

**Village of Chenequa**  
**ORDINANCE NO. 2024 – 09-09-01**

---

**AN ORDINANCE CREATING SECTION 4.15 OF THE CHENEQUA VILLAGE CODE  
CREATING A PIERHEAD LINE AND REGULATING PIERS AND WHARVES ON  
PINE LAKE**

**WHEREAS**, the Village is empowered, pursuant to Chapter 30 of the Wisconsin Statutes, to regulate the construction and location of piers and wharves as well as to establish a pierhead line for Pine Lake; and

**WHEREAS**, the Village Board finds and determines that the establishment of ordinance provisions regulating the construction of piers and wharves, and establishing a pierhead line for Pine Lake is necessary and appropriate to further the public health, safety and welfare, to protect the ecology of the Village, to protect the habitat and overall health of Pine Lake and to preserve the rustic character of the Village.

**NOW, THEREFORE, BE IT ORDAINED**, that Section 4.15 of the Village Code is hereby created as follows:

4.15 Pier and Wharf Regulations and Pierhead Line – Pine Lake.

(1) PURPOSE.

The Village Board determines and declares it to be in the best interest of the public health, safety and welfare to adopt regulations governing the construction and location of piers and wharves on Pine Lake in the Village and to create a pierhead line limiting the length of piers and wharves on Pine Lake.

(2) APPLICABILITY.

The provisions of this Section shall apply to the waters of Pine Lake in the Village.

(3) DEFINITIONS.

The definitions contained in the Wisconsin Statutes, and more specifically, Section 30.01 of the Wisconsin Statutes, as the same may be amended from time to time, shall apply to all terms contained in this Section, unless otherwise specifically set forth in this Section. For purposes of this Section, the following terms are defined as follows:

(a) ISLAND:

The Pine Lake Yacht Club Island.

(b) MULTI-LEVEL PIER OR WHARF:

A pier or wharf with more than a single floor.

(c) ORDINARY HIGH WATER MARK (“OHWM”).

Shall have the meaning set forth in NR 320.03(12).

(d) PRE-EXISTING:

A pier or wharf which was legally constructed or first placed in service prior to (Insert the effective date of this ordinance) and which complied with the Village Code, State Statutes and regulations when originally constructed or placed in service. Pre-existing piers and wharves shall be deemed to be legal nonconforming structures as defined in Section 6.3 of the Village Code.

(e) RECONSTRUCTION:

Shall have the meaning set forth in Section 6.3 of the Village Code.

(f) REPAIR:

Fixing or replacing decking, handrails and vertical supports in a manner that does not expand or extend the area of any pier or wharf or increase the footprint.

(4) ESTABLISHMENT OF PIERHEAD LINE.

(a) The Village is authorized pursuant to Section 30.13 of the Wisconsin Statutes to establish a pierhead line for Pine Lake in the interest of the preservation and protection of public rights in navigable waters and for the purpose of creating uniformity in the length of piers extending from the OHWM into Pine Lake. The Village hereby establishes a pierhead line for Pine Lake eighty (80) feet waterward from the OHWM of Pine Lake. There is no pierhead line established for the island.

(b) A pier or wharf which extends into Pine Lake beyond the pierhead line shall be deemed to constitute an unlawful obstruction of navigable waters of Pine Lake unless a valid permit is granted or unless it is a permissible pre-existing pier or wharf.

(5) REGULATIONS.

(a) All permanent pier construction and placement of all seasonal piers shall comply with this Section and all State Statutes and regulations.

(b) No portion of any pier or wharf may extend waterward from the pierhead line.

(c) Piers and wharves shall not exceed six (6) feet in width.

(d) Piers and wharves may include one (1) loading zone, not to exceed two hundred (200) square feet.

- (e) A pier or wharf may not interfere with the riparian zones of other riparian owners.
- (f) No portion of any pier, wharf shall be constructed or placed within setback distance from a lot line, lot line extended into the navigable waters of Pine Lake or line of demarcation between adjacent riparian zones; as set forth below:

<u>Lake Frontage of Lot</u>	<u>Setback Distance</u>
1 foot or more but less than 49 feet	2 feet
49 feet or more but less than 100 feet	10 feet
100 feet or more	15 feet

- (g) Piers may be placed in a variety of configurations, including straight, or with a “T” or “L”. Catwalks, finger piers or similar features may be used for access to boat slips, as long as they meet the size limits above. A pier may not enclose or isolate any part of a waterway.
- (h) A pier or wharf shall be constructed or placed in accordance with the Pier Standards set forth in Chapter NR 326.04.
- (i) All lighting fixtures intended to illuminate on a pier or wharf or any structure associated with a pier or wharf shall be in compliance with Section 5.24 of the Building Code of the Village. No lighting fixtures may be placed on such structures or waterward of the OHWM.
- (j) Multi-level piers and wharves are expressly prohibited.
- (k) Piers and wharfs shall not include a roof. A boat shelter, boat hoist or boat lift may include a roof designed and constructed in accordance with Wisconsin Department of Natural Resources requirements.

(6) PERMITS.

(a) PERMIT REQUIRED.

Except as provided in Section 4.15(6)(b) no pier or wharf may hereafter be placed, erected, constructed, enlarged, replaced or reconstructed until a permit shall first have been obtained by the riparian owner or the riparian owner’s authorized agent. No permit is required for repairs.

(b) EXCEPTION.

No permit shall be required under this Section if the estimated cost of pier, wharf, construction is less than Two Thousand Dollars (\$2,000).

(c) APPLICATION.

Application for a pier or wharf permit shall be made in writing upon a form furnished by the Village Clerk-Treasurer and shall state the name and address of the riparian owner of the land, the legal description of the land upon which the structure is to be located and shall contain such other information as the Village Administrator or Village Zoning Administrator may require. Each application shall be accompanied by required plans, fees and deposits. Any application which does not contain all necessary information may be deemed incomplete and returned to the applicant. If a DNR permit is required for any pier or wharf a copy shall be attached to the application.

(7) FEES AND DEPOSITS.

(a) PIER OR WHARF.

The fee for a pier or wharf permit shall be established from time to time by resolution of the Village Board. Such fee shall be paid to the Village Clerk-Treasurer and shall accompany the application for a pier or wharf permit.

(8) REVIEW, ISSUANCE, EXTENSION, LAPSE, APPEAL AND RECORDS.

- (a) The procedures for building permits under Sections 5.4(5) through 5.4(10) of the Village Code shall apply to the review of permit applications by the Village Zoning Administrator, Village Plan Commission and Village Board as well as the issuance of pier or wharf permits.

(9) ENFORCEMENT AND PENALTY.

(a) ENFORCEMENT.

- (i) Notice. The Village Administrator, upon finding that any provisions of this Section or any plans and specifications of a project for which a pier or wharf permit has been issued are not being complied with, shall issue a written warning or instruction to the holder of a pier or wharf permit requiring compliance and any specific terms of compliance.
- (ii) Failure to Comply; Revocation. If the holder of the permit fails or refuses to comply with the written warning or instruction within the time required, the Village Administrator shall revoke the pier or wharf permit by written notice addressed to the permit holder and posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder unless the permit is reissued, excepting such work as the Village Administrator may order to be done as a condition precedent to the reissuance of the permit, or for the preservation of human life or safety.

(b) PENALTY.

The provisions of Section 1.1(9) of this Code shall apply to all violations of this Section.

(10) APPEALS.

Appeals from any decision of the Village Administrator or Village Zoning Administrator may be taken to the Board of Appeals by any person aggrieved, or by an officer, department or bureau of the Village under Section 6.13 of the Village Code. Notwithstanding the foregoing, an application to construct a pier or wharf which extends into Pine Lake beyond the pierhead line shall be considered by the Village Board using the standards, requirements and procedures under Section 6.20 of the Village Code applicable to Conditional Uses.

Adopted this 9 day of September, 2024.

VILLAGE OF CHENEQUA

By: Jo Ann Villavicencio  
Jo Ann Villavicencio  
Village President

ATTEST:

Deanna Braunschweig  
Deanna Braunschweig  
Village Clerk – Treasurer

Date Adopted: September 9, 2024  
Date Published: September 10, 2024  
Effective Date:

020446\0001\37387650.v5