

Town of Minocqua  
Oneida County, Wisconsin

Ordinance No. \_\_\_\_\_

Amending Town of Minocqua Code of Ordinances Chapter 35 (Lakes, Waterways, and Snowmobiles).

The Town Board of the Town of Minocqua pursuant to its authority under Wis. Stats. §§. 30.13, 60.10, and 66.0425 does hereby amend the Town of Minocqua Code of Ordinances Chapter 35 and does ordain as follows:

**Section 1.** Section 35-1 is *amended* as follows:

**Sec. 35-1. - Purpose.**

This chapter is enacted to regulate water traffic, boating and water sports on all lakes, rivers and streams within the jurisdiction of the town and the placement of piers and related structures in town road rights-of-way.

**Section 2.** ARTICLE VIII is *created* as follows:

**ARTICLE VIII. – PIERS OR RELATED STRUCTURES IN OR EXTENDING  
FROM A TOWN ROAD RIGHT-OF-WAY**

**Section 35-500. - Authority.**

This article is adopted by the town pursuant to its authority under authority under Wis. Stats. §§. 30.13, 60.10, and 66.0425.

**Section 35-502. – Purpose and Intent.**

This article is adopted to regulate the placement of piers and related structures in or extending from town rights-of-way and to promote the safe and orderly use of the town's exclusive riparian zone that extends into Lake Minocqua along East Park Avenue, West Park Avenue, and East Chicago Avenue. A license issued under this article is a privilege in streets under Wis. Stat. § 66.0425 and is subject to the limitations and restrictions of that statute.

**Section 35-504. - General Prohibition; Exclusive Access.**

Unless licensed under this article, piers and related structures in or extending from a town right-of-way are prohibited. A license issued under this article grants to the licensee exclusive access to licensed structures.

**Section 35-506. – License Eligibility.**

An owner of property may apply for a license under this article, on a form prescribed by the town, subject to all of the following conditions:

- (1) The property must underlie a town right-of-way that abuts Lake Minocqua along East Chicago Avenue, West Park Avenue, or East Park Avenue.
- (2) The owner's property underlying the right-of-way must extend to the ordinary high water mark of Lake Minocqua.
- (3) The entire riparian frontage of the owner's property must underlie the town right-of-way.

**Section 35-508. – Pier Standards.**

Piers licensed under this article must meet the following standards:

- (1) The pier must be of a type that may be completely removed seasonally.
- (2) Subject to sub. (3) below, the pier may not exceed the size and configuration restrictions and the restrictions on the number of allowable pier slips applicable to an exempt pier under Wis. Stat. § 30.12(1g)(f).
- (3) A license issued under this article may deviate from the restrictions in sub. (2) above and may impose additional restrictions or requirements on the location, size and configuration of a licensed pier if deemed necessary by the town board to protect public rights and uses or the interests of neighboring riparian landowners.

**Section 35-510. – Related Structure Standards.**

A license issued under this article may allow construction and maintenance of a stairway and a stair railing ("related structures") subject to all of the following conditions:

- (1) The related structures must be necessary for safe access to the pier.
- (2) The related structures must be installed in a manner that does not obstruct or materially interfere with public use of the right-of-way or interfere with maintenance activities in the right-of-way.
- (3) The related structures must comply with applicable building codes.

- (4) The maximum width of related structures and all related components may be no more than 5 feet.
- (5) The related structures must be located in a manner that permits safe pedestrian travel, as determined by the town, between the travelled portion of the roadway and the related structures.

**Section 35-512. – Pier and Related Structure Location.**

- (1) No pier may be licensed under this article if any part of the pier or use of the pier will encroach into a designated public facility zone identified under Section 35-516. For license applications relating to properties for which one or both of the property's side lot lines intersect with a designated public facility zone, if such side lot line is extended into Lake Minocqua, the town board shall, after notice and hearing, determine whether the issuance of a license is appropriate for the property and, if so, the permitted location and characteristics of the licensed pier and related structures.
- (2) Except for properties subject to Sub. (1) above and subject to Sub. (3) below, a pier licensed under this article shall be located wholly within the area of Lake Minocqua that would be the exclusive riparian zone of the subject property as it would exist if the right-of-way did not exist. Except for related structures that are subject to special consideration as provided in Sub. (3), a related structure licensed under this article shall be located wholly within the subject property underlying the right-of-way. Locations of piers under this subsection shall comply with the pier spacing requirements of Wis. Admin. Code § NR 326.07(3) in the same manner as these requirements would apply if the right-of-way did not exist.
- (3) The town reserves the authority to allow or require a licensed pier or related structures to be placed in a particular location and to impose restrictions on pier characteristics or related structures characteristics if necessary to protect public uses or to accommodate neighboring structures.
- (4) Piers and related structures shall not materially impair public rights in or public access to the water.

**Section 35-514. – Other Structures, Items, and Improvements Prohibited.**

All other structures and improvements or other items are prohibited in the right-of-way including but not limited to chairs, benches, flags, landings, decks, lighting, storage containers, furnishings, signage, power cords, plumbing or hoses, and shore stations and boat lifts. Storage of piers in the right-of-way is prohibited unless approved in the license issued under this Ordinance and only in the approved location and only for the approved period of time each calendar year. No excavation, change in grade, or damage to vegetation in the right-of-way is permitted.

**Section 35-516. – Public Facility Zones.**

The town board shall, in its sole discretion, designate public facility zones in Lake Minocqua along East Chicago Avenue, West Park Avenue, and East Park Avenue where piers may not be located, to provide for safe access to and use of public access and public use areas. The town shall prepare a map of the locations of designated public facility zones and file the same for public review in the town office.

**Section 35-518. – Additional License Restrictions and Requirements.**

A license issued under this article is subject to all of the following requirements

- (1) If notified by the town to do so, a licensee shall remove a licensed structure seasonally to avoid damage from snow plowing or other maintenance activities.
- (2) Pursuant to § 66.0425, a licensee must assume primary liability for damages to person or property by reason of the granting of the license.
- (3) Pursuant to § 66.0425, third parties whose rights are interfered with by the granting of a license have a right of action against the holder of the license only, not the town.
- (4) Enforcement of this article shall proceed under Section 1-15 of this code. The town may revoke a license if there is a violation of the terms of the license or this ordinance.
- (5) The Town may order removal of a structure if it is in violation of this ordinance or a license issued under this ordinance, or if the Town determines that removal is necessary in the public interest. If removal of any structure, whether licensed or otherwise, is ordered by the town but not performed, the town may remove the structure at the property owner's expense. If such cost is not promptly paid by the property owner, the town will collect this cost in the manner provided for special property tax assessments.
- (6) The licensee must meet all requirements under state law. Approval of a license by the town is not an expression by the town as to the legality of the pier or other related structures under state law.
- (7) The licensee may not rent, lease, or offer for in exchange for any return value a licensed pier or mooring space to any person, other than if a residence on the property is rented to another person along with the pier.
- (8) The licensee is solely responsible for any damage to a licensed pier or related structure, regardless of whether such damage is caused by the town, its agents, or a third party. The property owner shall indemnify the town for any

costs associated with defending itself from actions relating to the activities and structures authorized under a license.

- (9) A licensee shall include with his or her license application proof of liability insurance coverage for any structures licensed under this article in the amount of no less than \$500,000 per occurrence.
- (10) Pursuant to the limitations imposed by Wis. Stats. ch. 30, a license issued under this article does not convey vested rights on the licensee.

**Section 35-520. – Fees and License Term.**

The license application fee for a license under this article is \$100 per year or partial year of the license term. A licensee shall pay an initial fee of \$100 with a license application and shall pay each annual installment of this fee by each January 31 of the license term or may pre-pay for the full license term. An initial license issued under this article remains valid, unless revoked under this article, until the fifth January 1 following issuance. Subsequent renewal licenses remain valid, unless revoked under this article, for five years following the date of issuance of the license. A property owner may apply to renew a license for an additional five-year period anytime within six months of expiration of the license using the same application process for an initial license application, including the payment of the applicable application fee.

**Section 35-522. – License Approval or Denial.**

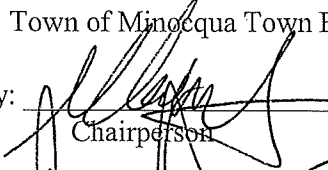
- (1) For license applications for piers subject to Section 35-512 (2) but not Section 35-512(3), the town may approve the license application if the pier and, if applicable, related structures, proposed to be constructed and maintained are in conformance with this article.
- (2) For license applications subject to Section 35-512 (1) or Section 35-512(3) the decision of whether to deny, approve, or modify the application shall be made by the town board. Where licensing a pier or related structure would, in the town's discretion, obstruct public access or rights to the water, negatively impact public safety, or interfere with the rights of neighbors, the town may deny the application; limit the size, configuration, or location of the pier or related structure; or require that the pier and/or neighboring licensed piers and associated related structures be shifted away from an area of concern.

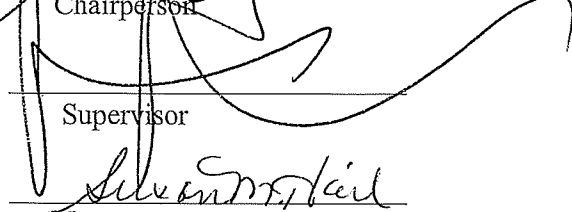
**Effective Date.** This ordinance shall take effect immediately following passage and posting or publication as provided by law.

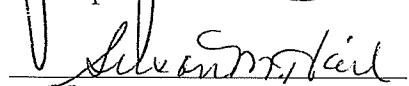
Adopted this 17<sup>th</sup> day of May, 2022.


Town of Minocqua Town Board

By:

  
Chairperson


  
Supervisor

  
Supervisor

  
Supervisor

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Supervisor

Attest:

  
Town Clerk