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Law creates clear pier rules

By Nathaniel Shuda

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A new state law that protects existing piers by creating clear, unified regulations has many real estate agents and waterfront property owners rejoicing.

"I think there was ambiguity between counties and now it's a statewide provision," Wisconsin Realtors Association Chairman Mike Spranger said. "What we were trying to do is give (property owners) a standard they can rely on."

Gov. Jim Doyle signed the bill into law Tuesday after both houses in the Legislature passed it without opposition.

The law protects existing piers and wharves up to eight feet wide and decks on the end that are 200 square feet or less from future regulations. It also qualifies decks between 200 and 300 feet as long as they are no wider than 10 feet.

However, in order to qualify for an exemption, property owners must register their piers with the Department of Natural Resources within the next 36 months.

"Property owners who are buying or selling can know whether it's compliant based on its size," said Spranger, who is also a real estate agent in Wisconsin Rapids.

He said the new standards exempts almost 99 percent of piers statewide.

"The thing that the homeowners benefit from is if their pier is less than 10 feet wide and the deck on the end is less than 300 square feet, they will likely be exempt," Spranger said.

Tami Jackson, director of communications for the Wisconsin Association of Lakes, said while the group has not taken a public stance on the issue, it is something members have been looking at since 2003.

"It's been part of a longer process and certainly the subject of piers has been controversial in recent years," Jackson said.

The Assembly worked in 2006 to create a compromise bill -- basically the same as the newest bill -- but after legislators passed an amended version, Doyle vetoed the measure.

Under the most recent bill, law prohibits the DNR from denying permits for piers built before Feb. 6, 2004, provided the structures fall under the new standards.

While not all existing piers are exempt, the DNR can deny permits only if the structures violate the public interest. In addition, pier owners may repair and maintain their current structures without a permit.

Legislators also recalculated the motorboat gas tax formula and provided the DNR with funding for the permitting and exemption of such structures.

"The nice part is that it ... reaches a balance between private property rights and the public being able to enjoy the waterways we have in Wisconsin," Spranger said.