

No. 212, S.]

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CHAPTER 284

AN ACT to create 30.19 of the statutes, relating to enlargement of waterways.

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

30.19 of the statutes is created to read:

30.19 ENLARGEMENT OF WATERWAYS. (1) PERMITS REQUIRED. It is unlawful 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 purposes unless a permit has been granted by the public service commission or unless otherwise authorized by the legislature.

(2) PERMITS TO ENLARGE WATERWAYS. Before any existing body of navigable water may be enlarged and connected for the purposes set forth

in sub. (1) the applicant shall file an application with the commission setting forth the following:

- (a) The name and address of the applicant.
- (b) The legal description of the lands included in the project.
- (c) A summary statement of the purpose of the project.
- (d) A map or diagram showing the proposal on an adequate scale with contours and cross-section profiles of the waterways to be constructed.
- (e) Such other information that may be required by the commission.

(3) NOTICE OF HEARING. Upon receipt of the application the commission shall set the application for public hearing. Notice of such hearing shall be given by publication and by mailing a copy of the notice, as provided in s. 31.06, to the clerk of every municipality and county in which the project or the bodies of water affected thereby are located, to the conservation director, to the secretary of a property owners' association on the bodies of water affected, and if no such property owners' association exists, to at least 5 owners of property on the bodies of water affected.

(4) ISSUANCE OF PERMIT. At the conclusion of the hearing, if the commission finds that the project will not injure public rights or interest, including fish and game habitat, that the project conforms to the requirement of laws for the platting of land and for sanitation and that no material injury to the rights of any riparian owners on any body of water affected will result, the commission shall issue a permit authorizing the enlargement of the waterways affected.

(5) CONDITIONS OF PERMIT. The permit shall provide that all artificial waterways constructed under this section shall be public waterways. The commission may impose such further conditions in the permit that it finds reasonably necessary to protect public health, safety, welfare, rights and interest and to protect private rights and property.

Approved July 19, 1961.
