

## Chapter NR 324

### FISHING RAFTS IN NAVIGABLE WATERS

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**NR 324.01 Purpose.** These rules are developed pursuant to ss. 30.126 (5) (g), (j) and (6) (a) and 227.11 (2) (a) and (b), Stats., to establish minimum standards for flotation devices used on fishing rafts, for maintenance and repair of fishing rafts to ensure an aesthetically pleasing appearance and to reduce the possibility of fishing rafts being a source of debris or litter in the waterway, and for uniform registration of fishing rafts on authorized portions of the Wolf river.

**History:** Cr. Register, January, 1985, No. 349, eff. 2-1-85; correction made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1995, No. 478.

**NR 324.02 Applicability.** This chapter shall apply to all fishing rafts on the Wolf river and its tributaries from the Shawano dam downstream to Lake Poygan.

**History:** Cr. Register, January, 1985, No. 349, eff. 2-1-85.

**NR 324.03 Definitions.** (1) "Fishing raft" has the meaning given in s. 30.01 (1p), Stats., and may include a boat when it is not normally used as a means of transportation on water and when it is normally retained in place by means of a permanent or semi-permanent attachment to the shore or to the bed of a waterway.

(2) "Flotation device" has the meaning given in s. 30.01 (1t), Stats.

(3) "From the waterway" for the purposes of s. 30.126 (5) (f), Stats., and this chapter, means above and landward of the ordinary high water mark.

(4) "Normally retained in place by means of a permanent or semi-permanent attachment to the shore or the bed of the waterway", for purposes of s. 30.01 (1p), Stats., and this chapter, means a placement waterward of the ordinary high water mark and on the water for a minimum of 14 consecutive days in each year.

(5) "Ordinary high water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristic. Where the bank or shore at any particular place is of such character that it is impossible or difficult to ascertain where the point of ordinary high water mark is, recourse may be had to other places on the bank or shore of the same stream or lake to determine whether a given stage of water is above or below the ordinary high water mark.

(6) "Wolf river municipality" has the meaning given in s. 30.01 (10), Stats.

**History:** Cr. Register, January, 1985, No. 349, eff. 2-1-85; CR 02-045: r. and recr. Register December 2002 No. 564, eff. 1-1-03.

**NR 324.04 Registration and transfer.** (1) Any person constructing, placing or maintaining a fishing raft on authorized portions of the Wolf river and its stream tributaries shall register each fishing raft annually with the municipality in which the fishing raft will be most frequently used.

(2) All registrations shall expire on December 31 of each year.

(3) Any person who acquires an interest in an existing fishing raft shall submit an application within 15 days to transfer the registration number and shall include the information required in s. NR 324.06.

(4) (a) If a Wolf river municipality fails to adopt by ordinance a uniform registration for fishing rafts within 120 days after February 1, 1985 or fails to adequately administer or enforce the uniform registration system for fishing rafts, the department, after providing notice and conducting a hearing on the matter, may adopt or administer and enforce the uniform registration system for fishing rafts in that municipality.

(b) If the department adopts, administers or enforces the uniform registration system for fishing rafts in a Wolf river municipality the owner of the raft shall register the fishing raft with the department of natural resources.

**Note:** Application shall be with the Water Management Coordinator, Wisconsin Department of Natural Resources, Box 10448, Green Bay, WI 54307.

**History:** Cr. Register, January, 1985, No. 349, eff. 2-1-85.

**NR 324.05 Application for registration.** An application for new or renewal fishing raft registration shall contain the following information:

(1) The owner's name;

(2) The owner's address, including ZIP code, and telephone number;

(3) The name of the municipality in which the fishing raft is or will be most frequently used;

(4) The registration number authorized previously for the fishing raft, if any, and expiration date;

(5) Whether the application is a new registration, renewal of registration or transfer of ownership; and

(6) Written permission from the riparian owner of the site at which the raft is to be located or proof of riparian ownership such as a copy of a deed or tax statement.

**History:** Cr. Register, January, 1985, No. 349, eff. 2-1-85; CR 02-045: renum. (1) to be (intro.) to (6) and am. (6), Register December 2002 No. 564, eff. 1-1-03.

**NR 324.06 Registration fee.** (1) The annual fishing raft registration fee shall be \$5 and shall accompany each new or renewal registration application.

(2) A fee is not required for a transfer of ownership application if the previous owner has paid the fee for that calendar year.

(3) The municipality shall use the annual registration fee to administer and enforce the uniform registration system and fishing raft restrictions.

(4) If the department adopts, administers or enforces the uniform registration system for fishing rafts in a Wolf river municipality, the department will retain all registration fees for fishing rafts registered in that municipality.

**History:** Cr. Register, January, 1985, No. 349, eff. 2-1-85.

**NR 324.07 Registration certificate.** (1) The municipality shall issue a certificate of registration which contains the following information for each fishing raft:

- (a) Fishing raft registration number;
- (b) Expiration date;
- (c) Name of issuing municipality;
- (d) Owner's name; and
- (e) Owner's address, including ZIP code.

(2) The municipality shall transmit a complete list of all registered fishing rafts and their owners' names to the department of natural resources on or before April 1 of each year.

**Note:** This list shall be mailed to Water Management Coordinator, Wisconsin Department of Natural Resources, Box 10448, Green Bay, WI 54307.)

**History:** Cr. Register, January, 1985, No. 349, eff. 2-1-85.

**NR 324.08 Numbering pattern. (1)** Fishing raft registration numbers shall consist of 2 capital letters designating the municipality issuing the registration followed by 4 arabic numerals which are unique for each different fishing raft registered in that municipality.

(2) The letter abbreviations for issuing municipalities shall be the following:

- (a) Outagamie county.
  - 1. Town of:
    - a. Liberty – LB
    - b. Hortonia – HR
    - c. Ellington – EL
    - d. Maple Creek – MC
    - e. Bovina – BV
    - f. Maine – MA
  - 2. Village of Shiocton – SH
  - 3. City of New London – NL
- (b) Shawano county.
  - 1. Town of:
    - a. Belle Plaine – BP
    - b. Waukechon – WK
    - c. Richmond – RH
    - d. Navarino – NV
  - 2. City of Shawano – SW
- (c) Waupaca county.
  - 1. Town of:
    - a. Matteson – MT
    - b. Royalton – RY
    - c. Mukwa – MK
    - d. Caledonia – CL
    - e. Fremont – FR
    - f. Weyauwega – WY
  - 2. Village of Fremont – FT
  - 3. City of Weyauwega – WW
- (d) Winnebago county. Town of Wolf River – WR

**Note:** Based on the historical use of fishing rafts, the department does not anticipate that municipalities other than those listed in this section will adopt ordinances. If any other municipalities adopt ordinances they should develop a numbering pattern consistent with this section.

**History:** Cr. Register, January, 1985, No. 349, eff. 2-1-85.

**NR 324.09 Displaying fishing raft number. (1)** FISHING RAFT. The assigned registration number shall be painted on or firmly attached to the river-facing side of the fishing raft for which it was issued. The number shall be placed to make it legible from the waterway adjacent to the fishing raft, shall read from left to right, shall be in block characters not less than 3 inches high, shall be colored to contrast with the background and shall be maintained to be clearly visible and legible.

(2) FLOTATION DEVICES. The assigned registration number shall be painted on or firmly attached to at least one location on each flotation device. The number shall be colored to contrast with the background, shall be in block letters not less than 3 inches

high, shall read from left to right, and shall be maintained to be clearly visible and legible.

**History:** Cr. Register, January, 1985, No. 349, eff. 2-1-85.

**NR 324.10 Maintaining fishing rafts. (1)** A fishing raft owner shall maintain his or her fishing raft in sound condition and according to the standards in this section.

(2) All fishing rafts shall conform to the following standards:

- (a) The owner shall maintain the fishing raft in an aesthetically pleasing manner;
  - (b) The owner shall maintain flotation devices in compliance with s. NR 324.11;
  - (c) The owner shall firmly attach any railings to the fishing raft and shall repair or remove loose or unattached railings;
  - (d) If the fishing raft is equipped with a toilet, the owner shall maintain the toilet to comply with ch. Comm 84 as if the toilet was on a boat;
  - (e) The owner shall firmly attach the fishing raft to the bed or bank of the waterway to ensure the fishing raft will not break loose;
  - (f) The owner shall remove anchors, cables, spud poles or other similar devices which anchor or attach the fishing raft to the bed or bank when removing the fishing raft from the waterway;
  - (g) The owner shall attach reflectors, reflecting tape or lights in a conspicuous location on each fishing raft and to make the fishing raft easily visible from the waterway in the dark.
- (3) No owner may maintain a fishing raft which exceeds 512 square feet, has any length or width greater than 32 feet or has a maximum height from the deck to the uppermost roof line greater than 11 feet. An owner may maintain but not expand any fishing raft in violation of this paragraph if the fishing raft was registered prior to January 1, 2001.

(4) Registering a fishing raft as a boat does not exempt it from any state or local fishing raft regulations or applicable zoning regulations.

**History:** Cr. Register, January, 1985, No. 349, eff. 2-1-85; correction in (2) (d) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2000, No. 532; CR 02-045: cr. (3) and (4) Register December 2002 No. 564, eff. 1-1-03.

**NR 324.11 Flotation device condition, attachment and maintenance. (1)** FLOTATION DEVICE CONDITION. (a) Flotation devices shall be constructed airtight or sealed.

(b) Any person who uses any flotation device that has previously been used as a container for any substance shall assure that the flotation device is free of any chemicals, oil, grease, or other residue.

(c) Any container that has ever contained toxic or hazardous material as defined in ch. NR 605 may not be used as a flotation device for a fishing raft.

(d) Any person who uses any metal flotation device shall assure that the flotation device is free of rust and is either painted or coated to prevent rusting.

(2) ATTACHMENT. Each flotation device shall be securely attached to the fishing raft's superstructure.

(3) MAINTENANCE. (a) Flotation devices shall be kept rust-free.

(b) Leaking or deteriorated flotation devices shall be immediately removed from the raft and replaced.

(c) Any flotation device which becomes detached from the raft shall be retrieved and removed from the waterway by the owner.

**History:** Cr. Register, January, 1985, No. 349, eff. 2-1-85; correction in (1) (c) made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1995, No. 478.

**NR 324.12 Enforcement.** Violations of s. 30.126, Stats., and this chapter shall be subject to enforcement under the provisions of ss. 23.50, 23.79, 30.03 and 30.126, Stats., and under applicable municipal ordinances.

**History:** Cr. Register, January, 1985, No. 349, eff. 2-1-85.

**NR 324.13 Non-compliance.** Any structure placed or maintained below or beyond the ordinary high water mark on the Wolf river and its tributaries from the Shawano dam downstream to Lake Poygan which does not meet the definition of a fishing raft requires authorization under ch. 30, Stats., and is subject to all applicable zoning regulations. Structures not meeting the definition of a fishing raft due solely to not being placed for at least 14 consecutive days in any given year may still be registered as a fishing raft provided the inability is due to extenuating circumstances such as low water and the owner receives a variance from the appropriate Wolf river municipality.

**History:** CR 02-045; cr. Register December 2002 No. 564, eff. 1-1-03.