



## 2003 ASSEMBLY BILL 944

March 10, 2004 - Introduced by Representatives D. MEYER and FRISKE, cosponsored by Senators S. FITZGERALD and KANAVAS. Referred to Committee on Urban and Local Affairs.

1     **AN ACT to create** 30.104 of the statutes; **relating to:** determinations of ordinary  
2           high-water marks by counties and by the Department of Natural Resources.

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*Analysis by the Legislative Reference Bureau*

This bill provides that if there is a difference between the determination by a county and by the Department of Natural Resources (DNR) as to the location of an ordinary high-water mark (OHWM) on a lake, the county's determination prevails. The ordinary high-water mark is the point on the lakeshore where there is a distinctive mark that shows, by certain physical characteristics such as erosion marks or a change of vegetation, that the presence or action of surface water ends at that point. The area below the OHWM is considered to be part of the lake bed and owned by the state. The OHWM is also used in determining the rights of lakefront property owners and in determining what are "shorelands" for zoning ordinances enacted by counties. These zoning ordinances must meet certain standards promulgated by DNR. Current law defines a "shoreland" for these ordinances as being the area within 1,000 feet of the OHWM.

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

3           **SECTION 1.** 30.104 of the statutes is created to read:  
4           **30.104 Determinations of ordinary high-water marks by counties.** If  
5           a county determines that an ordinary high-water mark on a lake at a given location

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**SECTION 1**

1 is different from the ordinary high-water mark at the location as determined by the  
2 department, the determination by the county shall prevail.

3 (END)