

1979 Assembly Bill 554

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## CHAPTER 101, Laws of 1979

AN ACT to create 30.121 of the statutes, relating to boathouses and houseboats on navigable waterways, granting rule-making authority and providing a penalty.

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

SECTION 1. 30.121 of the statutes is created to read:

**30.121 Regulation of boathouses and houseboats.** (1) DEFINITIONS. In this section:

(a) "Boathouse" means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.

(b) "Fixed houseboat" means a structure not actually used for navigation which extends beyond the ordinary highwater mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

(2) PROHIBITIONS. After the effective date of this act (1979) no boathouse or fixed houseboat may be constructed or placed beyond the ordinary highwater mark of any navigable waterway.

(3) MAINTENANCE. After the effective date of this act (1979), the owners of any boathouse or fixed houseboat extending beyond the ordinary highwater mark of any navigable waterway may repair and maintain the boathouse or fixed houseboat:

(a) If the cost of the repair or maintenance does not exceed 50% of the equalized assessed value of the boathouse or fixed houseboat or, if the boathouse or fixed houseboat is not subject to assessment, if the cost of the repair or maintenance does not exceed 50% of the current fair market value; and

(b) If the repair or maintenance does not consist of constructing a boathouse over an authorized boatslip.

(4) **MAJOR REPAIR, ABANDONED STRUCTURES AND OBSTRUCTIONS TO NAVIGATION.** The owner of a boathouse or a fixed houseboat which extends beyond the ordinary high-water mark of any navigable waterway and which is in a major state of disrepair or is a material obstruction to navigation may be ordered by the department to remove the structure from the waterway. The department shall follow the procedures set forth in s. 30.03 (4) (a) for ordering removal of a structure. If such a structure is abandoned and the department, after due diligence, cannot locate the owner, the department shall utilize the procedures set forth in s. 29.04 (1) for removing the abandoned structure.

(5) **APPLICABILITY.** Boathouses or fixed houseboats owned by the state or by local units of government shall comply with this section. This section does not apply to any structure designated as a national, state or local historical landmark.

(6) **RULES.** The department may promulgate rules deemed necessary to carry out the purposes of this section.

(7) **PENALTIES.** Any person who constructs, owns or maintains a boathouse or fixed houseboat in violation of this section or in violation of any order issued under this section shall forfeit not less than \$10 nor more than \$50 for each offense. Each day a structure exists in violation of this section constitutes a separate offense.

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