

## **ORDINANCE NO. 10-03-11-01**

An Ordinance Amending Section 54.125 of the Village of Fontana on Geneva Lake Municipal Code Establishing mooring buoy requirements.

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

**Section I.** Section 54.125 of the Municipal Code of the Village of Fontana-on-Geneva Lake is hereby amended as follows:

### **Sec. 54-125. Mooring buoys.**

(a) *Regulations applicable to mooring buoys located up to 200 feet from the ordinary high water mark of Geneva Lake.*

(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.

(2) *Application for permit.* Applications for permits shall be on the form prescribed by the board. Completed forms are to be filed with the 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 certified survey showing the proposed location of the mooring, its distance from the ordinary high-water mark, and its relationship, if any, to other existing moorings, established traffic lanes, marked swimming or bathing areas, and structures, including piers, rafts, docks and wharves located within 500 feet of the proposed mooring. The certified survey shall also indicate the total number of mooring buoys, the distance between mooring buoys, and the number and size of the boats to be placed on the mooring.
- 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.

(3) *Review and action by board.*

- a. The clerk, upon receipt of the application, shall refer the application to the person designated by the board for investigation and report. The investigating official shall thereafter personally view the subject property and make and file his report with the board within 30 days from the filing of the application.
- b. The board shall thereafter consider the application, together with the report and recommendation of the investigating official.

No permit shall be granted until the board determines that all requirements of this section, applicable laws and rules and orders of the state department of natural resources have been complied with. The board shall state the reasons for granting or denying the permit, which shall be stated in the minutes of the meeting. The board may also place restrictions or conditions on any permit so issued under this section.

- (4) *Revocation of permit.* The board may revoke a permit if the mooring buoy subsequently violates any provisions of this article or applicable laws or rules and orders of the state department of natural resources.
- (5) *Review.* The provisions of this chapter shall apply to the granting, denial or revocation of a mooring buoy permit by the board.
- (6) *Restrictions.* No permit for a mooring buoy located up to 200 feet from the ordinary high water mark of Geneva Lake shall be issued for:
  - a. Any mooring which obstructs or interferes with public rights or interests in the navigable waters.
  - b. Any mooring for which the riparian owner has not given written permission for its placement and use.
  - c. Any mooring which interferes with the rights of other riparian owners.
  - d. Any mooring which adversely affects critical or significant fish or wildlife habitat.
  - e. Any mooring buoy unless:
    1. It has affixed a village-permit sticker, with registration number for the current year; it is also recommended that the buoy owner's name be displayed on each buoy;
    2. It is so placed in the water to provide for a clearance of from the moored boat:
      - i. Of at least 25 feet ~~from between~~ any pier, dock, raft, wharf or any other structure; or
      - ii. Of at least ~~ten~~ 25 feet ~~between from~~ any moored boat ~~and any other moored boats~~;
    3. Painters (mooring lines) are not less than four feet nor more than eight feet in length;
    4. The buoy chain slack is between two feet and three feet when extended above the water's surface; and
    5. It is attached to a concrete anchor of such weight capable of holding in place the size of the attached boat.
  - f. A mooring anchor which is placed more than 200 feet from the ordinary high-water mark unless:
    1. A permit is obtained from the state department of natural resources;
    2. A permit is obtained from the board and is approved by the state department of natural resources; or
    3. The mooring is properly within a designated mooring area.
  - g. Any mooring which violates any condition or restriction placed on the permit issued for the mooring, any provision of

this article, the applicable laws or rules and orders of the state department of natural resources.

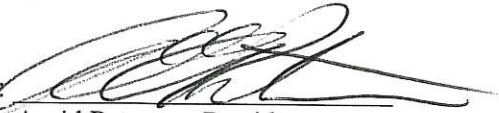
h. Any mooring which would be in violation of or in conflict with the uniform navigation aids rules established by the state department of natural resources.


i. Any mooring which is determined by the board to be a safety hazard because of its proximity to any properly marked and established traffic lane, properly marked swimming or bathing area, or in any other way is a hazard to the health, safety and welfare of the public.

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

Approved and Adopted by the Village Board of the Village of Fontana-on-Geneva Lake, Walworth County, Wisconsin, this 3<sup>rd</sup> day of October, 2011.

Village Board of the Village of Fontana-on-Geneva Lake

By:   
Arvid Petersen, President

Attest:   
Dennis L. Martin, Clerk

