

ORDINANCE NO. 5.11

The Town Board for the Town of Rhine, Sheboygan County, Wisconsin, does hereby ordain as follows:

That Sec. 5.11 of the Municipal Code of the Town of Rhine is hereby created to read as follows:

Sec. 5.11 REGULATION OF MOORING BUOYS.

(1) No person shall place or use a mooring buoy within 200 feet from shore in the waters of Elkhart Lake without first obtaining a permit.

Permits to place mooring buoys shall be issued by the Chief of Police for the Village of Elkhart Lake.

Applicants for the placement of mooring buoys shall demonstrate compliance with the provisions of this ordinance and the requirements of Wis. Stat. sec. 30.772 and Wis. Adm. Code NR 5.09. No person shall place a mooring buoy in the waters of Elkhart Lake beyond 200 feet from shore without first obtaining a permit from the Town Board of the Town of Rhine and the Wisconsin Department of Natural Resources.

(2) The application for any such permit issued by the Town Board or the Chief of Police shall describe the real estate and approximate location of the mooring buoy, setting forth the distancing or the mooring buoy to the property lines of abutting neighboring riparian lands together with any additional details and specifications which the Town Board or Chief of Police may require. Said application shall also state the name and permanent address of the applicant.

(3) Upon the filing of such application the issuing authority shall make proper investigation and determine that the applicant is in compliance with all of the requirements of this section and applicable laws of the State of Wisconsin and rules and orders of the Wisconsin Department of Natural Resources.

(4) In-determining whether or not to recommend a mooring buoy permit, the issuing authority shall take into consideration the following:

(a) The number of moorings for a specific distance of frontage or within a specified area.

(b) The number of boats to be attached to any mooring buoy.

(c) The distance between mooring buoys.

(d) The safe distance of moored boats from any other moored boats, properly marked and established traffic lanes, properly marked swimming or bathing areas, or structures, including piers, rafts, docks and wharves.

(e) Whether or not the applicant is a riparian owner.

(5) Under no circumstances may a mooring buoy be placed or used on Elkhart Lake if any of the following conditions exist:

(a) The mooring buoy obstructs or interferes with public rights or interest in the navigable waters of Elkhart Lake.

(b) The riparian owner does not give written permission to a non-riparian owner for the placement and use of the mooring buoy.

(c) The mooring buoy or use of the mooring buoy interferes with the rights of other riparian owners.

(d) The mooring buoy or use of the mooring buoy adversely affects critical or significant fish or wildlife habitat.

(e) The mooring anchor is placed more than 200 feet from the ordinary high water mark of Elkhart Lake.

(6) In the event that the mooring buoy for which a permit has been granted is not erected, constructed, placed or main-tained in accordance with the application, plans, specifications, details and drawings submitting by the applicant thereof, or in the event such mooring is erected, constructed, or maintained in violation of any of the provisions of this ordinance or any of the applicable laws of the State of Wisconsin, the Town Board for the Town of Rhine may revoke said permit after holding an evi-dentiary hearing on the alleged violation. A written notice of the time, date and place of said evidentiary hearing, together with a summary of the alleged violation, shall be mailed, by certified mail, to the holder of said permit at Least ten (10) days prior to the date of the hearing thereon. If the permit is revoked, the reasons therefore shall be stated in the minutes of the meeting of the governing body.

(7) A mooring buoy which is placed or used in violation of this section constitutes a public nuisance, and any person who violates this ordinance shall be subject to a forfeiture not to exceed \$50.00 for each such violation. Each day during which a violation exists is a separate offense. Any mooring buoys placed without a permit, or otherwise illegally placed, may be removed by the Town Board at the expense of the owner of the mooring buoy.

Adopted and approved this 3 day of August,1993.