

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 95-103

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

Section 30.12 (3) (a) 6., Stats., authorizes the Department of Natural Resources to grant to a riparian owner a permit to place a permanent boat shelter adjacent to the owner’s property for the purpose of storing or protecting watercraft and associated materials. In order to carry out this purpose, s. 30.12 (3) (c), Stats., authorizes the department to promulgate rules, including rules to establish minimum standards to govern the architectural and aesthetic features of boat shelters and the number of boat shelters that may be constructed adjacent to a parcel of land. The statute also provides that the standards must be designed to minimize the visual intrusiveness of a boat shelter with respect to the surrounding body of water and shoreline.

Current s. NR 326.03 (11) defines the term “visually intrusive” and s. NR 326.055 (2) (b) generally provides that a boat shelter may not be visually intrusive as viewed against the shoreline. Clearinghouse Rule 95-103 repeals these two provisions of ch. NR 326. With the repeal of these provisions, how do the rules of the department respond to the statutory mandate that, when the department promulgates rules to carry out the purposes of s. 30.12 (3) (a) 6., Stats., standards be designed to minimize the visual intrusiveness of a boat shelter with respect to the surrounding body of water and shoreline? Further, without rules regarding “visual intrusiveness,” how will a municipality be able to exercise its authority, under s. 30.12 (3) (c), Stats., to enact ordinances not inconsistent with department rules relating to “visual intrusiveness”?