

CHAPTER 6

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

SECTION:

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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:**

(1) "Exclusive Riparian Zone" means the portion of Rock Lake adjacent to a parcel of riparian property into which the riparian owner has the exclusive right to place structures as determined under Wisconsin law.

(2) "Inflatable" has the same definition as raft and includes water trampolines.

(3) "Lot Width" means the distance of a straight line between side lot lines measured at the Ordinary High Water Mark.

(4) "Mooring Buoy" means any float or marker which is attached to a mooring anchor and either is suitable for attachment to a boat through the use of a pennant or other device or facilitates the attachment of the boat to the mooring anchor.

(5) "Ordinary High Water Mark" or "OHWM" means the point on the bank or shore up to which the presence and action of water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristic.

(6) "Person" means an individual, individuals, partnership, association, corporation, governmental body, or agency, or any other entity.

(7) "Pier" means any structure extending into Rock Lake from the shore with water on both sides, built or maintained for the purpose of providing a berth for water craft or for loading or unloading cargo or passengers onto or from water craft. Such a structure may include a boat shelter which is removed seasonally.

(8) "Riparian" means an owner of land adjacent to Rock Lake.

(9) "Riparian Site" means any lawfully established riparian lot or parcel as recorded in the office of the Register of Deeds. Contiguous lots in common ownership shall be considered a single riparian site.

(10) "Rock Lake" means Rock Lake and all of the parts, bays, waterways, and channels thereof, including that portion lying south of the Glacial Drumlin Trail.

(11) "Shoreline" means the boundary of riparian property with the Ordinary High Water Mark of Rock Lake.

(12) "Site Sideline" means a line extending from the point where the side lot lines of a site extend waterward separating the Exclusive Riparian Zone of the site with adjacent sites.

(13) "Swimming Raft" means a floating platform that is anchored to the bed of Rock Lake for swimming, diving and related activities, including water trampolines and other inflatables. Swimming raft does not include inflatable or other floating platforms that are completely removed from the water on a daily basis.

(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.

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

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

riparian zone or within the extended side boundaries of the owner's exclusive riparian zone.

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

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

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

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

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

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

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

- (a.) Four watercraft for the first 50 feet of lot width and no more than 2 watercraft for each additional full 50 feet of lot width.
- (b.) One watercraft for each dwelling unit, plus an additional number of boat slips if the additional slips is limited to the transient docking of boats for less than 24 hours.

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

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

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

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

(5) A person seeking a permit under this section shall file an application with the Town Clerk accompanied by a permit fee in an amount established by the Schedule of Municipal Fees, Deposits and Bonds adopted by the Town of Lake Mills.

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

- i. The name, address and contact information for the applicant and applicant's agent (if applicable).
- ii. The address and Tax Parcel Identification of the riparian site.
- iii. The name and address of each owner of the riparian sites adjacent to the applicant's riparian site.
- iv. A map and diagram showing the riparian site and the proposed location, size, construction and configuration of the structure.
- v. A statement explaining why it is necessary for the owner to place a structure that does not conform with the requirements of this Ordinance.
- vi. The DNR permit for the proposed pier or a written determination from the DNR that the proposed pier is exempt from a DNR permit.

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

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

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

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

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

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

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

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

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

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

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

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

- A. Adopted:
- B. Revised: March 12, 2019

Attest: Sarah FitzGibbon, Town Clerk

Hope Oostdik, Chairperson

David Schroeder, Supervisor I

Lee Peterson, Supervisor II