

Ordinance No. 100118-01

**An Ordinance Repealing and Recreating Section 54-86(b), Section 54-125(a)(2), Section 54-86(a)(1) and Section 54-125(a)(1) of the Municipal Code of the Village of Fontana-on-Geneva Lake.**

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

SECTION 1. Section 54-86(b) is hereby repealed and recreated to read as follows:

Section 54-86(b)

(b) *Application for permit.* Complete applications are to be filed with the clerk a minimum ten 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-foot setback from riparian lines, and that it does not extend beyond the pierhead line, which has been established as 100 feet waterward from the shoreline. (Note: An exception to extending

beyond the pierhead line, may be permitted, in accordance to subsection 54-83(c)(1).) A certified survey shall be required for those proposals depicting the location or configuration of piers 15 feet 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.
- (7) The applicant shall sign an acknowledgement and certificate on a cost recovery agreement form to be made available by the Village Clerk, acknowledging the applicant's responsibility for all Village costs and expenses directly or indirectly related to the application.

SECTION 2. Section 54-125(a)(2) is hereby repealed and recreated to read as follows:

Section 54-125(a)(2)

- (2) *Application for permit.* Applications for permits shall be on the form prescribed by the Village Board. Completed forms to be filed with the Village Clerk and shall contain the following information:
  - a. Name, address and telephone number of the applicant.
  - b. The name, address and telephone number of the owner of the land in front of which the mooring is to be placed.
  - c. The description of the real estate in front of which the mooring is to be placed, including frontage on lake, tax key number and address.
  - d. Written consent of the landowner to the placing of such mooring.
  - e. A scaled riparian site plan which shows the location of the proposed mooring, its position relative to other moorings or piers on the riparian property or adjoining property, boat traffic lanes, swimming or bathing areas, all structures within 200 feet, the property riparian lines, and all separation distances. A riparian survey, certified by a licensed surveyor, shall be required for moorings proposed closer than 35 feet to the property riparian lines or in those other circumstances as required by the Village.

- f. A description of the type of mooring, including its physical description, markings, approximate depth of water and the approximate length of rope or cable connecting the mooring buoy to its anchor.
- g. The applicant shall sign an acknowledgement and certificate on a cost recovery agreement form to be made available by the Village Clerk, acknowledging the applicant's responsibility for all Village costs and expenses directly or indirectly related to the application.

SECTION 3. Section 54-125(a)(1) is hereby repealed and recreated to read as follows:

Section 54-125(a)(1)

- (1) *Permits required.* No mooring buoy within the boundaries of the village shall be installed or maintained up to 200 feet from the ordinary high-water mark of Geneva Lake unless a permit is issued for the placement and the use of the mooring buoy by the board. Once a permit is issued under this section, no subsequent permit may be required unless the mooring location is changed.

In addition to any other fees required to be paid in conjunction in the filing of an application pursuant to this section, the applicant shall compensate the Village for all costs and expenses the Village incurs in the administration, investigation and consideration of any application or request pursuant to this section, including the cost of retaining the services of professional consultants. The obligation to compensate the Village for its costs or expenses shall extend to pre-submission discussions with the Village or its representatives which precede an application pursuant to this section.

SECTION 4. Section 54-86(a)(1) is hereby repealed and recreated to read as follows:

Section 54-86(a)(1)

- (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.

In addition to any other fees required to be paid in conjunction in the filing of an application pursuant to this section, the applicant shall compensate the Village for all costs and expenses the Village incurs in the administration, investigation and consideration of any application or request pursuant to this section, including the cost of retaining the services of professional consultants. The obligation to compensate the Village for its costs or expenses shall extend to pre-submission discussions with the Village or its representatives which precede an application pursuant to this section.

SECTION 5.

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-Lake Geneva, Walworth County, Wisconsin, this 1st day of October, 2018.

VILLAGE BOARD OF THE VILLAGE OF  
FONTANA-ON-GENEVA LAKE

By: \_\_\_\_\_

  
Patrick Kenny, Village President

Attest: \_\_\_\_\_

  
Theresa Loomer, Village Clerk