

ORDINANCE NO. 2020-2
AN ORDINANCE AMENDING SECTION 16.10.020
OF THE TOWN OF EAST TROY MUNICIPAL CODE

The Town Board of the Town of East Troy, Walworth County, Wisconsin, does hereby ordain as follows:

1. That Section 16.10.020 of the Town of East Troy Municipal Code is hereby amended and recreated in its entirety to read as follows:

16.10.020 Definitions. All definitions of Wis. Stat. §30.01 are adopted and incorporated herein by reference into this Ordinance, including but not limited to the following:

“Area of special natural resource interest” means any of the following:

- (a) A state natural area designated or dedicated under Wis. Stat. §§23.27 to 23.29 and shown on a map published on the department’s Internet site.
- (b) A surface water map identified as a trout stream by the department and shown on a map published on the department’s Internet site.
- (c) A surface water identified as an outstanding or exceptional resource water under Wis. Stat. §281.15 and shown on a map published on the department’s Internet site.
- (d) The portion of a body of water that contains a sensitive area and shown on a map published on the department’s Internet site.
- (e) A unique and significant wetland specified by the department in a special wetland inventory study or a special area management plan and shown on a map published on the department’s Internet site.

“Boat shelter” means”

- (a) A structure in navigable waters with a roof but no walls and, except as provided in paragraph (b), no sides, designated and constructed for the purpose of providing cover for a berth place for watercraft. Such a structure may include a device for lifting a boat.
- (b) A structure under (a) that has temporary sides made of flexible material with a minimum openness factor of five (5) percent if all of the following conditions are met:
 - 1. The sides are placed and maintained by the owner or easement holder of adjacent riparian land or his or her agent.
 - 2. The boat is registered under Chapter 30 of the Wisconsin Statutes, or exempt from registration requirements under §30.51 Wis. Stats., and either has a wooden hull or is designated as a boat with significant historic or cultural value, as determined by the state historical society or a local or county historical society established under §44.03, Wis. Stats.
 - 3. The sides are located entirely within the riparian owner’s riparian zone.
 - 4. There are no more than 2 boat shelters for the first 100 feet of the riparian owner’s shoreline footage and no more than one additional boat shelter for each additional 50 feet of the riparian owner’s shoreline footage. Shoreline footage is measured along a straight line connecting points where property lines meet the ordinary high-water mark.

5. The sides are placed no less than 36 inches above the water surface.
6. The structure is no more than 24 feet in length, unless the boat that will be sheltered is longer than 24 feet from bow to stern.

“Department, DNR, or WDNR” shall mean the Wisconsin Department of Natural Resources or any other state agency or its representatives or designees having jurisdiction over any matter relating to the subject matter of this chapter, navigable waters, riparian rights, etc.

“Marina” means a facility for the rental of boats or mooring space that consists of a pier, pier slips, wharfs, mooring structures, or a combination of the same for securing watercraft.

“Mooring”, when used as a noun means a mooring anchor and mooring buoy together with the attached chains, cables, ropes and pennants and related equipment unless the term is qualified or restricted.

“Mooring anchor” means any anchor or weight which is designated to rest on the bed or to be buried in the bed of a navigable water, which is designated to be attached by a chain, cable, rope or other mechanism to a mooring buoy and which is designated to be left in position permanently or on a seasonal basis.

“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.

“Navigable water or waters” means any body of water which is navigable under the laws of the State of Wisconsin.

“Pier” means 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 boat shelter which is removed seasonally. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed seasonally.

“Riparian property” shall refer to property abutting navigable waters, and such property shall be deemed to be a single property whether or not the same owner has separate tax key numbers or is recorded under a plat showing multiple lots or parcels for the same.

“Riparian zone” means the area that extends from riparian land waterward to the line of navigation as determined by a method that establishes riparian zone lines between adjacent riparian owners in a manner that equitably apportions access to the line of navigation.

“Shore” means the ordinary high water mark as determined by the DNR.

“Sensitive area” means an area of aquatic vegetation identified by the department as offering critical or unique fish and wildlife habitat, including seasonal or lifestage requirements, or offering water quality or erosion control benefits to the body of water.

“Swimming raft” means a floatation platform without railings, roof or walls that is adequately anchored to the bed of navigable waters and is designated for swimming, diving and related activities. Reflectors are required for any swimming raft anchored overnight.

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

“Wharf” means any structure in navigable waters 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, and the hoist or lift may be permanent or may be removed seasonally.

2. This ordinance shall become effective upon its passage and publication as provided by law.

Dated this 8th day of February, 2021.

TOWN OF EAST TROY

BY: _____
JOSEPH KLARKOWSKI, Chairman

ATTEST:

KIM BUCHANAN, Clerk