

## Ordinance 2019-3

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**AN ORDINANCE TO AMEND CHAPTER 515 SHORELAND-WETLAND ZONING  
OF THE  
CITY OF WEYAUWEGA  
CODE OF ORDINANCES**

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Upon referral and recommendation of the City Plan Commission, submission to the Wisconsin Department of Natural Resources and after due notice and public hearing:

THE CITY COUNCIL OF THE CITY OF WEYAUWEGA, WAUPACA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

**SECTION 1:** Chapter 515-11 Permitted Uses B (5) is hereby amended to read as follows:

(5) The construction and maintenance of piers, decks, wharfs, and walkways, observation decks and trail bridges built on pilings, including limited excavating and filing necessary for such construction or maintenance with the following conditions:

- (a) Not in an environmentally sensitive area delineated by the Department of Natural Resources;
- (b) The location, design and construction will not interfere with public rights in the water or with the rights of neighboring riparian proprietors or occupants;
- (c) The pier shall be set back a minimum of ten (10) feet from any adjoining site sideline;
- (d) Constructed so as to allow the free movement of water underneath all parts of the structure extending beyond the natural shore;
- (e) Constructed in such a manner as will not cause the formation of land on the lake bed;
- (d) Pier or wharf does not extend beyond the established pier head line, (55 feet);
- (f) No pier or wharf wider than six (6) feet measured at its point of greatest width, except a pier may exceed six (6) feet width for a triangle at an angle of an L or T shaped pier, no greater than a total of ten (10) feet for both sides and maximum total pier head of two hundred (200) square feet.

**SECTION 2.** Chapter 515-11 Subsection E Pier Head Line Regulated is hereby created to read as follows:

**E. Pier Head Line Regulated**

(1) Policy. The City of Weyauwega, pursuant to Chapter 30 of the Wisconsin Statutes, is empowered to regulate wharfs and piers and to establish a pier head line. It is in the interest of the City of Weyauwega to preserve and protect the property within the City of Weyauwega at the same time as preserving and protecting public rights in navigable waters and non-uniformity with respect to wharfs and piers in Lake Weyauwega can be detrimental to these interests. It is in the interest of the City of Weyauwega and the public to establish uniform requirements for the establishment of piers and wharfs on Lake Weyauwega, Waupaca County, Wisconsin. To that end, a pier head line should be established.

(2) Establishment of Pier Head Line. There is established, in the City of Weyauwega, on Lake Weyauwega, a pier head line. Such pier head line is established at a distance of fifty-five (55) feet channel ward from the ordinary high water mark of the shore from which such pier or wharf is constructed. "Ordinary high water mark" is defined by NR 320.03(4), Wisconsin Administrative Code. Where the bank or shore, at any particular place, is of such a character that is impossible or difficult to ascertain where the point of ordinary high water mark is, recourse may be had to other places on the shore of the lake to determine whether a given stage of water is above or below the ordinary high water mark.

**SECTION 3:** Ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

**SECTION 4:** This ordinance shall take effect upon passage and publishing as provided by law.

**SECTION 5:** The ordinance, having been approved by the Wisconsin Department of Natural Resources shall be recorded in the Waupaca County Register of Deeds.

**PASSED AND ADOPTED** by the City Council of the City of Weyauwega, Waupaca County, Wisconsin this 16<sup>TH</sup> day of March, 2020.

**CITY OF WEYAUWEGA**

**BY:** \_\_\_\_\_  
**Jack Spierings, Mayor**

**ATTEST:**

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**Rebecca Loehrke, Clerk**

**Introduced by:** Jered Wilson  
**Seconded by:** Dewey Stelzner

**Date Adopted:** March 16, 2020  
**Date Published:** April 16, 2020