

AN ORDINANCE
TO REGULATE THE LOCATION OF
PIERS, WHARVES AND SWIMMING RAFTS
ON LAKE RIPLEY

WHEREAS, Lake Ripley is a navigable water of the State of Wisconsin and a valuable natural resource providing recreational and environmental benefits to residents and visitors to the Town of Oakland; and

WHEREAS, Lake Ripley has a valuable fishery and provides habitat to numerous plant and animal species dependent on the presence and abundance of native aquatic plant species; and

WHEREAS, a Lake Ripley Aquatic Plant Management Plan, dated September 1992, prepared by the Wisconsin Department of Natural Resources and adopted by the Lake Ripley Management District identifies certain sensitive areas within Lake Ripley where native aquatic plants provide significant habitat for fish and wildlife and recommends the protection of such areas from uses and activities detrimental to such areas; and

WHEREAS, the Nonpoint Source Control Plan for the Lake Ripley Priority Lake Project adopted by the Town of Oakland Board of Supervisors, the Lake Ripley Management District Board of Commissioners and the Jefferson County Board of Supervisors similarly identifies sensitive areas within Lake Ripley where native aquatic plants provide significant habitat for fish and wildlife and recommends the protection of such areas from uses and activities detrimental to such areas; and

WHEREAS, the Town Board of the Town of Oakland desires and intends to implement the recommendations referenced above in order to protect public rights in navigable waters, including fish, wildlife, water quality and the ecological integrity of Lake Ripley.

NOW THEREFORE, the Town Board of the Town of Oakland DO ORDAIN as follows:

I. Purpose and Authority. This ordinance is adopted in order to protect the public welfare including public rights in water, water quality, fish habitat and native aquatic plants in Lake Ripley through regulation of the location of wharves, piers, swimming rafts and related structures pursuant to Section 30.13(2) of the Wisconsin Statutes.

II. Definitions. The definitions as set forth in Section 30.01 of the Wisconsin Statutes, are incorporated herein by reference as though fully set forth herein, except as follows.

- A. Pier: A pier includes any structure described in Section 30.01(5), Wis. Stats., and also includes any structure placed on the bed of the lake or on the shore built or maintained for the purpose of providing a berthing or mooring place for watercraft or for loading or unloading of cargo or passengers onto or from watercraft.
- B. Ecologically significant area: Ecologically significant area means an area in which native aquatic plants are present in sufficient abundance and density to support significant spawning, seasonal or lifestage habitat for fish or other aquatic life and to protect water quality. Ecologically significant areas typically support several of the following emergent and floating leaf plants, including broad leaf cattails (*Typha latifolia*), swamp loosestrife (*Decodon verticillatus*), arrowhead (*Sagittaria latifolia*), chairmaker's rush (*Scirpus americanus*), spatterdock (*Nuphar adrena*), white water lily (*Nymphaea odorata*) and floating leaf pondweed (*Potamogeton natans*). Ecologically significant areas also support numerous submersed native aquatic plants listed in the Lake Ripley Aquatic Plant Management Plan.

III. Ecologically Significant Areas Map. A map delineating the ecologically significant area is attached to this Ordinance No. 42 and incorporated herein. The delineation of such areas may be amended by an ordinance map amendment adopted by the Town Board, upon motion of the Board.

IV. Placement of Piers, Wharves and Swimming Rafts. No wharf, pier or swimming raft shall be located, built, constructed or maintained in any ecologically significant area, except as provided herein:

- A. A lawfully-placed wharf or pier or swimming raft which existed and was regularly used prior to the effective date of this ordinance may be maintained in its present location and general configuration as a permissible preexisting wharf or pier or swimming. The seasonal removal of a wharf, pier or swimming raft does not affect its status as a permissible preexisting wharf, pier or swimming raft.
- B. A wharf, pier or swimming raft for which a permit issued by the Wisconsin Department of Natural Resources pursuant to Section 30.12 of the Wisconsin Statutes is in effect.

V. Nonconforming Structures a Nuisance. Any pier, wharf or swimming raft not located in compliance with this ordinance constitutes a public nuisance.

VI. Removal of Unlawful Obstruction. Any pier, wharf or swimming raft not located in compliance with this ordinance constitutes an unlawful obstruction of navigable waters and may be removed by the Town pursuant to Section 66.0495 of the Wisconsin Statutes.

VII. Penalties for Violation of This Ordinance. Any person who shall violate any of the provisions of this ordinance or who shall fail to perform any duty imposed hereunder or who shall commit any act prohibited hereby shall upon conviction thereof forfeit not more than \$100.00 together with the costs of prosecution. Each day of violation of any provision of this ordinance shall be deemed to constitute a separate offense.

The Town Board DO FURTHER ORDAIN that this Ordinance shall be effective following its adoption and publication or posting.

Dated this 21st day of March, 1995.

TOWN OF OAKLAND

BY: Raymond Kisow
Raymond Kisow, Chairman

ATTEST: Linda K. Dieckhoff
Linda Dieckhoff, Clerk

Passed: March 21, 1995

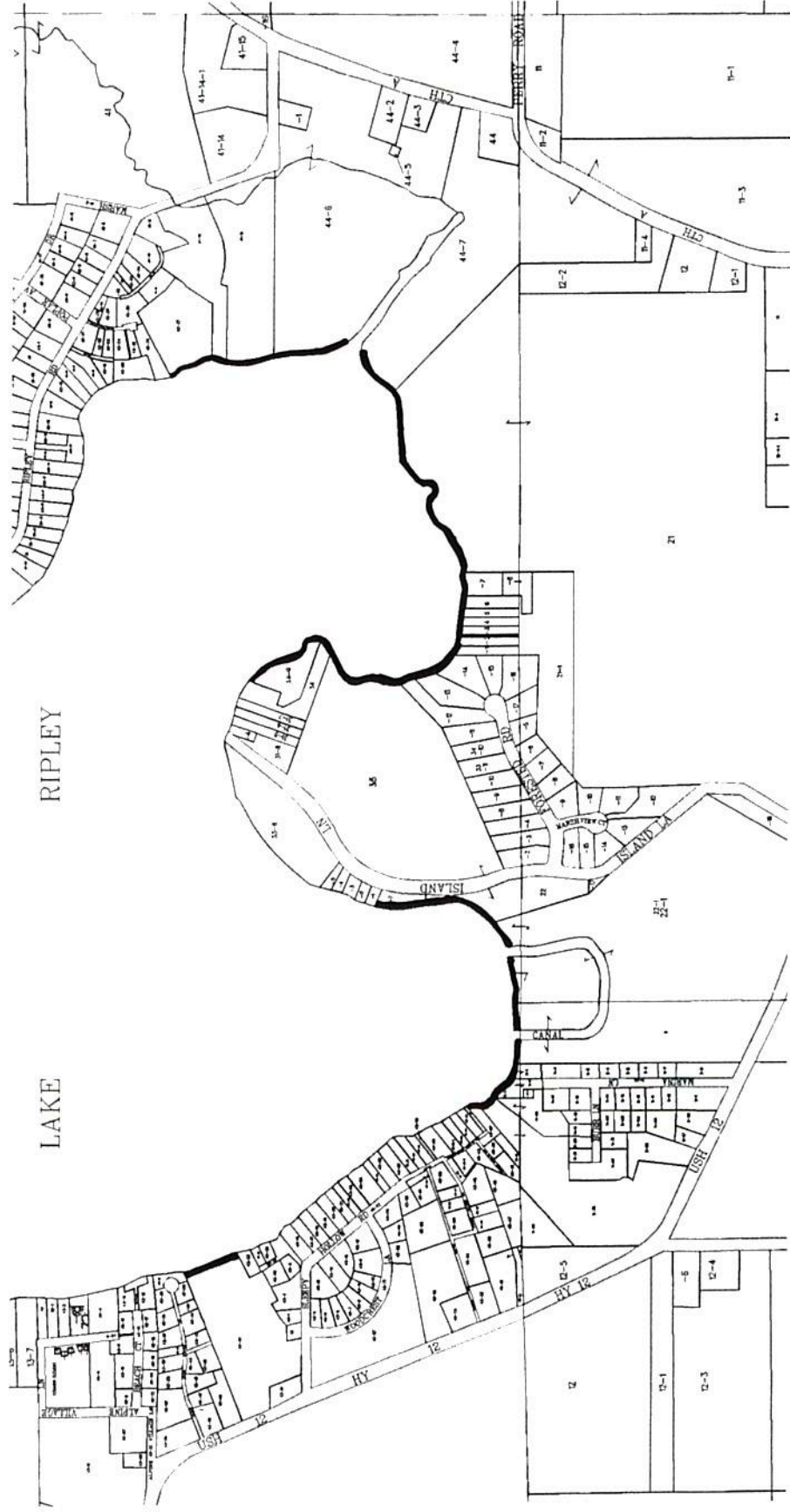
Vote:
Ayes: 3 Noes: 0

Published: March 30, 1995.
Posted: March 22, 1995.

LAKE RIPLEY PIER ORDINANCE

SECTION 7 T6N R13E

SECTION 8 T6N R13E



SECTION 18 T6N R13E

SECTION 17 T6N R13E

SENSITIVE AREA