

Pier Pressure

Recent media reports have once again alerted lake property owners to the looming deadline of April 1, 2011 for registering certain piers. There is much confusion over who must register a pier and the consequences for failing to do so.

Regulation of piers in public waterways (lakes and rivers) arises from Wisconsin's Public Trust Doctrine, which holds that the navigable waters of the state are held in trust for the public. The owners of land abutting a lake possess certain qualified rights to use the lake referred to as riparian rights. Included in the bundle of rights possessed by riparians is the ability to place a structure on the bed of a lake, adequate to gain access for navigation on the lake.

In general, Wisconsin statutes prohibit the placement of any structure upon the bed of a lake. However, certain structures are exempt from this prohibition. These exempt structures include boat shelters, hoists or lifts placed seasonally adjacent to a pier or shoreline. Piers are exempt structures only if they comply with the following restrictions:

- The pier is not more than six feet wide
- The pier extends no further than the closer of the three foot depth or an adequate depth for mooring
- The pier has no more than two boat slips for the first 50 feet of lake frontage and no more than one slip for every 50 feet of lake frontage thereafter
- The pier has a loading platform not greater than eight feet in width extending perpendicular to one or both sides of the pier at the lakeward end

Piers which comply with these restrictions are exempt from the statutory prohibition, may be placed seasonally, and are not in need of permits from the Wisconsin DNR. However, Wisconsin statutes allow certain noncompliant piers under a grandfathering provision. This provision applies primarily to those piers which have larger loading (or party) platforms. Pier registration is available only to riparian owners and does not apply to those placing piers pursuant to a grandfathered easement. To be eligible for coverage under the grandfathering provision, the pier must meet the following standards:

POSTED:

Jan 5, 2011

RELATED PRACTICES:

[Real Estate](#)

<https://www.reinhartlaw.com/practices/real-estate>



- The pier must have been placed before February 6, 2004
- The main stem of the pier cannot exceed 8 feet in width
- The loading platform at the end of the pier cannot exceed 200 square feet, or 300 square feet if it does not exceed 10 feet in width
- The pier cannot interfere with other riparian owners
- ***The pier must be registered by April 1, 2011***

If your pier does not comply with the standards listed above, but the pier has been placed before February 6, 2004, you may be able to apply for a no-fee permit to continue use of the pier. Otherwise, you must downsize your pier to bring it into compliance with current regulations.

Registration is accomplished by completing and mailing a form to the Wisconsin DNR. A landowner may also wish to record a notice with the register of deeds that the pier registration has been filed. The DNR has provided the [forms](#) necessary to register piers and much information concerning pier regulations at their website.

Landowners must now determine if their pier is exempt from regulation, grandfathered under the regulations and in need of registration before April 1, 2011; eligible for a no-fee permit review by the DNR; or in need of a standard Chapter 30 pier permit from the DNR. For assistance in any matter relating to piers, riparian rights or public waterways, contact any of [Reinhart's real estate attorneys](#).

These materials provide general information which does not constitute legal or tax advice and should not be relied upon as such. Particular facts or future developments in the law may affect the topic(s) addressed within these materials. Always consult with a lawyer about your particular circumstances before acting on any information presented in these materials because it may not be applicable to you or your situation. Providing these materials to you does not create an attorney/client relationship. You should not provide confidential information to us until Reinhart agrees to represent you.