

No. 301, S.

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CHAPTER 313

AN ACT to amend 30.03 (1); to repeal and recreate 30.19 (1) and (2) (intro. par.) and (d); and to create 30.19 (6) of the statutes, relating to the protection of the navigable waters of the state and providing a penalty.

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

SECTION 1. 30.03 (1) of the statutes is amended to read:

30.03 (1) The public service commission shall report to the governor every forfeiture incurred under ss. 30.15 (1), 30.19 (6) and 31.23 (1) and every nuisance committed in violation of ss. 30.15 (4) and 31.25. Thereupon, the governor shall cause the attorney general, or some person authorized by the governor to act instead of the attorney general, to institute proceedings to recover such forfeiture or abate such nuisance.

SECTION 2. 30.19 (1) and (2) (intro. par.) and (d) of the statutes are repealed and recreated to read:

30.19 ENLARGEMENT AND PROTECTION OF WATERWAYS.

(1) **PERMITS REQUIRED.** Unless a permit has been granted by the public service commission or authorization has been granted by the legislature, it is unlawful:

(a) To construct, dredge, commence or do any work with respect to any artificial waterway, canal, channel, ditch, lagoon, pond, lake or similar waterway where the purpose is ultimate connection with an existing navigable stream, lake or other body of navigable water, or where any part of such artificial waterway is located within 500 feet of the ordinary high-water mark of an existing navigable stream, lake or other body of navigable water.

(b) To connect any natural or artificially constructed waterway, canal, channel, ditch, lagoon, pond, lake or similar waterway with an existing body of navigable water, for navigation or any other purpose.

(c) To grade or otherwise remove top soil from the bank of any navigable stream, lake or other body of navigable water where the area exposed by such grading or removal will exceed 10,000 square feet.

(d) The provisions of this section shall not apply to the construction and repair of public highways or to any agricultural uses of land, nor to any navigable body of water located wholly or partly in any county having a population of 500,000 or more.

(2) **PERMITS FOR WORK OR TO ENLARGE WATERWAYS.** Before any work or connection specified in sub. (1) is undertaken the applicant shall file an application with the commission setting forth the following:

(d) A map or diagram showing the proposal on an adequate scale with contours and cross-section profiles of the waterways to be constructed or grading to be undertaken.

SECTION 3. 30.19 (6) of the statutes is created to read:

30.19 (6) **PENALTY.** Any person violating this section or any term or condition of a permit issued pursuant thereto shall forfeit not more than \$1,000.

Approved September 5, 1963.