

CHAPTER 6

PIERS AND BOATS

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6.01 PURPOSE AND AUTHORITY. This chapter is adopted to secure the public welfare in and to the waters of lakes and streams within the Town by regulating the placement and location of wharves, piers and berths pursuant to §§30.13(2), 30.772(3) and 281.31, Wis. Stats.

6.02 FINDINGS AND INTENT. Riparian owners have the limited right to place wharves, piers and berths on the beds of navigable waters to provide access to deeper waters. The placement of such structures in near-shore waters has potentially detrimental impacts on water quality, fish and wildlife habitat and the recreational value of lakes and streams in the Town. Structures in waterways can adversely affect navigation and other public rights in water and the other rights of riparian owners. In some cases, the cumulative effect of individual structures may have a substantial adverse effect on such interests. This chapter is enacted to regulate the density and location of piers in order to protect navigation, recreation and other public interest in waters, reduce conflicts between adjacent riparian owners by separating their respective uses of the riparian zone and by reducing congestion of boats and boat moorings.

6.03 APPLICABILITY. The provisions of this chapter shall apply to all waters of the Town of St. Germain, Vilas County, Wisconsin.

6.04 DEFINITIONS. The definitions as set forth in §30.01, Wis. Stats., are incorporated herein by reference as though fully set forth herein, except as follows:

BERTH. A single space at a pier, wharf, boat shelter, boat hoist, mooring buoy, boathouse or other location for one watercraft appropriate for the site and commonly in use at similar sites on the same waterway.

COMMITTEE. The Town of St. Germain Planning and Zoning Committee.

HISTORIC EASEMENT HOLDER. An owner of an easement who is entitled to maintain a pier pursuant to §30.131, Wis. Stats.

ORDINARY HIGH WATERMARK. The point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark by erosion, destruction of terrestrial vegetation or other easily recognized characteristic.

PIER. Any structure extending into navigable waters from the shore with water on both sides, 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 seasonally removed boat shelter, a boat hoist, access ladder and a bench.

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RIPARIAN OWNER. The owner of a fee title interest in the lands abutting the ordinary high watermark of a navigable water body.

TOWN. The Town of St. Germain.

WHARF. Any structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built and maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft.

ZONING DEPUTY. The Town of St. Germain Zoning Deputy.

6.05 CONSTRUCTION ALLOWED WITHOUT PERMIT UNDER CERTAIN CIRCUMSTANCES; GENERAL STANDARDS. A riparian owner or historic easement holder may construct a wharf, pier or berthing without a permit, provided that the structure conforms with the following standards:

(1) LOCATION. No pier, wharf or berthing structures may be placed less than 12' from common riparian rights lines between adjacent owners nor in any location where approach and docking at such structures will interfere with another riparian owner's riparian zone. If such a setback would prohibit placement of a single simple pier, a pier and watercraft may be located so as to provide the maximum setback possible from both riparian rights lines. If disputed, the location of riparian rights lines shall be determined by methods for apportionment of the line of navigation described in §NR 326.07, Wis. Adm. Code. Owners of contiguous lots in separate ownership may waive this requirement by written agreement in order to share common berthing and mooring facilities.

(2) ACCESSORIES. A pier or wharf shall be designed and used exclusively in aid of navigation and related incidental uses requiring a waterfront location. Decks, platforms, roofs, canopies and other construction not essential for mooring of watercraft are prohibited. A pier or wharf may include only the following accessory construction:

(a) A seasonal boat shelter or boat hoist in conformance with Ch. NR 326, Wis. Adm. Code.

(b) A permanent boat shelter for which a permit pursuant to Ch. NR 326, Wis. Adm. Code, has been issued by the Wisconsin Department of Natural Resources and is in effect.

(c) A single bench.

(d) Boarding ladders where required for safety.

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(3) DENSITY. The total number of berths and moorings (whether at piers, wharves, boatlifts, buoys or otherwise) for each lot shall not exceed 2 for the first 50' or lesser amount of lot width and one berth or mooring for each additional 50' of lot width. Contiguous lots in common ownership shall be considered a single lot for the purposes of this section. For purposes of this section, lot width means the perpendicular distance between parallel side lot lines. For lots with side lot lines which are not parallel, lot width shall be computed using distances between nonparallel side lot lines which are perpendicular to the line bisecting the angle formed by the side lot lines, as provided in Ch. COMM 85, Wis. Adm. Code, including the appendix thereto, subject to the following. In the event that the average lot width as measured above is less than the width of a lake lot measured at 90° from the point where either side lot line intersects with the ordinary high watermark (not along the meander line of the high watermark), then the average lot width shall be its width as so measured at 90° degrees from the side lot line at its intersection with the ordinary high watermark.

6.06 PERMIT REQUIRED; EXCEPTIONS. After September 15, 1999, no person may locate, erect, construct or maintain a wharf, pier or berth which does not meet the standards set forth in §6.05 without first obtaining a permit under this section.

(1) APPLICATION AND PLANS. A riparian owner desiring a permit to locate, construct or maintain a wharf, pier or berth in the Town shall submit a written application with the Zoning Deputy. The application shall include all of the following:

- (a) The name and address of each owner of the riparian parcel.
- (b) The legal description or tax parcel numbers of the riparian lot or parcel from which the proposed structure is proposed and the name of the waterway on which the property is located.
- (c) The name and address of the owners of the adjoining riparian parcels.
- (d) A scale drawing of the applicant's property showing all of the following:
 1. The water frontage and side boundaries of the property.
 2. The location, dimensions and configuration of any existing pier, wharf or berth on the property and of the proposed structure, including any addition to an existing structure.
 3. The distance from the proposed structure to the property lines of adjoining riparian properties.

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(e) Such other information concerning the proposed structure as the Zoning Deputy requires.

(2) PUBLIC HEARING. At its next regular meeting which is at least 20 days following receipt of a complete permit application, the Planning and Zoning Committee shall conduct a public hearing on the proposed application. Notice of the public hearing shall be included in the notice of the Committee's meeting and mailed to the applicant, the owner of each adjoining riparian parcel, to any public inland lake district, sanitary district or lake association on the affected water body.

(3) GRANTING PERMIT. The Committee shall grant the permit, with conditions it deems necessary, if it finds that all of the following conditions are met:

(a) The wharf or pier does not materially interfere with public interest in navigable waters.

(b) The wharf or pier does not materially interfere with the rights of other riparian proprietors.

(c) The wharf or pier does not extend beyond any established pierhead line.

(d) The wharf or pier does not violate any provision of State or federal law, specifically including Ch. 30, Wis. Stats., and Ch. NR 326, Wis. Adm. Code.

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

(f) The wharf or pier shall not completely enclose any portion of navigable waters.

(4) DENYING APPLICATION. If the Committee does not so find, it shall, by order, declare its findings and deny the application.

(5) PERMIT NOT REQUIRED. No permit under this section shall be required for a lawfully placed wharf or pier which is placed by a riparian owner or historic easement holder in the same location and general configuration in which it was placed prior to the effective date of this chapter. The seasonal removal of a wharf or pier does not affect its status as a permissible preexisting wharf or pier under this subsection.

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6.07 PERMIT FEE. Each application for a permit under this chapter shall be accompanied by a permit fee in an amount established by a resolution duly adopted from time to time by the Town Board.

6.08 NONCONFORMING STRUCTURES A NUISANCE. Except as permitted or authorized by §6.06, any pier, wharf or swimming raft not placed in compliance with this chapter constitutes a public nuisance.

6.09 REMOVAL OF UNLAWFUL OBSTRUCTION. Any pier or wharf not in compliance with this chapter constitutes an unlawful obstruction of navigable waters and may be removed by the Zoning Deputy pursuant to §66.0495, Wis. Stats.

6.10 OTHER REMEDIES. This chapter is not intended to limit the remedies of the Town or any riparian owner or citizen under other laws.

6.11 SEVERABILITY. If any section, clause, provision or portion of this chapter is adjudged invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.