

## CHAPTER 482

### ESTABLISHING BULKHEAD LINES ALONG THE PINE RIVER BETWEEN THE SIXTH STREET BRIDGE AND THE MAIN STREET BRIDGE AND NORTHERLY AND EASTERLY FROM THE NORTH STREET BRIDGE

**482.01 TITLE.** This Chapter shall be known, cited and referred to as the Richland Center Krouskop Park-Allison Park Bulkhead Line Ordinance, except as referred to herein where it shall be known as "this Chapter".

**482.02 INTENT AND PURPOSES.** The intent and purpose of this Chapter is to establish bulkhead lines in the public interest pursuant to Section 30.11, Wisconsin Statutes, along the portions of the Pine River hereinafter described so as to provide regulations for the deposition of materials or construction of any structures upon the bed of any navigable water that lies on the landward side of the established bulkhead line. The further intent and purpose of this Chapter is to establish the basis for determination of the maximum elevation for the deposition of said materials or the construction of said structures.

The establishment of said bulkhead lines and elevations is made for the purpose of protecting the public rights and the navigable waters of said Pine River and conforms as nearly as possible to existing shorelines of said River and to the requirements of the floodway as determined by flow studies of the Pine River made jointly between the Department of Natural Resources and said City and to establish elevation of said deposits or construction so as not to affect the elevation of the regional flood on this portion of the Pine River in excess of the limits set forth by the Department of Natural Resources.

#### **482.03 RULES AND DEFINITIONS.**

##### (1) Rules:

(a) Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.

(b) The word "shall" is mandatory and not discretionary.

(c) The word "may" is permissive.

(d) The word "lot" shall include the words "piece" and "parcel"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrase "arranged for", "designed for", "maintained for", and "occupied for".

(e) The word "typical section" shall be the typical section appended to and made a part of this Chapter and which pictorially defines the stream beds, shorelines and bulkhead lines and their relationship to each other as referred to herein.

##### (2) Definitions:

(a) Bulkhead Line: A geographic line along a reach of a navigable stream that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 30.11, Wisconsin Statutes, and has been established by a description prepared by a registered Land Surveyor and which limits the encroachment upon the stream bed for the deposition of materials or construction of any structure and which allows the deposition of materials on the landward side except where Flood way and Flood Fringe areas regulations would prohibit or limit such filling.

(b) Navigable Waters: All streams, sloughs, bayous and marsh outlets which are navigable in fact for any purpose whatsoever are navigable.

(c) Flood: A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

(d) Flood Frequency: A means of expressing the probability of flood occurrences as determined from a statistical analysis of representative stream flow records. It is customary to estimate the frequency with which specific flood stages or discharges may be equalled or exceeded, rather than the frequency of an exact stage or discharge. Such estimates by strict definition are designated "exceedence frequency" but in practice the term "frequency" is used. The frequency of a particular stage of discharge is usually expressed as occurring once in a specified number of years. Also see: Recurrence interval.

(e) Flood Plain: the land adjacent to a body of water which has been or may be hereafter covered by flood water including but not limited to the regional flood.

(f) Flood Profile: A graph showing the relationship of the water surface elevation of a flood event to a location that generally is expressed as a distance upstream from a designated point on a stream or river.

(g) Floodway: The channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood water or flood flows of any stream or river including but not limited to flood flows associated with the regional flood.

(h) Regional Flood: A flood determined or approved by the Department which is representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

(i) Reach: A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood plain where flood heights are primarily controlled by manmade or natural flood plain obstruction or restrictions. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most likely be a reach.

**482.04 STATUTORY AUTHORIZATION.** This Chapter for the establishment of these bulkhead lines is adopted pursuant to the authorization contained in Sections 62.23 and 30.11 and Chapter 87, all of the Wisconsin Statutes.

**482.05 ESTABLISHMENT OF BULKHEAD LINES.**

(1) The following described bulkhead line is hereby established along the south side of the Pine

River from the Sixth Street Bridge to the Main Street Bridge and then to the East and that the maximum elevation of materials deposited on the landward side of said bulkhead line within the flood plain limits shall not exceed 734.0 feet and is shown on the Flood Plain Map which is attached hereto and is a part of this Chapter, all subject to the approval of the Department of Natural Resources, to-wit:

Commencing at the Southwest Corner of Lot 6, Block 2 of House- holder's Addition, Schoolcraft, City of Richland Center, Richland County, Wisconsin; thence N 43 35' 40" E, 337.56 feet to the point of beginning of the bulkhead line on the existing shoreline of the Pine River; thence N 84 55' 51" W, 425.50 feet; thence S 81 36' 37" W, 165.32 feet; thence S 88 01' W, 29.95 feet; thence N 85 31' 13" W, 56.45 feet; thence N 87 03' 59" W, 117.46 feet; thence N 89 25' 14" W, 113.63 feet; thence N 86 14' 51" W, 105.19 feet; thence S 54 52' 18" W, 1,103.79 feet; thence S 34 53' 17" W, 134.99 feet; thence S 42 06' 25" W, 85.68 feet; thence S 53 32' 12" W, 174.44 feet; thence S 48 57' 50" W, 193.08 feet to end of said bulkhead line on the existing shoreline of the Pine River; thence S 61 35' 36" E, 870.96 feet to the South east Corner of Lot 1, Block 1, Haseltine's Heirs Addition to the City of Richland Center, Wisconsin.

The above described bulkhead line being located partly in the S 1/2 of the NW 1/4 of Section 16, and partly in the SE 1/4 of the NE 1/4 of Section 17, and partly in the NE 1/4 of the SE 1/4 of Section 17, all in T. 10 N., R. 1 E., City of Richland Center, Richland County, Wisconsin.

(2) The following described bulkhead line is hereby established along the north side of the Pine River from a location north of the Sixth Street bridge to the Main Street bridge and then northerly along the West side of the Pine River and that the maximum elevation of the materials deposited on the landward side of said bulkhead line between the Sixth Street bridge and the Main Street bridge within the flood plain limits shall not exceed 733.0 and that the maximum elevation of the materials deposited on the landward side of the bulkhead line northerly from the Main Street bridge and between that portion of the bulkhead line and Main Street (Wisconsin State Trunk Highways 56 and 80) shall not exceed 731.0 and said bulkhead line is shown on the Flood Plain Map which is attached hereto and is a part of this Chapter, all subject to the approval of the Department of Natural Resources, to-wit:

Commencing at the Northwest Corner of the NW 1/4 of Section 16, T. 10 N., R. 1 E., City of Richland Center, Richland County, Wisconsin; thence South 918.01 feet along the West line of said Section 16; thence N 83 09' 43" W, 370.25 feet; thence S 88 31' 40" W, 469.15 feet; thence S 4 05' 00" E, 593.00 feet; thence S 0 23' 40" W, 483.3 feet; thence S 1 43' 40" W, 141.9 feet; thence S 9 02' 00" E,

49.83 feet; thence S 64 31' 0" E, 64.95 feet to the point of beginning of the bulkhead line on the existing shoreline of the Pine River;  
thence N 45 05' 03" E, 114.95 feet;  
thence N 55 30' 00" E, 150.00 feet;  
thence N 71 00' 00" E, 150.00 feet;  
thence N 88 15' 27" E, 655.65 feet;  
thence N 80 30' 08" E, 95.57 feet;  
thence S 88 09' 14" E, 147.16 feet;  
thence S 89 58' 52" E, 114.24 feet;  
thence S 88 44' 59" E, 104.73 feet;  
thence S 88 22' 28" E, 146.57 feet;  
thence S 60 38' 00" E, 75.58 feet;  
thence S 73 41' 01" E, 42.03 feet;  
thence S 73 57' 05" E, 103.02 feet;  
thence N 60 21' 09" E, 34.44 feet;  
thence N 61 49' 41" E, 141.65 feet;  
thence N 47 40' 58" E, 60.86 feet;  
thence N 29 03' 53" E, 105.44 feet;  
thence N 12 37' 26" E, 151.68 feet;  
thence N 01 46' 46" W, 293.48 feet;  
thence N 11 41' 19" W, 87.30 feet;  
thence N 35 50' 52" W, 72.35 feet;  
thence N 65 58' 15" W, 60.98 feet;  
thence N 36 47' 12" W, 198.05 feet;  
thence N 07 35' 36" E, 81.25 feet to the end of the bulkhead line on the existing shoreline of the Pine River;  
thence N 43 16' 15" W, 319.46 feet;  
thence N 18 52' E, 69.67 feet to the Southwest Corner of Block 1, W.H. Collins Addition to the City of Richland Center, Wisconsin;

The above described bulkhead line being located partly in the W 1/2 of the NW 1/4 of Section 16 and partly in the E 1/2 of the NE 1/4 of Section 17, all in T. 10 N., R. 1 E., City of Richland Center, Richland County, Wisconsin.

**482.06 APPROVAL BY STATE OF WISCONSIN AND FILING.** This Chapter shall not be in full force and effect until three certified copies of the Chapter together with three true and correct copies of the Flood Plain Map are submitted to and approved by the Department of Natural Resources and one approved copy is on file in the office of the City Clerk and one approved copy is recorded in the office of the Register of Deeds of the County of Richland, State of Wisconsin.

**482.07 VALIDITY AND SEVERABILITY.** It is hereby declared to be the intention of the Council that the several provisions of this Chapter are separable in accordance with the following:

(1) If any court of competent jurisdiction shall adjudge any provisions of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.

(2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, building, or other structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.

**482.08 PENALTIES.** Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this Chapter, shall forfeit not less than \$25 nor more than \$400, together with the costs of prosecution, and in case of failure to pay such forfeiture and costs may be imprisoned in the county jail of Richland County until such forfeiture and costs are paid but not to exceed 90 days. Every day of violation shall constitute a separate offense.

**482.09 EFFECTIVE DATE.** This Chapter shall be in full force from and after September 1, 1970.