



## 1999 ASSEMBLY BILL 930

March 28, 2000 – Introduced by Representatives HUTCHISON and OWENS. Referred to Committee on Conservation and Land Use.

1     **AN ACT** *to renumber and amend* 30.12 (2); and *to create* 30.12 (1m) and 30.12  
2           (2) (a) 2. of the statutes; **relating to:** the placement, construction, repair and  
3           maintenance of solid piers.

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### *Analysis by the Legislative Reference Bureau*

Under current law, no person may deposit any material or place any structure upon the bed of any navigable water where no bulkhead line has been established or, if a bulkhead line has been established, beyond that established line unless the person is granted a permit by the department of natural resources (DNR) pursuant to statute or unless otherwise authorized by the legislature. A bulkhead line is a line established by a municipality in the public interest that conforms as nearly as practicable to an existing shore. Among the kinds structures for which current law authorizes DNR to issue a permit are structures that are built or maintained by a riparian owner for his or her own use. DNR may issue such a permit for this purpose only after complying with certain public notice and hearing requirements. Under one exception to the general permit requirement, a riparian owner may construct a pier without a permit if, among other things, the pier allows the free movement of water underneath.

This bill provides that beginning on the bill's effective date, no person may place or construct a solid pier (a pier that prevents the free movement of water beneath the pier) beyond the ordinary high-water mark of any navigable water, regardless of whether a bulkhead line has been established, without a permit from DNR. In order to qualify for a permit, the solid pier must not materially obstruct navigation, reduce

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the effective flood flow capacity of a stream or be detrimental to the public interest. Additionally, the solid pier must be used in association with a marina, boat livery or harbor of refuge to which the riparian owner provides the public access without restriction other than requiring the payment of a reasonable mooring or anchoring fee. The bill requires DNR to comply with public notice and hearing requirements in connection with issuing the permit.

Finally, this bill provides that if a solid pier owned by a riparian owner was constructed before the bill's effective date and if that pier was constructed under a permit issued by DNR, the riparian owner may repair and maintain the solid pier if the cost of the repair or maintenance does not exceed 50% of the equalized assessed value of the solid pier. If the solid pier is not subject to assessment, the riparian owner may make repairs if the cost does not exceed 50% of the fair market value of the pier.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 30.12 (1m) of the statutes is created to read:

2           30.12 **(1m)** SOLID PIERS. (a) In this section “solid pier” means a pier that  
3 prevents the free movement of water beneath the pier, including a pier that has a  
4 rock-filled crib or similar device as a foundation.

5           (b) Notwithstanding sub. (1), beginning on the effective date of this paragraph  
6 .... [revisor inserts date], a person may not place or construct a solid pier extending  
7 beyond the ordinary high-water mark of any navigable water, unless the  
8 department issues a permit as provided under sub. (2) (a) 2.

9           (c) The riparian owner of any solid pier extending beyond the ordinary  
10 high-water mark that was placed or constructed before the effective date of this  
11 paragraph .... [revisor inserts date], and for which the department issued a permit  
12 may repair and maintain the solid pier if the cost of the repair or maintenance does  
13 not exceed 50% of the equalized assessed value of the solid pier at the time of the  
14 repair or maintenance. If the solid pier is not subject to assessment, the riparian

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1 owner may make repairs to or maintain the pier if the cost of the repair or  
2 maintenance does not exceed 50% of the current fair market value of the solid pier.

3 **SECTION 2.** 30.12 (2) of the statutes is renumbered 30.12 (2) (a) and amended  
4 to read:

5 30.12 (2) (a) The department, upon application and after proceeding in  
6 accordance with s. 30.02 (3) and (4), may grant to any riparian owner a permit to  
7 ~~build~~ do any of the following:

8 1. Build or maintain for the owner's use a structure otherwise prohibited under  
9 sub. (1), if the structure does not materially obstruct navigation or reduce the  
10 effective flood flow capacity of a stream and is not detrimental to the public interest.

11 (b) The procedures in this subsection do not apply to permits issued under sub.  
12 (3).

13 **SECTION 3.** 30.12 (2) (a) 2. of the statutes is created to read:

14 30.12 (2) (a) 2. Beginning on the effective date of this subdivision .... [revisor  
15 inserts date], place or construct a solid pier, as defined in sub. (1m) (a), extending  
16 beyond the ordinary high-water mark of any navigable water if the solid pier does  
17 not materially obstruct navigation, does not reduce the effective flood flow capacity  
18 of a stream, is not detrimental to the public interest and is used in association with  
19 a marina, boat livery or harbor of refuge to which the riparian owner provides the  
20 public access without restriction other than requiring the payment of a reasonable  
21 mooring or anchoring fee.

22 (END)