

PIERS, DOCKS, WHARFS AND BOAT SLIPS OVER PRIVATELY OWNED LAKEBED:

- Plat of Survey and proof of ownership plus all items listed in Village Code § 92.027 (see page 2) required.
- Detailed Site Plan with exact dimensions, location, materials, and method of installation, plus pier address required.
- Plan review by Village Engineer required prior to permitting. Review fees apply. \$500 Escrow may be required.
- Watershed Development Permit Application, Soil Erosion/Sediment Control Plan, plus Grading Plan may be required.



§ 92.020 PERMIT REQUIRED.

It shall be unlawful for any piers, docks, wharfs, boat tie-downs, shore stations, permanent anchorages or slips for the docking or securing of boats or other watercraft to be used or installed unless a permit has been applied for and obtained as more fully set forth hereafter. This chapter applies to all proposed nonpublic and public recreational piers, docks, wharfs, boat tie-downs, shore stations, permanent anchorages or slips for the docking or securing of boats or other watercraft constructed or installed on or in the rivers, lakes or streams falling within the boundaries of the village. No permit shall be issued for any such docking facility or improvement unless the lakebed thereunder is owned by the applicant. No village permit shall issue until the applicant has also obtained the requisite permit from the State of Illinois, Division of Waterways - Department of Transportation and the United States Army Corps of Engineers. (Note: These organizations have delegated authorization to the Village Engineer to release said permit.) The fee for the permit shall be that as determined by village resolution, as amended from time to time. (1978 Code, § 4-6-1) (Ord. 1988-O-40, passed 11-1-1988; Am. Ord. 1989-O-9, passed 4-4-1989; Am. Ord. 2006-O-16, passed 4-4-2006; Am. Ord. 2011-O-10, passed 4-5-2011)

§ 92.021 PURPOSE.

- (A) Authorize the construction of recreational boat docking facilities and modification of or additions to the facilities if bed of the lake or watercourse is owned by the applicant.
(B) Contribute to improving the safety of the public and its properties, be they land or tangibles. (1978 Code, § 4-6-2) (Ord. 1988-O-40, passed 11-1-1988; Am. Ord. 2006-O-16, passed 4-4-2006)

§ 92.022 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOAT. Boat shall have the same meaning herein as **WATERCRAFT**.

BOAT TIE-DOWN. Any permanent, temporary or seasonal structure located in or on the water and secured to the waterbed for the purpose of securing thereto a watercraft or watercrafts.

DOCK. That portion of a pier which is constructed on dry land.

EXCLUSIVE RIPARIAN ZONE. That portion of the lakebed upon which a pier is installed or anchored and which is installed and used by the owner of record in fee simple thereof and also of the adjacent shoreline real estate, or is installed and used for customary pier purposes with written permission of the owner of record. Nothing contained in this definition is intended to permit commercial use of a pier where not permitted by the Zoning Regulations of the village.

HIGH WATER MARK. The highest water level during any year (customarily in the springtime when more lake bottom is covered than at any other season).

MEAN WATER LEVEL. Normal lake pool elevation defined as 774 feet above sea level.

NORMAL MEAN WATER ELEVATION. The mean water elevation of Bangs Lake when no water is exiting the Lake at the Bangs Lake Drain.

PERMANENT ANCHORAGE. A permanent, temporary or seasonal point of anchorage on the water to which 1 or more watercraft may be temporarily attached for the purpose of securing such watercraft to the location of the anchorage facility or device.

PIER. A structure extending into navigable water or the waters of any river or lake for use as a landing place for boats or to provide convenient passage for persons and properties from boats or other water vessels alongside the structure including the above-water and below-water posts, braces, pilings, caissons, pillars and platforms (whether fixed or floating) in connection with underwater foundations. Unless specifically provided herein in any provision of this Chapter, **PIER** also includes **SHORE STATION, BOAT TIE-DOWN,** and **PERMANENT ANCHORAGE**.

SHORE STATION. Any permanent, temporary or seasonal structure in the water and secured to the waterbed to which 1 or more watercraft may be temporarily attached for the purpose of securing a watercraft or watercrafts to the shore station structure.

STAR PIER. A pier (as defined above) which consists of a series of limbs and/or structures emanating from a center with no limb being parallel to any other limb and the entire structure consisting of more than 2 limbs and/or structures.

WATERCRAFT. Shall include any motorized or wind-powered boat, vessel or device which can transport 1 or more persons upon or in the water.

WATERWAY. Any lake, river, pond, channel, bay or stream. (1978 Code, § 4-6-3) (Ord. 1988-O-40, passed 11-1-1988; Ord. 1989-O-9, passed 4-4-1989; Ord. 1990-O-47, passed 11-6-1990; Am. Ord. 2006-O-16, passed 4-4-2006; Am. Ord. 2011-O-10, passed 4-5-2011; Am. Ord. 2011-O-30, passed 6-7-2011)

§ 92.023 GENERAL CRITERIA, STANDARDS AND PROVISIONS.

- (A) Private and public piers and docks may be constructed only on privately or publicly owned waterfront lots only by the owner of record of the lakebed or bed of the waterway thereunder. Piers and docks may include railings, bench, small storage box and provisions for life preservers. Piers and docks may also include shore stations.
(B) Subject to the limitations herein, a new pier constructed or installed after the effective date of this subchapter may project or be located into the waterway the greater of 150 feet or to such distance, but no further, so as to achieve a 36 inch depth of water at the end of such pier when such depth is measured while Bangs Lake is at normal mean water elevation. Under no circumstances shall a pier extend or be located to, or at a distance of 300 feet from shore. In no instances shall a pier be located greater than 1/4 of the width of a channel of a waterway; provided, that any such oversize pier existing as of the date of the passage of the latest amendments to this subchapter may continue in existence. New piers constructed after the effective date of this subchapter may be as long as the longest existing pier on a property of the application for the permit.
(C) The width of the main pier shall not be not less than 3 feet and not greater than 5 feet. Finger piers shall not be less than 2 feet.
(D) Any pier parallel to the shoreline must be constructed as an integral part of a seawall (which conforms to the Shoreline and Streambank Ordinance No. 1988-O-32).
(E) Any pier must be aligned so as not to cross the projection of neighboring property lines into the waterway or come within 4 feet of any such lines.
(F) Top of pier elevation, and for shore stations, the top of the shore station platform elevation, shall not exceed 36 inches above the mean water level (MWL) while the bottom of pier elevation shall be no less than 18 inches above MWL; with the exception of floating piers; which are permitted.
(G) Pier posts and projections at the farthest point(s) from the shoreline must be marked with plastic or metal amber screw on reflectors (3-inches in diameter or larger) securely fastened to the required locations. Reflectors must be visible from any location on the water. Reflective tape and stick on reflectors are prohibited. All piers or any portion thereof which remain above the waterline at any time between December 1 and March 1 of each year shall have a flashing or rotating lighting device(s) of amber color, securely fastened to, and located at both, the farthest point(s) of the pier or remaining portion thereof and, where the pier extends more than 75 feet into the body of water, it shall also have a similar flashing or rotating light at the halfway point(s) between the shoreline and the farthest location into the body of water. Such lights when required shall be securely fixed to the pier. The bottom of the beacon shall be between 18 inches and 48 inches above the plank of the pier. Such light(s), when so required, shall at all times be maintained in operational condition and shall be operating in the "on" position from dusk until sunrise. Such light(s), when required, shall be of such size and candlepower so as to be visible from all points from the lake surface for a minimum distance of 300 feet during clear weather conditions. Shore stations, boat tie-downs and permanent anchorages, must be marked with plastic or metal amber screw-on reflectors (3 inches in diameter or larger) securely fastened so as to be visible from any location on the water. The reflectors shall be in such number and at such locations so as to reflect from each side of the shore station, boat tie-down and permanent anchorage:

(1) All piers, excluding permanent anchorages, shall be clearly and permanently marked with the corresponding numeric and street name address of pier owner so as to enhance emergency response and to facilitate the contacting of the owner regarding occurrences involving the pier. Such markings shall be of professionally printed permanent and durable materials and the numbers and lettering shall be at least 3 inches in height.

- (H) The pier must be securely anchored to the shore, except for shore stations, boat tie-downs and permanent anchorages, and lake bottom, including shore stations, boat tie-downs and permanent anchorages to prevent its incidental detachment and becoming a floating hazard during times of high water and/or winds.
- (I) Metal drums or containers may not be used as buoyancy units unless they are filled with flotation foam. Containers which previously stored pesticides, herbicides, any toxic chemicals or oil are not permissible.
- (J) Any and all electrical fixtures or outlets attached or adjacent to the pier shall be outdoor rated and be installed under full compliance with the National Electrical Code.
- (K) All piers must be constructed of a noncorrosive and/or decay resistant type material such as, but not limited to: cedar, wolmanized wood, redwood, aluminum, or coated steel. Fasteners, such as nails, screws or brackets will be galvanized or stainless steel.
- (L) Piers and docks may not be used for rental purposes except to apartment tenants or condominium owners of the property and also except as to piers and docks located on property which is zoned and utilized for CR purposes (as defined in the Zoning Codes of the Village).
- (M) Notwithstanding anything foregoing, apartment complexes and condominium complexes shall not utilize shoreline for slips or piers accommodating boats exceeding 25% of the number of dwelling units within those complexes.
- (N) Star piers are prohibited from being installed in the waters of Bangs Lake or in any waters, rivers or lakes located within the village.
- (O) All piers must be located within the exclusive riparian zone and must be located a minimum of 8 feet from and within the boundary line of the exclusive riparian zone or such further distance so that docked or moored watercraft do not project over the boundary line(s) of the exclusive riparian zone. (1978 Code, § 4-6-4) (Ord. 1988-O-40, passed 11-1-1988; Ord. 1989-O-9, passed 4-4-1989; Ord. 1990-O-47, passed 11-6-1990; Am. Ord. 2006-O-16, passed 4-4-2006; Am. Ord. 2011-O-10, passed 4-5-2011; Am. Ord. 2011-O-30, passed 6-7-2011)

§ 92.024 EXISTING PIERS.

- (A) Piers existing as of the date of the passage of this chapter may continue in existence and may be maintained as such in the future provided required reflectors and lighting are placed and maintained thereon.
- (B) No pier existing prior to the effective date of this chapter may hereafter be extended or altered without a permit having been secured therefor. Normal maintenance shall be allowed on such pre-existing piers without securing a permit. Piers in substantial disrepair as defined herein shall be repaired within 10 days after receipt of notice to do so by the Building Department. (1978 Code, § 4-6-5) (Am. Ord. 2006-O-16, passed 4-4-2006; Am. Ord. 2011-O-10, passed 4-5-2011)

§ 92.025 MAINTENANCE.

- (A) All piers shall be maintained by the property owner; this requires that the owner will maintain the structure and required equipment and markings in a safe and sound operating condition at all times while in or upon the water.
- (B) Piers and required equipment and markings shall be maintained in good condition as determined by the Building Department. The owner shall repair or replace the pier which is determined to be in disrepair upon 10 days notice to do so from the Building Department. (1978 Code, § 4-6-6) (Am. Ord. 2006-O-16, passed 4-4-2006; Am. Ord. 2011-O-10, passed 4-5-2011)

§ 92.026 SPECIAL CONDITIONS; PRIVATE REMEDIES CONTINUE.

- (A) The fact that a building permit has been issued for any pier shall not relieve the holder thereof of responsibility for compliance with provisions of this chapter or the requirements of any other ordinance applicable thereto at the time that the pier was constructed or repaired.
- (B) If at any future date the Department of Transportation, the Army Corps of Engineers or the village determines that the pier obstructs or impairs navigation, or in any way infringes on the rights or interests of the public or any individual party, the permittee agrees to make necessary modifications to the pier as determined by the Department of Transportation, the Army Corps of Engineers or the village.
- (C) This chapter does not convey title to any permittee or recognize title of any permittee to any submerged or other lands, and furthermore, does not convey, lease or provide any right or rights of occupancy or use of the public or private property in which the project or any part thereof will be located, or otherwise grant to any permittee any right or interest in or to the property whether the property is owned or possessed by the State of Illinois or by any private or public party or parties.
- (D) This chapter does not release any permittee from liability for damage to persons or property resulting from the work covered by the permit and does not authorize any injury to private property or private rights.
- (E) This chapter does not relieve any permittee of the responsibility to obtain other federal, state or local authorizations required for the construction of the permitted activity; and if the permittee is required by law to obtain authorization from any federal authority to do the work, the authorization is not effective until the federal approval is obtained.
- (F) The permittee shall, at his own expense, remove all temporary piling, cofferdams, false work, and material incidental to the construction of the project from the floodway, stream or lake in which the work is done. If the permittee fails to remove such structures or materials, the village may have removal made at the expense of the permittee. If future need for public navigation or public interests of any character by the state or federal government necessitates changes in any part of the structure or structures, such changes shall be made by and at the expense of the permittee or his successors as required by the Department of Transportation or other properly constituted agency within 60 days from receipt of written notice of the necessity from the Department or other agency, unless a longer period of time is specifically authorized.
- (G) If a project authorized by this permit is located in or along a meandered stream, the permittee and his successors shall make no claim whatsoever to any interest in any accretions caused by the project.
- (H) In issuing this permit, the village does not approve the adequacy of the design or structural strength of any structure or improvement authorized by this permit. (1978 Code, § 4-6-7) (Am. Ord. 2006-O-16, passed 4-4-2006)

§ 92.027 PERMIT APPLICATION REQUIREMENTS.

- (A) Permit and inspection fee shall be \$75 for each pier extending from the shoreline. Once such a permit is obtained, no new permit is needed nor new fees required unless or until such time as an application to alter, extend or modify the pier is made.
- (B) The following requirements must be met prior to the issuance of a pier permit:
 - (1) Proof of ownership of the property covered by water on which the pier is located must be presented with the application;
 - (2) Signature of the person making the application. If not the property owners, must show name of property owner;
 - (3) Lot survey showing lot lines and location of the improvement between the sidelines of the property;
 - (4) Approximate shoreline profile and mean water level (obtain MWL from the Building Inspector)
 - (5) The dimensions of the pier and the distance it extends out from the shoreline;
 - (6) Details of construction: material, framing, decking, and the like;
 - (7) Method of anchoring pier to shoreline and lake bottom and in the case of shore stations, boat tie-downs and permanent anchorages not affixed to the shoreline, method of anchoring to lake bottom only (including type and size of pipe or timber or other anchoring material or device);
 - (8) Supply 1 copy of the above information on an 8½-inch by 11-inch sheet(s) to be kept on file with the village. (1978 Code, § 4-6-8) (Am. Ord. 2006-O-16, passed 4-4-2006; Am. Res. 2009-R-14, passed 8-4-2009; Am. Ord. 2011-O-10, passed 4-5-2011)

§ 92.028 NUISANCE DECLARED.

In addition to any other applicable penalties under the general penalty provisions of this code, all piers erected, repaired or maintained in violation of the provisions of this chapter or any other ordinance applicable thereto shall be deemed a nuisance, and may be abated or enjoined as in the case of other nuisances. (Ord. 2006-O-16, passed 4-4-2006)