

Lake Beulah

PROTECTIVE & IMPROVEMENT ASSOCIATION

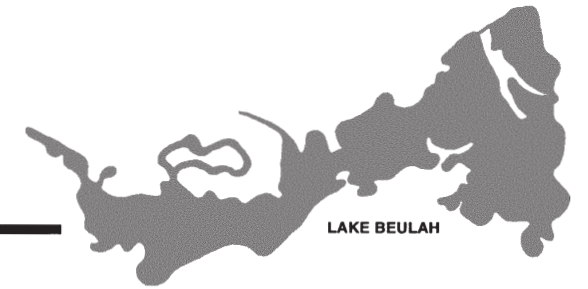


Established 1894
Member, Wisconsin Association of Lakes

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Lake Views



VOL 13 NO 2

A PUBLICATION OF THE LAKE BEULAH PROTECTIVE & IMPROVEMENT ASSOCIATION

Summer 2005

From the President's Desk

The proposed Village of East Troy high capacity well # 7 continues to be the major issue for Lake Beulah and East Troy residents. On June 24th, 2005, Walworth County Circuit Court Judge James L. Carlson affirmed the earlier decision of Administrative Law Judge Boldt indicating in part that there was no evidence on the record that the proposed well would harm the lake, its related wetlands and ground waters and private wells in the area. The unfortunate part of this ruling is that we the petitioners, the Lake Beulah Management District (LBMD) and the Lake Beulah Protective & Improvement Association (LBPIA) were not given an adequate opportunity to submit scientific and engineering evidence on the impacts that can result from locating a high capacity well in close proximity to Lake Beulah. Note worthy in Judge Carlson's decision is the statement that we as petitioners have other remedies available "should there be proof of damage to the lake or private wells pursuant to Section 30.294, Wis. Stats." Of course by then the resources may be irreversibly harmed and difficult if not impossible to correct.

That said, what are our options at this point given that the Village has stated their intent to proceed with construction of the well in August of this year?

1. Continue to negotiate in good faith with the Village on an agreement which will limit pumping volumes, include a comprehensive monitoring system of the lake and its sensitive wetlands using the USGS as a third party mediator and precluding any future high cap wells from being located within the Beulah/Mukwonago watershed.

2. Continue to evaluate and pursue alternatives with the Village, including but not necessarily limited to, alternate well sites that are outside the Beulah watershed, a well that utilizes recycling of its waters introduced back into the watershed from where they are withdrawn rather than a wasting system discharging to Honey Creek as under the current proposal and see if there is some way we could help offset the costs to the Village.
3. Pursue legal options for reconsideration by the Court providing adequate scientific evidence the court said was missing and/or appeal the latest decision to next court level.
4. Do nothing further and let the "WELL" take its own course. This in no way meets our LBPIA mission to protect and improve and will not be the chosen option as long as I am your President! I might add that none of the first three options is mutually exclusive: in fact it's possible to pursue all three simultaneously.

(continued on page 2)

LBPIA Fall Member's Meeting Saturday, September 10, 2005 beginning @ 9:00 AM

Town of East Troy Town Hall

N 9220 Stewart School Road, East Troy, WI

Key topics on the agenda: Election of three Board members, updates on the new Village Well and Hwy "J" Dam, and members' comments.

ALSO NOTE:

Lake Beulah Management District

Annual Budget Meeting

Tuesday, August 23rd at 7 PM at the Town Hall.

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From the President's Desk (continued from page 1)

If you have strong views on any of these alternatives please let me know.

On another matter of considerable interest is the newly adopted Town ordinance pertaining to the regulation of moorings and piers. This ordinance became effective June 13th, 2005 and is included in its entirety as an insert in this issue and is also on our web site www.lakebeulah.org. I'd encourage all lake residents look this over since some of us may be subject to new provisions for our piers, rafts or moorings. For example Town police reportedly warned at the Town's July 11th Board meeting that all large rafts over 200 sq. ft. in size, **including trampolines** are no longer allowed. That means any float over 16 ft. in diameter would not comply with the new ordinance. Also, **boats on mooring buoys 24 hrs. a day** are not allowed. Both violations can continue this year, but next year citations will be issued according to the article in the East Troy News.

Be aware too, DNR is completing a similar rule package NR 326 on piers and is currently conducting hearings on a totally revised and very complex rule, NR 115 on shore land zoning that will affect how we manage our shore lines and what we can or cannot do near our shores. Details for both rules can be found on our web site along with the hearing schedule for NR 115.

Mark your calendars for annual meetings of the LBMD on Tuesday, August 23rd @ 7:00 PM and our own LBPIA fall member's meeting on Saturday, September 10th @ 9:00 AM, both at the East Troy Town Hall. Thank you all for your continued support.

Paul Didier

Lake Management District Report

The management district would like to thank everyone who attended the town meeting on the well. We hope the informational session provided good data and has raised some questions that can be addressed and answered at the next session, August 10th, 5pm to 8pm at the middle school.

The village is hosting this meeting. The village and the district are continuing their negotiations over the well and its location..hopefully we can come up with a mutually acceptable

agreement. At this time we are planning to do a chemical treatment for milfoil in August. The status of the hy j dam has not changed..the district is waiting to hear from the owners.

Pat Nelson has retired from the districts board..many thanks to Pat for all of his years of service. Dr. David Nahrwold has joined our board and has taken over Pats responsibilities.

Lynn Carlson, who has been on the district board since its inception, has decided not to

run from another term so we are looking for another commissioner to start. Elections will be at the annual meeting which is August 23rd at 7 pm at the town hall. If you are interested please send a letter to LBMC PO Box 71 East Troy, WI 53120. Please plan on attending the annual meeting also our other scheduled meetings. Your input is welcome.

David Skotarzak, Chairman

Lake Views is published periodically by the Lake Beulah Protective & Improvement Association. Every effort has been made to provide correct and accurate information. There is, however, no guarantee as to the total accuracy of information included. The opinions expressed are not necessarily those of the LBPIA Board of Directors. Individuals who wish to submit articles, artwork, poetry, calendar items or photography may send contributions to Lake Views Editor, LBPIA, P.O. Box 153, East Troy, WI 53120. Articles in Lake Views may be reprinted or reproduced for further distribution, with acknowledgment to the Editor.

Area Chair Network

August 2005

Area Chairpersons are committed Lake Beulah residents who serve as the primary contacts for the Association. Should you have an interest or concern about anything regarding the Lake, please be sure to contact your area chair.

Lake Beulah Area	Chairperson(s)
Country Club Lane & Austin Road.....	Stan Alger (642-3476)
Country Club Lane & Austin Rd.	Jane Tanis(642-9232)
Beulah Heights Road	Jeihri & Kelle Robinson(642-5989)
Oakwood Lane & It's A Little Road	Jim Holtermann(642-3050)
Lake Road & Windy Way.....	Penny Clayton(642-3083)
Highway J & Millsite Road	looking for volunteer
Island Dr & Golden Way	Jean Maiwald(363-0829)
Brynes Lane & Romadka Park Road.....	Roy Gerloff(642-5213)
Horseshoe Lane & East Shore Road(to Beulah Park)....	Josie Midman(363-8892)
Beulah Park Road.....	Marge Harvey(642-5436)
East Shore Road & Thistle Lane	Joe & Marge Kelly(642-9026)
South Shore Dr. (to Humphrey Lane)	Arlene Gull(642-7272)
South Shore Dr. & Humphrey Lane	Kathleen Taugher(642-3835)
Kings Parkway & Kings Lane	John & Bea Sonderegger(642-5716)
Pastime Lane & Grandview	Dr.-Bill & Maya Murphy(642-9837)
Wilmers Grove Rd, Wilmers Point Lane & Wilmers Landing.....	Brian Fons(642-9613)
Stringers Bridge Road, New Deal Ave. & West Bay Road	Michol Ford(642-5189)
Beach Road & Deerpath Road	looking for volunteer

2005 LBPIA Board of Directors

Paul Didier, President
608-824-9966 • 262-642-5354 (Lake)

Ruth Rappold, Vice-President
262-642-3496

Dick Patterson, Treasurer
842-256-1028 • 262-642-3988 (Lake)

Jane Tanis
Chair: Membership
262-642-9232

Judy Beren
Secretary and Membership
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Jeihri Robinson
Chair: Fish & Wildlife Committee
262-642-5989

Ron Anders
Chair: Water Quality
262-642-2727

Dr. Michael Fehrer
Chair: State & Local Gov't Affairs
262-642-5359

Dr. Scott Miller
Water Quality Committee
608-757-2351 • 262-642-3033 (Lake)

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Membership expansion – Ron Anders, Ruth Rappold, Marge Harvey*
Area Chair – Ann Alger*
Member Lists and/or Directory – Judy Beren

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Lake Views (news letter) – Paul Didier, Ron Anders
Web Site – Jeanne Procell*
Educational Outreaches – Ruth Rappold, Ann Alger*, Jeanne Humphrey*

FISH & WILDLIFE – Chair – Jeihri Robinson
Fish Stocking – Ruth Rappold & Jeihri Robinson
Other wildlife management issues

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Aquatic Plant Management - Judy Skotarzak*
Shoreline Management – (Audrey Green*–Walworth Co.)

STATE & LOCAL GOVERNMENT LIAISON – Chair - Dr. Michael Fehrer
Interaction on Government & Property Development Issues - Dr. M. Fehrer, Paul Didier, John Sonderegger*, Burt Shavitz*
Legislative & regulatory liaison – the LBPIA Board
Public Safety & Security – Jeihri Robinson

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Vice President – Ruth Rappold
Treasurer – Dick Patterson
Secretary – Judy Beren

*Non-Board/Interested volunteer

LAKE BEULAH PROTECTIVE & IMPROVEMENT ASSOCIATION 2005 ACTION PLAN

- 1) Continue to inform & educate the membership on land and lake use laws and regulations and support the Town, County and State in their enforcement with emphasis on lake weeds, shore lands management and landscaping. Note: We implement a twice annual news letter and maintain a regularly updated Web Site www.lakebeulah.org as two primary initiatives coupled with other educational outreaches with local schools, Camps and lake property owners to accomplish this goal. We will advertise our scheduled member meetings.
- 2) Continue working with the Wisconsin DNR, our members, volunteers and other experts to monitor and improve the overall health of Lake Beulah's fish, wildlife and aquatic ecosystem. We will continue to pursue the latest state of the art water quality monitoring & reporting techniques; obtain available training to carry out these tasks; and summarize results in reports for meaningful interpretation and follow up.
- 3) Continue support of the efforts that will result in the Lake Beulah Management District (LBMD) assuming responsibility for the regular monitoring, maintenance, and long term care of the County Highway "J" dam .
- 4) Support the LBMD's initiative to update its boundaries.
- 5) Monitor, comment & take actions representing the mission, views and interests of the Association regarding proposed developments on the Grafenauer & Thomas property as well as any other developments that may affect the Lake and its surrounding environs including but not limited to the proposed Village well on that property. More specifically we will try to propose alternatives to such developments where appropriate; ask the Village if there's some kind of monetary settlement that might allow altering the subdivision plan and relocate or resize the proposed well; seek support from other organizations like WAL, Citizen Advocate Groups and SEWRPC.
- 6) Continue to support local area educational outreaches of our youth such as the annual "Water Education Days" for students by Edwards YMCA Camp.
- 7) Continue to monitor, review and comment on boating laws & water safety issues.

What Can We Do?

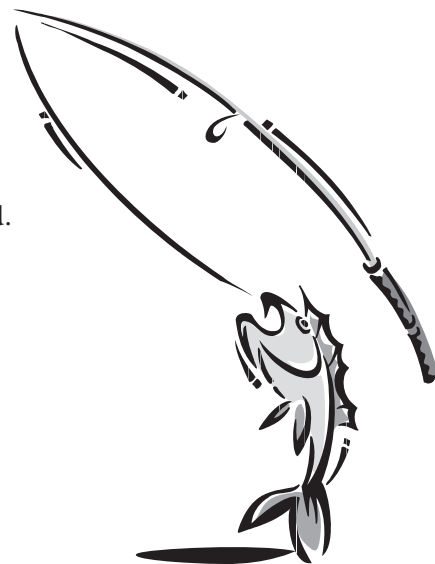
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don't go without reading up first. Be prepared. Spend some time with those who know what's going on, asking them questions so that you fully understand.

After all, it doesn't end with the well issue. Your property rights are impacted. There are plans for high density housing near or on the lake that are right around the corner.

We all want to protect the lake effectively, so Stay Aware, Understand and Get Active! Just being aware isn't enough.

Rob Hudson



Paddle Prattle

by Scott Miller, M.D.

Summer is the perfect time for paddle sports on the lake, especially during the no wake times! Here's another paddle route that you might like to try this year. Beulah is home to several islands, the largest of these is Jesuit Island. This island forms the western shore of Mill Pond and a circuit around the island is 1.3 miles according to my handheld GPS. Since my house is about .4 miles away from the island I use this as my 2 mile route. There is a smallish water passage around the northern end of the island that is easy to find from the main body of the lake. All you have to do is paddle past the B'nai B'rith camp and you'll see the passage. The canal is much more difficult to spot from the Mill Pond side of the island. It is the inlet just to the North of the last Rave platform on Mill Pond if my memory serves me correctly.

The history of Jesuit Island is quite interesting. According to the Yacht Club book, the island was originally owned by H. H. Rogers who built a summer resort on the island in 1882. This resort failed and parts of the island were sold to Marquette University in 1885, with the remaining



Jesuit Island Water Passage

portions of the island being acquired in 1908. The hotel was turned into summer living quarters and a chapel was added later. Priests used the island as a summer retreat for several years. In the early 1970's the island was sold for development.

According to the Yacht Club's book, the island also has historical interest for football fans. In 1906, the island was used by Eddie Cochems, a college coach from St. Louis. He brought his team to Lake Beulah and developed a new football offensive play, the forward pass. St. Louis introduced the forward pass that season and went on to be undefeated.

What Can We Do?

Perhaps, like me, you have heard enough about the lax regulations that enabled the permit for a High Capacity Well with the potential to damage our lake while lake residents continue to get squeezed with increasingly restrictive regulations on our own property. You might sometimes wonder why we all work so hard to protect the lake for all who use it when many seem to want to look at lake homeowners as more evil than the damage we seek to stop. Many may wonder why risk to the lake on an overwhelmingly grand scale proceeds unstopped while your driveway, your shorefront, your piers and your rafts get scrutinized. Maybe you are already, or yet want to get, angry about it all. Perhaps your friends get an earful every chance you get. Has it helped? May I suggest a better path?



Stay Aware.

Read the regulations posted on the LBPIA website. I know that it's not fun, but how can you know how big a deal it is if you don't take a few minutes to read what the state and local Village have in store for you?

Understand.

Not all that is going on is meant to squeeze the lake homeowner unfairly. Much of it is intended to do what we can to protect the lake from erosion, fertilizers and weedbed damage by our landscaping, boats and lake structures. There have been voluntary recommendations for a while and we just don't seem to want to listen, so now there are enforceable regulations. So try to take the intentions to heart and work for a balance rather than try to strike down the regulations.

Get Active.

"I AM active. I go to the LBPIA meetings." That's great. It's very important so that you can learn what's going on, but how are you helping to change things? How can you REALLY make a difference? Get involved in outreach.

Take what you've learned and reach out to those who may know nothing about all of this. You already know more than most in the Village of East Troy know about what risk their lake is facing. Are you bringing up the subject at the grocery store, gas station or doctor's office? It doesn't have to be in East Troy either. Mention it in Mukwonago and in Eagle... Do your part to make the news get out.

Write to your county and state legislators and to the WDNR and tell them what you think. When your friends reach out to you to ask you to attend forums like the Village of East Troy Board *Open House* (Aug 10th), attend no matter what else is going on, but

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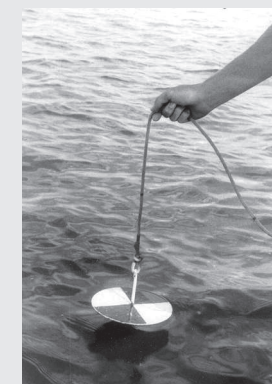
Water Quality Part II

Scott Miller, M.D.

In the spring edition of Lake Views we took a look at the temperature data that has been collected over the years on Lake Beulah. In this edition we will take a look at three other parameters that we have been monitoring on the lake. My hope in writing this series of articles is that we will all better understand of the natural processes that shape the water quality of the lake.

Phosphorus is the limiting nutrient for plant and algae growth in the lake. This means that if there is abundance of phosphorus, excessive plant growth will occur. Fertilizer run-off, soil erosion and sewage all contribute to the introduction of phosphorus to the lake. The use of non-phosphorus fertilizers, close monitoring of septic systems and a lack of farmland contiguous to the lake all have contributed to stable phosphorus levels in the lake. There has been little to no difference between the levels measured this year and those of 1994.

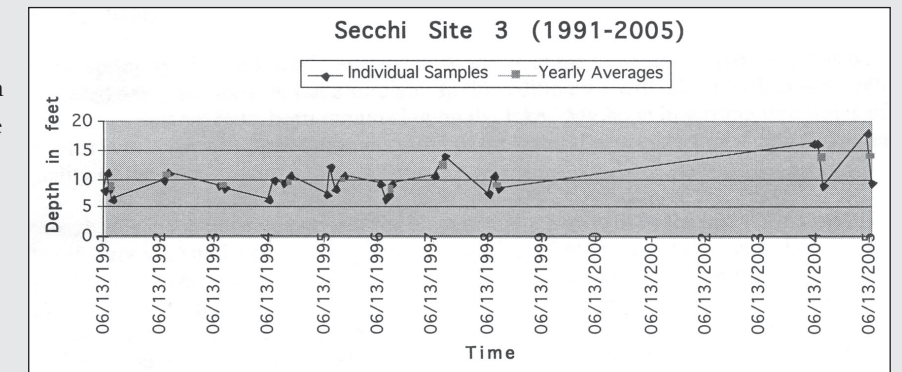
Water clarity is measured using a device called a secchi disk. This is an eight inch wide metal disk that is painted black and white. It is lowered into the lake until the black and white pattern cannot be seen. The depth taken from this measurement can be used as a guide to water clarity. We have been measuring secchi disk depths at



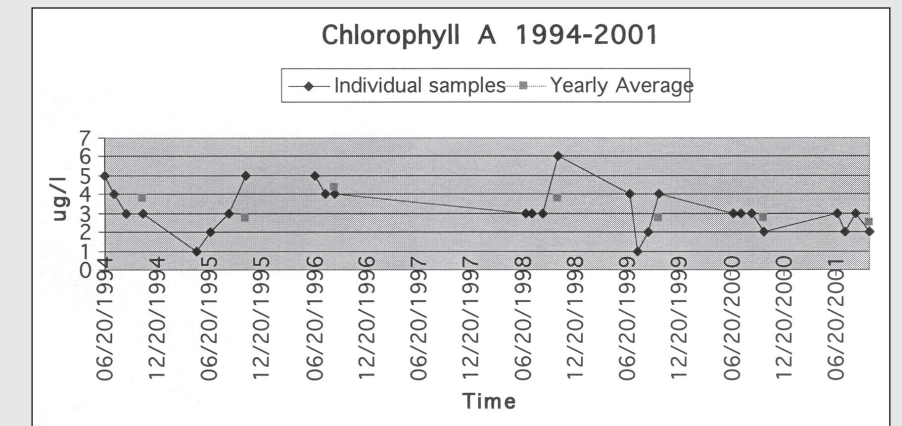
Secchi Disk

five different sites on the lake. These measurements vary from site to site but currently are between 10 to 15 feet in depth. This is substantially deeper than secchi readings measured fourteen years ago. A fairly steady increase in water clarity has occurred since the early to mid 1990's. This corresponds with the introduction of zebra muscles into the lake.

Chlorophyll is a green pigment that is present in plants and algae. We measured chlorophyll A levels



from 1994 till 2002. When Glen retired from water sampling, there was a gap in our measurements but we have resumed analyzing it this year. The trend from 1994 till 2001 was one of a steady decrease in chlorophyll A levels. I attribute this to increased filtering of algae by the zebra muscle population in the lake. It will be very interesting to see what this year's data shows.



The overall trend is that the lake's water has been becoming clearer over the years. As the light penetration of the water has increased changes in the distribution of aquatic plants in the lake have taken place. This has had effects on the distribution of fish in the lake but has not had a noticeable effect on total populations or sizes of fish in the lake, according to Jehri Robinson, the LBPIA fish and wildlife chair. We will continue to follow these trends in the coming years, especially as we await decisions regarding the high capacity well.

**AN ORDINANCE AMENDING SECTION 12.02
OF THE TOWN OF EAST TROY MUNICIPAL CODE
PERTAINING TO REGULATION OF MOORINGS AND PIERS**

The Town Board of the Town of East Troy, Walworth County, Wisconsin, does hereby ordain as follows:

1. That Section 12.02 of the Town of East Troy Municipal Code is hereby amended and recreated to read as follows:

SECTION 12.02 REGULATION OF MOORINGS AND PIERS

1. Chapter 30 of the Wisconsin Statutes is hereby adopted and incorporated herein by reference to the greatest extent legally permissible to provide for the Town of East Troy's ability to exercise primary or concurrent jurisdiction over navigable waters in the Town of East Troy. To the greatest extent permissible, this ordinance shall be deemed to supplement and create additional regulations as currently exist or may be amended by changes in the Wisconsin Statutes, Administrative Code or other lawful enactments by the State of Wisconsin.
2. **Definitions.**
 - A. "Boat Shelter". A structure in navigable waters designed and constructed for the purpose of providing cover or protection for the berth place for watercraft, which shall include but is not limited to boat hoists or boatlifts. [Sec. 30.02(1c)].
 - B. "DNR or WDNR". DNR or WDNR shall mean the Wisconsin Department of Natural Resources or any other state agency or its representatives or designees having jurisdiction over any matter relating to the subject matter of this ordinance, navigable waters, riparian rights, etc.
 - C. "Marina". A facility for the rental of boats or mooring space that consists of a pier, pier slips, wharfs, mooring structures, or a combination of the same for securing watercraft.
 - D. "Mooring". A "mooring", when used as a noun, shall mean a structure, device, or hook up of any kind to which, or by which, a boat may be secured, held in place, or moored. A mooring shall include, but not be limited to, a mooring buoy, pier, boat shelter, boat hoist, marina, or wharf. Each separate location in which a boat is moored shall constitute a separate mooring for purposes of this ordinance. Watercraft not requiring any state registration shall be exempt from any total mooring count or requirement. [Sec. 30.01(3e)].
 - E. "Mooring Anchor". Any anchor or weight which is designed to rest on the bed or to be buried in the bed of a navigable water, which is designed to be attached by a chain, cable, rope, or other mechanism which is designed to be left in position permanently or on a seasonal basis for the purpose of securing or attaching to a watercraft. [Sec. 30.01(3m)].
 - F. "Mooring Buoy". Any float or marker which is attached to a mooring anchor and either is suitable for attachment to a boat or facilitates the attachment of the boat to the mooring anchor. For purposes of this ordinance, a mooring buoy shall be presumed to mean a mooring anchor and mooring buoy, along with related equipment designed to secure a watercraft. [Sec. 30.01(3s)].
 - G. "Navigable Waters". Any body of water which is navigable under the laws of this state. [Sec. 30.01(4m)].
 - H. "Pier". Any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berth or mooring for watercraft, or for loading or unloading cargo or passengers onto or from watercraft. [Sec. 30.01(5)].
 - I. "Riparian Property". Riparian Property shall refer to property abutting navigable waters, and such property shall be deemed to be a single property whether or not the same owner has separate tax key numbers or is recorded under a plat showing multiple lots or parcels for the same.
 - J. "Riparian Rights Zone". The Riparian Rights Zone shall refer to that part of navigable waters to which a riparian owner or a property owner who may have riparian rights through an easement permitted under Chapter 30 of the Wisconsin Statutes or other lawfully recognized means, to exercise riparian rights over navigable waters to place moorings, piers, structures or devices consistent with the lawful exercise of riparian rights.
 - K. "Shore". Shall mean the ordinary high water mark as determined by the DNR.
 - L. "Swimming Rafts". Swimming rafts shall be broadly defined to include rafts, recreational platforms, floats or other devices that are moored either seasonally or for periods in excess of three (3) days, or ten (10) days per calendar year, anywhere in the applicant's Riparian Rights Zone and which are anchored or attached in any way to the lake bed. Reflectors are required for any device moored overnight.
 - M. "Temporary Rigging". A temporary rigging shall include any device whose purpose is to moor a boat temporarily, such as a rigging mooring for sailboats. Temporary riggings shall not be considered a mooring for purposes of this ordinance.
 - N. "Watercraft". Any device used and designed for navigation on water. Watercraft and "boat" shall be deemed synonymous for purposes of this ordinance. [Sec. 30.01(3s)].
 - O. "Wharf". Any structure in navigable waters extending along the shore and built or maintained for the purposes of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. [Sec. 30.01(3s)].
3. **Intent.** This ordinance is intended to amend, supplement and where applicable, supersede the predecessor ordinance and statutory references. The predecessor ordinance, when referred to herein, shall be deemed to be applicable to any mooring, structure or other matter which requires a permit under this ordinance but may be deemed to be "grandfathered" or constitute a non-conforming use to the extent such structure has not been changed, relocated, expanded or altered and otherwise was properly registered or permitted and remains in full compliance with such predecessor ordinance. It is the intent of this ordinance to promote and enhance:
 - A. the health, safety and welfare of individuals using navigable waters;
 - B. the long-term quality of navigable waters in the Town of East Troy;

(continued)

- E. If the Town if requested to granting a variance of the terms of this ordinance, or the Town has reason to believe that the granted of a permit may be contrary to the intent of this ordinance, the Town may grant a one (1) year conditional permit. Such conditional permit shall be reviewed after its expiration. The Town shall thereafter issue or deny the requested permit.
 - F. A permit may be revoked if the mooring is either used or found to be in violation of the regulations stated herein or the intent and purpose of this ordinance, or is expanded, altered or relocated.
 - G. The provisions and procedures of Chapter 68, Wis. Stats., shall apply to the granting, denial or revocation or conditional grant of a permit.
11. **Limitations of Permit.** Permit holders may not rent, lease or give mooring rights to non-riparian individuals unless approved by the Town Board. Guest mooring is allowed but cannot exceed five (5) consecutive days or ten (10) days per season. A "Guest mooring" shall be defined as those temporary moorings that are allowed to non-riparian owners, non-occupants or others who are permitted to temporarily moor watercraft without any form of compensation, bartering or other consideration of any type or nature. Notification of a guest mooring must be provided to the town, in writing, and include a description of the watercraft, the registration number, the mooring location and the dates thereof. This shall apply to any overnight mooring of a watercraft.
 12. This ordinance shall not supersede or affect any other more restrictive provision of the Municipal Code of the Town of East Troy or any other entity with jurisdiction.
 13. Any mooring, mooring anchor, mooring buoy, pier, boat shelter, wharf, marina, or any other structure which is placed or used in any navigable water in violation of this ordinance shall constitute a nuisance under the Town of East Troy Municipal Code, and may be removed as provided pursuant to the procedures set forth in § 66.0495, Wis. Stats., or other applicable law.
 14. **Existing Moorings.** Any mooring which has been legally established prior to the effective date of this ordinance or its predecessor ordinance shall be considered a non-conforming use and such use shall be permitted to exist notwithstanding the provisions of this ordinance or its predecessor ordinance. In the event that such use or structure is not maintained for a least 30 days of every season following the effective date of this ordinance or its predecessor ordinance, such non-conforming use shall be extinguished. Any person desiring non-conforming use status shall make application for such status and shall file an application as set forth under this ordinance or its predecessor ordinance, but shall specifically designate the non-conforming use requested and shall request approval of the non-conforming use status. If no such use is requested for approval in the 12 months following the effective date of this ordinance or in the event such status was not timely requested under the predecessor ordinance, such non-conforming use shall be extinguished.
 15. **Rafts, Buoys, markers, Moorings and Piers.**
 - A. **Position.** All rafts, platforms and markers shall be anchored in reasonable and prudent places and so that they will have a least six (6) inches of free board above the waterline, buoys to have at least 18 inches above the waterline, and so that they will not float or drift in excess of 10 feet in any directions from the position that is directly above their anchor.
 - B. No owner or owners of any lot or lots, including registered or permitted Marinas, except "Camp" B'nai B'rith Beber Camp, Salvation Army Camp, Camp Edwards, Divine Word Seminary, and Alice Chester Center, in the Town of East Troy shall permit or allow mooring or docking of more than 10 boats on its lake frontage, regardless of the number of tax key lots owned. For the purpose of this subsection, the terms "mooring" and "docking" shall be defined as the occupancy of the space adjacent to any pier or dock for a period of time in excess of 12 hours unless a permit for moorings in excess of 10 has been granted pursuant to the provisions of Wisconsin Statutes section 30.12. The exemptions provided above will be lost in the event that zoning use or ownership of exempted properties change.
 - C. No person shall enter upon, remain upon or cause any object to be placed upon the raft, platform, mooring, or pier of another. An "owner" is the holder of legal title, and an "occupant" is not the holder of legal title but is a lawful occupant of the raft, platform, mooring or pier. Furthermore, no person shall intentionally enter upon the raft, platform, mooring or pier of another in a violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly manner under circumstances in which the conduct tends to cause or provide a breach of peace.
 16. **Exceptions.** The foregoing regulations shall not apply to not-for-profit organizations including the B'nai B'rith Beber Camp, Salvation Army Camp, Camp Edwards, Divine Word Seminary, Alice Chester Center, and the Lake Beulah Yacht Club Sailing School. These exemptions will be waived and/or removed in the event that zoning, use or ownership of the foregoing exempted properties change. In such event, any successor entities or affected owners may apply to the Town Board for continuing such exemptions in whole or in part by a formal written application with all relevant underlying information for such request to be provided to the Town Board at least thirty (30) days in advance of the consideration of the same by the Town Board at a regular or special Town Board meeting, at which a hearing shall be conducted after written notice to all property owners within 300 feet of said property's riparian frontage and publication as required by law.
 17. **Violation.** Any mooring, pier, marina, wharf, or other structure found to be in violation of this ordinance shall be subject to a forfeiture of not more than \$500.00 nor less than \$50.00 for each separate violation. Each day during which the violation exists is a separate offense.
 18. **Severability of Code Provisions.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, or any superseding Wisconsin State Statute or regulation, only that invalid or unconstitutional portion shall be deemed severed from the ordinance and the remainder of the ordinance shall have continuing validity.

2. This Ordinance shall become effective upon its passage and publication as provided by law.

- C. the beauty and aesthetic appearance of navigable waters and properties and improvements adjacent to such navigable waters;
 - D. the orderly usage of navigable waters by riparian owners and public;
 - E. the harmonious and non-exclusive use of all areas of navigable waters in the Town of East Troy in conjunction with the rights or riparian property owners; and
 - F. to discourage the use of moorings, piers, wharfs, marinas or other structures which unfairly restrict or are used to assert exclusive or excessive privileges, control, or use of navigable waters.
4. Permit. A permit shall be required for each property having a pier, mooring, navigational or mooring buoy, marina, temporary rigging, or other structure or device that is placed wholly or in part in navigable waters.
5. Regulations. All permits for moorings, piers, wharfs and other structures shall be subject to the following regulations. For the purposes of this section, all of the foregoing requiring a permit shall be referred to as a “mooring”. Elsewhere in this ordinance, unless such structural devices are specifically named, “mooring” shall presumptively refer to all structures, devices or any other matter requiring a permit under this ordinance.
- A. No mooring shall materially obstruct navigation.
 - B. The establishment of a mooring shall not be detrimental to any significant fish or wildlife habitat area or sensitive environmental area. The Town shall consider any application dealing with such issue with the intent of minimizing or avoiding any detrimental impact. If such issues are presented, any review deadlines shall be extended to 60 days after the Town Board reviews investigative reports from the DNR or its own experts retained to investigate such issues.
 - C. The use of moorings shall not unfairly restrict or be used to assert exclusive or excessive privileges, control or use of navigable waters. Moorings may not enclose navigable waters with the exception of designated swimming area, which shall be permitted only after approval is granted by the DNR and an applicant for the same follows the permit process set forth herein for moorings.
 - D. The number of moorings shall not exceed two (2) for the first 50 feet, or fractional part thereof and one (1) additional mooring for each additional 50 feet of shoreline owned by an applicant. Notwithstanding the foregoing, every riparian parcel, or contiguous parcel owned by one (1) entity or individual shall be permitted to have no more than 10 moorings.
 - E. Boats moored to buoys thereto shall be at least 20 feet from any other mooring, boat, or structure located in navigable waters, exclusive of those structures to which such boat is moored.
 - F. No mooring shall be located within 50 feet of any properly marked swimming area or unreasonably threaten any properly marked swimming area as determined in the sole discretion of the Town Board, which may require additional safety features or conditions.
 - G. Any mooring buoys shall be placed within 100 feet from shore. The location and placement of any mooring buoy must be first permitted by the Town Board before its installation.
 - H. No pier may extend waterward from the shore more than the lesser of 50 feet or length necessary to access 3 feet water depth, unless the applicant can demonstrate, after a public hearing at a special Town Board meeting a need for a variance. A pier may not have a lateral extension either in the form of an “L” or a “T” more than 6 feet in width and may not exceed 12 feet in total length. Other configurations may be allowed through the permit process with an explanation for the reason and use of the same.
 - I. Mooring buoy areas shall be marked in a manner which notified the public of the boundaries of the mooring area and assists in navigation near the mooring area. These markers shall be consistent with the uniform aids to navigation established under Chapter 30, Wis. Stats.
 - J. No portion of a mooring shall be placed within 12 feet of a lot line or extension of the lot line into the navigable waters. Where such lot line extension is not at a right angle, the respective rights of neighboring riparian owners shall be determined by drawing a cord between each pair of property lines at the point where each line meets the shoreline, extending perpendicular lines into the navigable water from each end of such cords, and bisecting the resulting angles. The bisecting lines shall be considered the coterminous riparian rights line extension off of which the 12 foot setback shall be determined. In any circumstances where the same would create an undue hardship or would not enable respective property owners to have adequate space to establish their piers and provide for safe and reasonable access thereto, the Town Board shall conduct a hearing and equitably allocate the areas in which a pier may be located so that each of the respective property owners has the ability to place a pier and have safe and reasonable access thereto. The town may grant a permit notwithstanding the setback requirements, but may limit the location, shape, and length of a pier in such circumstances.
 - K. To the extent that the Wisconsin Department of Natural Resources does not have jurisdiction over, declines to exercise jurisdiction over or otherwise fails to establish the Riparian Rights Zone between neighboring property owners or amongst competing owners of riparian property, the Town of East Troy shall make such determination. This determination shall be made using the methodology provided elsewhere in this ordinance with respect to competing property owners and shall take into account the interests of the public to use navigable waters and any relevant consideration given the interests of the parties involved. Where an issue arises regarding the competing interests of co-owners of property or property that is held jointly or in common with more than one party, the Town may allocate riparian rights amongst the owners and allocate the same as otherwise set forth in this ordinance. The Town Board may also determine to decline jurisdiction over such matters if neighboring property owners, the public or reasonable use of such frontage is not affected thereby.
 - L. Only riparian owners or those holding riparian rights consistent with the state law, including __ 30.131 and 30.133, Wis. Stats., may make an application under this section. Non-riparian owners who claim riparian rights must establish the same consistent with the foregoing statutes, shall be required to establish the same to the satisfaction of the Town and shall fully cooperate with any informational or documentary requests that the Town may require. Unless the applicant demonstrates a reasonable degree of certainty of entitlement to an application, the Town Board may deny any such request pending a determination by the DNR or the Circuit Court for Walworth County which will be considered by the Town as evidence of the same, but shall not be presumptive unless the Town has been notified of or participated in such proceedings.

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- A. In addition to all other requirements, an applicant for a marina shall file a DNR permit or any pier, mooring, mooring buoy or crib that relates to the subject matter of this ordinance or that is otherwise required by the DNR, with the application. In the event that the DNR declines to issue such a permit until the Town has approved the same, the applicant shall file any and all applications, submissions or correspondence to or from the DNR with the application.
 - B. Fee. The application fee for a marina permit shall be \$200.00 which shall accompany the application.
7. Mooring Buoys. Mooring Buoys, including temporary rigging buoys, shall be restricted to temporary use. No use may exceed five (5) consecutive days and shall require a permit, which shall be renewable no more than four (4) times in any calendar year.
8. Swimming Rafts. Swimming rafts or any other recreational device or structure that is attached in any way to the lake bed may not exceed 200 square feet and a maximum height of 38 inches, inclusive of any attached accessory. They shall be located within 100 feet of the shoreline and shall not be permitted to drift or otherwise be located, even temporarily, within 12 feet of an owner’s Riparian Rights Zone. Any such device shall require a permit as applicable to a mooring under this ordinance.
9. Permit Procedure. Any person requesting a permit under this ordinance shall use the application form on file with the Town Clerk, which form shall be approved by the Town Board which may amend the same from time-to-time to comply with the requirements and intent of this ordinance. The specific requirements of the application form shall be deemed to supplement the following minimum requirements:
- A. The date, name, and mailing address and phone number of the applicant.
 - B. The address of the property, if different than under A. above.
 - C. The names and addresses of all title holders to the lake property in question.
 - D. Name and address of adjoining riparian owners and/or of the riparian owner if an easement for the applicant is the basis for the permit.
 - E. A description of the mooring being applied for. Such description shall include the construction materials used in the structure, specify the location and dimensions of the proposed structure, and identify the location of all moorings on the property and on adjacent properties. If more than one (1) watercraft is to be secured to any individual mooring, the location of all watercraft to be secured by said moorings shall be identified. A survey, map, or drawing to scale shall be attached identifying the property in question, the adjacent lake properties, the location of any existing structure or buoys, and any other information bearing upon the location of the proposed mooring, pier, wharf, marina or other structure. All distances shall be accurately and clearly marked on such a diagram.
 - F. A statement as to whether or not any mooring is to be rented out, leased, or used by a non-riparian owner. If more than five (5) moorings are being applied for by any individual property owner, the intended use of said moorings shall be fully described.
 - G. Any other information that is requested by the Town Board that is relevant in determining whether or not said mooring complies with the intent of this ordinance or any other applicable Town ordinance.
 - H. Permit Fee. Each application shall be accompanied by a permit fee of \$25.00 or in an amount established by a resolution or ordinance duly adopted by the Town Board.
 - I. Piers or moorings previously registered or permitted by the DNR are exempt from this section if placed annually in the same location and with the identical dimensions since 1993.
10. Review Procedures.
- A. All permits shall be reviewed by the Town Board, who shall inform the applicant, within 60 days, as to whether the application complies with this ordinance and all applicable state regulations and statutes.
 - B. Within 60 days of receipt of the application, if the Town Board deems that additional information is required to act on such application, or if there are any objections raised thereto, the Town will notify the applicant and may hold a public hearing concerning the application within 60 days after sending written notice to the applicant.
 - C. After the permit is granted, it will be assigned a number matching the house number. Such permit shall apply to each structure or mooring permitted with the number and letter assigned to each. The permit number shall be placed on each permitted structure such that the number faces away from the shoreline. Such number and letting (in the event of multiple permits) shall be no smaller in size and of the same lettering as is required for boat registration numbers.
 - D. After a permit is granted, no subsequent permit will be required unless the mooring location or number is changed or expanded.

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