

ORDINANCE NO. 57
PIER ORDINANCE

An Ordinance to repeal and recreate Ordinance No. 57 of the Town of Geneva Ordinances, the pier Ordinance.

The Town Board for the Town of Geneva does ordain that the following become a Pier Ordinance governing the construction and installation of piers on Como Lake.

Section 1. Adoption.

Adoption of the standards included in this Ordinance is under the jurisdiction of the Town of Geneva. Standards defined herein comply with the State of Wisconsin Statutes 281.31. General Shoreland Zoning and Chapter 30.13(2), stats., et. Seq. Wharves, Piers and Swimming rafts. Reference Department of Natural Resources Chapter NR 326.

Section 2. Purpose and Intent.

The purpose and intent of the standards defined herein are to minimize the adverse effects of pier construction and to reduce conflict between adjacent riparians by identifying the riparian owner's uses of the water within their respective riparian zone in order to promote and maintain the health, safety, and welfare of the residents of the Town of Geneva.

Section 3. Compliance.

- A. All permanent pier construction and placement of all seasonal piers shall comply with this Ordinance, and all State Regulations.
- B. Pier construction standards are defined by the Wisconsin Administrative Code NR 326.
- C. Separate written citations shall be issued for non-compliance with each regulation (e.g., if a pier is too wide and too long, these are separate violations). The citations shall be issued by receipt-return mail. The time penalties will be determined by the date of receipt. Each violation shall carry the following penalties.
 - 1. The initial citation shall be a warning, allowing ten (10) calendar days for compliance. Non-compliance within ten (10) days will result in a second citation.
 - 2. The second citation occurring in a calendar year shall carry a fine of not less than One Hundred (\$100.00) Dollars, and not more than Two Hundred (\$200.00) Dollars, with five (5) calendar days for compliance. Non-compliance within 5 days will result in a third citation.
 - 3. The third citation in a calendar year shall carry a fine of not less than Two Hundred Fifty (\$250.00) Dollars and not more than Five Hundred (\$500.00), and immediate removal of the structure in violation. If the structure is not removed by the owner, it will be removed by the Town of Geneva Road Department at the owner's expense.
 - 4. Enforcement shall be carried out by the Police Department of the Town of Geneva.

Section 4. Written Notification of the Intent to Construct or Place a Pier

The property owner of record (if necessary) shall file DNR form 3500-114 to the Wisconsin DNR of intent to construct or install a pier at least ten (10) working days prior to installation. Piers may not be constructed or installed before March 15th and must be removed by November 1st.

Section 5. Pier Construction Standards

- A. Number of Piers: All Wisconsin DNR standards in Chapter 30 of the Wisconsin State Statutes as well as NR 326 will be followed for all piers and wharf construction. The total number of piers for each riparian owner is limited to one pier for the first 50' and one for each additional 50' of shoreline. Shoreline frontage will be measured as a straight line connecting the points where side property boundary lines meet the shoreline unless the shoreline frontage exceeds 100', and in that event, shoreline frontage shall be measured in increments of 100'.
- B. Location of Piers:
1. Residential
 - a. All piers and moored watercraft shall be set back at least 5 feet within the owner's riparian zone.
 - b. Minimum distance between piers shall be 30 feet.
 2. Commercial / Association Owned / Marinas
 - a. All piers and moored watercraft shall be set back at least 15 feet within the owner's riparian zone.
 - b. Minimum distance between piers shall be 30 feet.
- C. Pier Length:
1. Residential - pier may not exceed 50 feet in length from the shoreline.
 2. Commercial / Association Owned / Marinas - pier may not exceed 100 feet in length from the shoreline.
- D. Pier Width:
1. Residential - The width of a pier may not exceed 6 feet except for those built on rock-filled cribs or similar foundations or solid structures for which a permit has been received from the WDNR.
 2. Commercial / Association Owned / Marinas - The width of a pier may not exceed 8 feet except for those built on rock-filled cribs or similar foundations or solid structures for which a permit has been received from the WDNR.
- E. Color and Lighting of a Pier:
1. Piers may include reflective white, amber, or blue safety markers no larger than 5 inches in diameter.
 2. Any light on a pier used for the purpose of facilitating docking or additional safety must project downward and shall be white or yellow.
 3. Intermittent lighting on a pier is prohibited.
 4. All electrical installations must conform to Code.

Section 6. Property's zoned Business, Commercial, and Associations

Refer to all other sections.

Section 7. Mooring Buoys.

- A. Riparian Owners are allowed to place a mooring buoy in front of their riparian zone of interest within 150 feet of the Ordinary High Water Mark as defined in CH. 30.74 and 30.772, WI Statutes NR 5.09 of the WI Administrative Code. Mooring buoys count towards the allowable number of watercraft for a parcel, the same as a slip or mooring on a pier. Riparian owner is responsible for anchoring device and all liabilities.

Section 8. Severability.

If any Section, Subsection, Sentence, Clause, or Phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other Section, Subsection, Sentence, Clause, or Phrase hereof. The Town Board of the Town of Geneva hereby declares that it would have passed this Ordinance and each Section, Subsection, Sentence, Clause, Phrase, or Portion thereof irrespective of the fact that any one or more Sections, Subsections, Sentences, Clauses, Phrases, or Portions thereof may be declared invalid or unconstitutional.

Section 9. Effective Date.

The repeal of the existing Ordinance and the passage of this Ordinance shall take effect from and after its adoption by the Town Board and its posting or publication thereof as required, pursuant to s. 60.80, Wis. Stat.

This Ordinance was (ADOPTED DENIED) this ____ day of _____, 2012,
by a vote of: ____ in favor ____ against ____ abstain:

_____ Absent Aye Nay Abstain Preside
Merle Loomer – Supervisor No.1

_____ Absent Aye Nay Abstain Preside
Jim Daily – Supervisor No.2

_____ Absent Aye Nay Abstain Preside
Gene Decker – Supervisor No.3

_____ Absent Aye Nay Abstain Preside
Steve Kukla – Supervisor No.4

_____ Absent Aye Nay Abstain Preside
Joseph F. Kopecky – Chairperson

_____ Attest
Debra L. Kirch – Clerk/Treasurer