

Ordinance 060117-01
An Ordinance Amending Sections 54-86 and 54-87 of the Municipal Code
of the Village of Fontana on Geneva Lake regarding Pier permits.

WHEREAS, the Village Board does intend by this Ordinance to make certain amendments as recommended by the Lakefront and Harbor Committee to the Village of Fontana on Geneva Lake Municipal Code.

NOW, THEREFORE, the Village Board of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, do ordain as follows:

SECTION 1.

To amend Section 54-86 as follows:

Sec. 54-86. - ~~Wharf and pier permit required.~~

(a) *Permits required.*

- (1) Riparian proprietors who construct or place a ~~wharf or pier~~ or cause the same to be done, shall, prior thereto, obtain a permit from the board. Once a permit is issued by the board, no future permit is required so long as the structure remains in the same form and location. This subsection shall not apply to a permissible pre-existing ~~wharf or pier~~ as defined in subsection 54-83(c)(2). Any extension or modification to a permissible pre-existing ~~wharf or pier~~, however, shall require a permit as provided in this subsection.
 - (2) No person shall erect, construct, place, extend or maintain any ~~wharf or pier~~ in such a manner that it violates any of the provisions of this section or any applicable laws or any rule, order or regulation of the state department of natural resources. However, any permit granted to a riparian proprietor by the state department of natural resources pursuant to Wis. Stats. § 30.12, shall deem the pier ~~or wharf~~ to be in compliance with this section, to the extent of the permit so granted. ~~Any applicant seeking a permit shall by certified mail immediately notify the applicant's abutting neighbors that the applicant is seeking a permit. A copy of any application for a permit from the state department of natural resources pursuant to Wis. Stats. § 30.12, shall be filed with the clerk at the same time such application is filed with the state department of natural resources.~~
 - (3) Any proposed expansion, extension, or alteration of an existing nonconforming pier shall meet the requirements of the code in those areas of proposed expansion, extension, or alteration, and shall not create a greater degree of nonconformity. Proposed expansions, extensions, or alterations that do not comply with the requirements of this chapter shall not be permitted, unless a variance is granted by the zoning board of appeals
- (b) *Application for permit.* ~~The application and sealed site plan shall:~~ Complete applications are to be filed with the clerk a minimum ten (10) days prior to the Lakefront and Harbor committee meeting and shall contain the following information:

1. Building Permit Application Form, including the following information:
 - a. Name, address and telephone number of the applicant
 - b. Name, address and telephone number of the owner of the land in front of which the pier is to be placed.
 - c. Description of the real estate in front of which the pier is to be placed, including frontage on lake, tax key number and address.
 - d. Name, address and telephone number of the contractor installing or modifying the pier
 2. A scaled site plan indicating the following:
 - a. Existing pier configuration, existing structures (buoys, swim rafts, swim platforms, ramps, etc) and existing shoreline conditions
 - b. Proposed pier configuration, proposed structures (buoys, swim rafts, swim platforms, ramps, etc.) and proposed shoreline alterations
 - c. Riparian rights: extended lot line method and extended knitter method
 - d. Adjacent properties, including distance to closest piers or structures
 3. Documentation which depicts compliance with Section 54-83, which shall include, but shall not be limited to, the placement of the pier at a minimum 12.5' setback from riparian lines, and that it does not extend beyond the pierhead line, which has been established as 100' waterward from the shoreline. (Note: An exception to extending beyond the pierhead line, may be permitted, in accordance to Section 54-83(c)(1). A certified survey shall be required for those proposals depicting the location or configuration of piers 15' or closer to adjacent riparian lines, whether by extended lot line or knitter method,
 4. A copy of the application filed with the state department of natural resources pursuant to Wis. Stats. § 30.12.
 5. State department of natural resources approval or denial.
 6. Proof that notification was sent via certified mail to the applicant's abutting riparian neighbors that the applicant is seeking a permit.
- (c) *Investigation.* Upon filing of such application with the Village Clerk, the clerk shall refer the application immediately to the Building and Zoning Department inspector, or such other person as may be designated by the board, for investigation and report. ~~to determine and put in writing, if the application is complete. The completed application shall be forwarded to the Lakefront & Harbor committee to determine if Such report shall indicate that all of the requirements of this section, applicable laws, and rules and orders of the state department of natural resources, will be complied with. The building inspector or other designated official shall thereafter file with the lakefront and harbor committee a report of his findings. Such report shall also include a recommendation and the reasons for such recommendation. Following the preapproval from the building inspector and the lakefront and harbor committee the applicant shall submit the proposed plan to the department of natural resources for state approval. Once state department of natural resources approval~~

~~is granted, the applicant shall return to the lakefront and harbor committee to confirm that the approved department of natural resources plans have not been altered from the original submittal.~~

SECTION 2.

To amend Section 54-87 as follows:

Sec. 54-87. - Issuance, denial, revocation of permits; appeals; fees.

- (a) After the ~~filing and~~ review of the application by the Lakefront and Harbor Committee, required by subsections 54-86(b) and (c) by the building inspector, or other designated person, the village board shall then act on the application. No permit shall be granted until the village board determines all requirements of this article and all the applicable laws and rules and orders of the Wisconsin Department of Natural Resources have been complied with. The reasons for the granting or denial of the permit shall be stated in the minutes. If approval by the village board is granted, the applicant shall obtain the necessary building and zoning permits from the Building and Zoning Department.
- (b) If the ~~wharf or~~ pier for which a permit has been granted is not erected, constructed or placed in accordance with the application, plans, specifications, details and drawings submitted by the applicant, or if the ~~wharf or~~ pier for which a permit has been issued violates any of the provisions of this article or applicable laws or rules or orders of the Wisconsin Department of Natural Resources, or interferes with rights of other riparian proprietors, the board may revoke the permit. The provisions of this subsection shall not affect the board's rights to pursue any other legal remedies it may have as provided in this article or otherwise by law. If the pier for which a permit has been granted is not erected, constructed or placed within three (3) years, the village board approval shall become automatically void and the applicant shall be required to reapply.
- (c) Any person having a substantial interest which is adversely affected by a decision of the board, or an officer, employee or agent of the board, relating to the issuance, denial or revocation of a permit as provided in this article, may have such determination reviewed pursuant to the provisions of Wis. Stats Chapter 68.
- (d) The board may provide for the payment of a reasonable fee for the issuance of a permit under this section.
- (e) Following the completion of the ~~wharf or~~ pier the applicant shall submit an as-built survey along with a photograph depicting the completed project to the Building and Zoning Department.
- (f) For purposes of considering permit applications pursuant to chapter 54 of the Municipal Code, the village shall maintain in the records of the village clerk an inventory of existing moorings ~~piers~~ within the village, which said inventory shall be considered and approved by the ~~harbor and lakeshore~~ Lakefront and Harbor committee from time to time. The ~~harbor and lakeshore~~ Lakefront and Harbor committee criteria and mooring exchange formula as utilized by said committee shall be placed on file with the village clerk.

SECTION 3.

Effective Date: This ordinance shall be in full force and effect upon its passage approval, and publication as required by law.

PASSED AND ADOPTED by the Village Board of the Village of Fontana on Geneva Lake, Walworth County, WI this 1st day of June, 2017.

Village of Fontana on Geneva Lake

By: _____
Patrick Kenney, President

Attest: _____
Theresa Loomer, Clerk