

State of Wisconsin



2009 Senate Bill 348

Date of enactment: **May 13, 2010**
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2009 WISCONSIN ACT 352

AN ACT to amend 30.133 (1) (a), 30.1335 (3) (b), 30.1335 (4) (a), 30.1335 (4) (b) and 30.1335 (6) (a) of the statutes; relating to: declarations creating marina condominiums and technical corrections to the laws governing marina condominiums.

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

SECTION 1. 30.133 (1) (a) of the statutes is amended to read:

30.133 (1) (a) Beginning on April 9, 1994, and except as provided in s. ~~30.1355~~ 30.1335, no owner of riparian land that abuts a navigable water may grant by an easement or by a similar conveyance any riparian right in the land to another person, except for the right to cross the land in order to have access to the navigable water. This right to cross the land may not include the right to place any structure or material, including a boat docking facility, as defined in s. 30.1335 (1) (a), in the navigable water.

SECTION 2. 30.1335 (3) (b) of the statutes is amended to read:

30.1335 (3) (b) If a marina condominium as described in par. (a) contains more than 300 boat slips, the declarant shall make at least 40 percent of the total number of boat slips in the marina condominium available for rent or for transient use by the public. When the declarant conveys title to, or another interest in, a condominium unit that is affected by this restriction on use, the declarant shall include a statement of the restriction in the instrument of conveyance.

SECTION 3. 30.1335 (4) (a) of the statutes is amended to read:

30.1335 (4) (a) For a marina that is converted into a marina condominium, if the owner of the marina is issued a permit or other authorization under this subchapter to place, maintain, or use a boat docking facility before the date that a declaration was recorded converting the marina into a marina condominium, the permit or authorization shall be deemed to satisfy the requirements of the other sections of this subchapter and may not be rescinded or modified by the department or a municipality or by court or administrative order if the grounds for the rescission or modification are based on the fact that the marina has been converted to a marina condominium. The permit or authorization shall remain in effect regardless of any subsequent activity affecting the declaration. This paragraph does not apply to any permit or authorization that is issued after the date that the declaration was recorded converting the marina into a marina condominium.

SECTION 4. 30.1335 (4) (b) of the statutes is amended to read:

30.1335 (4) (b) For a marina condominium that was not previously a marina, if the owner of a marina condominium is issued a permit or other authorization under this subchapter to place, maintain, or use a boat docking facility, the permit or authorization shall be deemed to satisfy the requirements of the other sections of this subchapter and may not be rescinded or modified by the

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

department or a municipality or by court or administrative order if the grounds for the rescission or modification are based on the fact that the boat docking facility is part of a marina condominium as opposed to a marina. The permit or authorization shall remain in effect regardless of any subsequent activity affecting the declaration.

SECTION 5. 30.1335 (6) (a) of the statutes is amended to read:

30.1335 (6) (a) Any amendment, modification, or restatement of the declaration by court or administrative order or by ~~agreement of all~~ consent of the owners of the condominium units as authorized under ch. 703.