or from water craft. Such a
71 structure may include a boat shelter which is removed seasonally.
72
- 73 (8) “Riparian” means an owner of land adjacent to Rock Lake.
74
- 75 (9) "Riparian Site" means any lawfully established riparian lot or parcel as
76 recorded in the office of the Register of Deeds. Contiguous lots in common ownership
77 shall be considered a single riparian site.
78
- 79 (10) "Rock Lake" means Rock Lake and all of the parts, bays, waterways, and
80 channels thereof, including that portion lying south of the Glacial Drumlin Trail.
81
- 82 (11) "Shoreline" means the boundary of riparian property with the Ordinary High
83 Water Mark of Rock Lake.
84
- 85 (12) "Site Sideline" means a line extending from the point where the side lot lines
86 of a site extend waterward separating the Exclusive Riparian Zone of the site with
87 adjacent sites.
88
- 89 (13) “Swimming Raft” means a floating platform that is anchored to the bed of
90 Rock Lake for swimming, diving and related activities, including water trampolines and
91 other inflatables. Swimming raft does not include inflatable or other floating platforms
92 that are completely removed from the water on a daily basis.

93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138

(14) “Watercraft” means any device used and designed for navigation on water.

(15) “Wharf” means any structure in Rock Lake extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat hoist or boat lift.

5-6-5: PIERS AND WHARVES: No pier or wharf may be placed on the bed of Rock Lake, except that a riparian owner or a qualified easement holder under Section 30.131 of the Wisconsin Statutes may place and maintain a pier or wharf within the owner’s exclusive riparian zone subject to all of the following:

(1) The pier or wharf is placed and constructed in compliance with this ordinance and with state and federal law, including Sections 30.12 and 30.13 of the Wisconsin Statutes and Chapters NR 5 and NR 326 of the Wisconsin Administrative Code.

(2) The pier or wharf does not: (a) interfere with public rights in navigable waters, (b) interfere with the rights of other riparian owners or (c) enclose any portion of Rock Lake’s surface area.

(3) The pier or wharf is supported by wooden or metal posts, without using fill material, cribs, roofs, or walls or shall be constructed using floating material and securely held by wooden or metal posts or cable.

(4) The pier or wharf may extend into the water from the shoreline out to the point where the water is 3 feet at its maximum depth or to the point where there is adequate depth for mooring a boat or using a boat hoist or lift, whichever is greater.

(5) The pier or wharf shall be set back a minimum of 10 feet from the boundary of the owner’s exclusive riparian zone unless it is placed on a riparian site with less than 24 feet of shoreline.

(6) The pier or wharf shall be constructed to allow the free flow of water underneath and in a manner which will not cause the formation of land upon the lakebed.

(7) The pier or wharf does not include signage or any kind of fueling facilities.

(8) The total number of watercraft moored, anchored, or lifted in the exclusive riparian zone shall not exceed two watercraft for the first 50 feet of lot width and one watercraft for each additional full 50 feet of lot width.. The riparian owner can also secure up to 2 personal watercraft for the first 50 feet of lot width and one additional personal watercraft for each additional full 50 feet of lot width. This shall apply even though the riparian owner may have more than one pier or wharf.

(11) The maximum number of piers and wharves per riparian site shall be 2.

139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184

5-6-6: **MOORING BUOYS:** No mooring buoy may be placed in or on the bed of Rock Lake, except that a riparian owner may place and maintain one mooring buoy within the owner’s exclusive riparian zone subject to all of the following:

(1) The mooring buoy is placed and constructed in compliance with this ordinance and state and federal law, including Sections 30.12 and 30.13 of the Wisconsin Statutes and Chapters NR 5 and NR 326, Wisconsin Administrative Code.

(2) The mooring buoy and a watercraft moored to the buoy does not: (a) interfere with public rights in navigable waters or (b) the rights of other riparian owners.

(3) The mooring buoy is securely anchored to the lakebed, without using fill material or cribs.

(4) The mooring buoy is placed within 150 feet of the owner’s shoreline and does not extend within 10 feet of the boundary of the owner’s exclusive riparian zone or the extended side boundaries of the owner’s exclusive riparian zone.

5-6-7: **SWIMMING RAFTS AND INFLATEABLES:** No swimming raft or inflatable may be placed on the bed of Rock Lake, except that a riparian owner may place and maintain a swimming raft or inflatable within the owner’s exclusive riparian zone subject to all of the followings:

(1) The swimming raft or inflatable is placed and constructed in compliance with this ordinance and state and federal law, including Sections 30.12 and 30.13 of the Wisconsin Statutes and Chapters NR 5 and NR 326, Wisconsin Administrative Code.

(2) The swimming raft or inflatable does not: (a) interfere with public rights in navigable waters or (b) the rights of other riparian owners.

(3) A riparian may have either 1 raft or 1 inflatable, but not both unless the inflatable is taken out of the water daily.

(4) The swimming raft or inflatable is securely anchored to the lakebed, without using fill material or cribs.

(5) The swimming raft does not exceed 100 square feet in area and the inflatable does not exceed 200 square feet in area. The calculation of square footage shall include diving boards, ramps, slides and other similar accessories.

(6) The swimming raft or inflatable does not exceed 38 inches in height above the surface of the water, excluding protective covers or ladders.

(7) The swimming raft or inflatable is placed within 150 feet of the owner’s shoreline and does not extend within 10 feet of the boundary of the owner’s exclusive

185 riparian zone or within the extended side boundaries of the owner’s exclusive riparian
186 zone.

187
188 (8) The swimming raft or inflatable does not include signage or any kind of
189 fueling facilities.

190
191 (9) The swimming raft or inflatable is equipped with at least 4 reflectors spaced
192 evenly around the perimeter of the swimming raft and at least 6 inches above the
193 waterline.

194
195 (10) All swimming rafts and inflatables shall be removed before freeze up.

196

197 5-6-8 PERMITS FOR PIERS, WHARVES, MOORING BUOYS, SWIMMING
198 RAFTS AND INFLATABLES:

199

200 (1) No permit is required for a pier, wharf, mooring buoy, swimming raft, or
201 inflatable that conforms to the requirements of this Ordinance.

202

203 (2) No permit is required for a preexisting pier, wharf, mooring buoy, swimming
204 raft, or inflatable that does not conform to the requirements of this Ordinance, but was
205 placed in the same location and in the same general configuration as it has been since
206 October 1, 2016. The seasonal removal of a pier, wharf, mooring buoy, swimming raft,
207 or inflatable does not affect its status as a permissible preexisting structure under this
208 ordinance subsection.

209

210 (3) The Town Board may permit a riparian owner(s) of a property that is adjacent
211 to the lake, on which there are 3 or more dwelling units or on which there are commercial
212 structures, to place a pier or wharf that has either of the following number of boat slips,
213 whichever is smaller:

214 (a.) Four watercraft for the first 50 feet of lot width and no more than 2 watercraft
215 for each additional full 50 feet of lot width.

216 (b.) One watercraft for each dwelling unit, plus an additional number of boat slips
217 if the additional slips is limited to the transient docking of boats for less than
218 24 hours.

219 The Town Board shall consider such a permit according to the considerations in 5-6-8
220 (4).

221 Please note, a permit from the Department of Natural Resources is also required when
222 applying these standards.

223

224 (4) The Town Board may permit a riparian owner to place a pier, wharf, mooring
225 buoy, swimming raft, or inflatable under this ordinance that does not conform with this
226 ordinance requirements if it finds that the proposed structure would not: (a) be in
227 violation of State law (note: proof can either be a DNR permit for the structure or a
228 written determination from the DNR that the structure is exempt from a DNR permit), (b)
229 materially obstruct navigation, (c) be detrimental to the public interest especially in the

230 critical habitat areas of Korth Bay, Shultz Bay, and Marsh Lake, or (d) interfere with the
231 rights of other riparian owners.

232

233 (5) A person seeking a permit under this section shall file an application with the
234 Town Clerk accompanied by a permit fee in an amount established by a fee schedule
235 adopted by the Town of Lake Mills.

236

237 (a). Each application for a permit under this Ordinance shall include all of the
238 following:

239 i. The name, address and contact information for the applicant and applicant’s
240 agent (if applicable).

241 ii. The address and Tax Parcel Identification of the riparian site.

242 iii. The name and address of each owner of the riparian sites adjacent to the
243 applicant’s riparian site.

244 iv. A map and diagram showing the riparian site and the proposed location,
245 size, construction and configuration of the structure.\

246 v. A statement explaining why it is necessary for the owner to place a
247 structure that does not conform with the requirements of this Ordinance.

248 vi. The DNR permit for the proposed pier or a written determination from the
249 DNR that the proposed pier is exempt from a DNR permit.

250

251 (b). The Town Board shall schedule a Public Hearing on the application at a time
252 and place determined by the Board within 45 days of receipt. The applicant and
253 any other interested person may speak and offer evidence in support of or
254 opposition to the application. The Clerk shall provide Notice of the Public
255 Hearing in the manner as is provided for meetings of the Town Board and shall
256 deposit a copy of the notice in the U.S. Mail addressed to the applicant and to
257 each owner of each riparian site adjacent to the affected riparian site.

258

259 (c). If, after considering evidence presented at the Public Hearing, the Town
260 Board finds that the proposed structure meets the requirements set out in
261 subparagraph (3) of this Section 5-6-8, above, it shall grant the Permit subject to
262 any conditions as it determines necessary to make those findings.

263

264 5-6-9: ENFORCEMENT, PENALTIES AND REMEDIES:

265

266 (1) This Ordinance may be enforced by citation in the Town of Lake Mills
267 Municipal Court or by an action brought in the name of the Town in the Jefferson County
268 Circuit Court.

269

270 (2) Officers of the Town of Lake Mills, Jefferson County, and State of Wisconsin
271 are authorized to issue citations for violations of this ordinance.

272

273 (3) Any person who owns or places a pier, wharf, mooring buoy, swimming raft
274 or inflatable (including contractors) in violation of this Ordinance shall be subject to a

275 forfeiture of not less than \$10 nor more than \$200 for each day that a violation takes
276 place or continues, plus costs and assessments as provided by law.

277

278 (4) Any pier, wharf, mooring buoy, swimming raft, or inflatable not in
279 compliance with this Ordinance constitutes a public nuisance and an unlawful obstruction
280 of navigable waters and may be removed by the Town Police Chief pursuant to Section
281 30.13(5m) of the Wisconsin Statutes.

282

283 (5) This ordinance is not intended to limit the remedies of the Town or any
284 riparian owner or citizen under other laws.

285

286 5-6-10: REPEAL OF CONFLICTING ORDINANCES: All ordinances regulating piers
287 on Rock Lake\ are hereby repealed.

288

289 5-6-11: SEVERABILITY: The provisions of this ordinance shall be deemed severable,
290 and it is expressly declared that the Town Board of the Town of Lake Mills would have
291 passed the other provisions of this ordinance even though one or more provisions may be
292 declared invalid. If any provision of this ordinance or its application to any person or
293 circumstance is held invalid, the remainder of the ordinance and its application to other
294 persons or circumstances shall not be affected.

295

296 5-6-12: EFFECTIVE DATE: This ordinance shall take effect and be in force from and
297 after its passage and posting or publication as provided by law.

298