

TOWN OF GIBRALTAR
ORDINANCE NO. 2021-09

AN ORDINANCE TO REGULATE CONSTRUCTION OF PIERS AND WHARVES

The Town Board of Gibraltar, Door County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. DEFINITIONS

The definitions set forth in Wis. Stat. ch. 30, as amended from time to time, are adopted by reference.

SECTION II. REGULATION OF PIERS, WHARVES, AND SWIMMING RAFTS

- A. Pursuant to the authority granted to the Town under Wis. Stat. § 30.13(2), the Town hereby incorporates into the Town ordinances by reference the standards for pier, wharf, and swimming raft configuration, placement, location, and construction in Wis. Stat. ch. 30 and Wis. Admin Code ch. NR 326, as amended from time to time. For purposes of this ordinance, “pier” and “wharf” include boat lifts and other structures associated with and regulated as part of a pier or wharf in a manner consistent with state law. Any pier, wharf, or swim raft within the Town must comply with Wis. Stat. ch. 30 and associated administrative code. This ordinance authorizes the Town to enforce the requirements of Wis. Stat. ch. 30 as it relates to piers, wharves, and swimming rafts, including the enforcement of standards and requirements applicable to statutory exemptions and to general permits and individual permits issued by the Department of Natural Resources.
- B. Pursuant to Wis. Stat. § 30.13(4)(a) and (b), a wharf or pier which interferes with public rights in navigable waters or which interferes with rights of other riparian owners constitutes an unlawful obstruction of navigable waters unless the wharf or pier is authorized under a permit issued under Wis. Stat. §. 30.12 or unless other authorization for the wharf or pier is expressly provided.
- C. Pursuant to Wis. Stat. § 30.13(4)(d), a wharf or pier which violates this ordinance constitutes an unlawful obstruction of navigable waters.

SECTION III. REMEDIES AND PENALTIES

- A. Any person violating any provision of this ordinance shall forfeit not less than \$10 nor more than \$200 for each day that a violation takes place or continues, plus court costs, costs of enforcement, and assessments. The cash deposit amount shall be \$100 plus costs and assessments. Each day that a violation takes place or continues is a separate violation.

- B. Every pier, wharf, or swimming raft configured, placed, located, or constructed in violation of this ordinance is declared to be a public nuisance and may be enjoined and abated by civil action.

SECTION IV. MISCELLANEOUS PROVISIONS

- A. **Severability.** The sections of this Ordinance are declared to be severable. If any section or provision thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such declaration shall apply only to the specific section(s) or portion(s) thereof directly specified in said declaration, and shall not affect the validity of any other provisions, sections, or portions of the Ordinance, which shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.
- B. **Effective Date.** This ordinance shall take effect immediately following passage and posting or publication as provided by law.

Adopted by the Town Board of the Town of Gibraltar this 1st day of September, 2021.

Approved:

Steve Sohns
Town Chairman

Kelly Murre
Town Clerk