

CHAPTER 13
Harbors and Waters
Table of Contents

| | |
|-----------|---|
| 13.01.000 | BOARD OF HARBOR COMMISSIONERS |
| 13.01.010 | Creation, Appointment, Term |
| 13.01.020 | Organization |
| | |
| 13.02.000 | POWERS AND DUTIES OF HARBOR COMMISSION |
| 13.02.010 | Planning |
| 13.02.020 | Commercial Aspects |
| 13.02.030 | Fees and Charges |
| 13.02.040 | Budget |
| 13.02.050 | Annual Report |
| 13.02.060 | Health, Order and Safety |
| | |
| 13.04.000 | RULES FOR VESSELS IN THE HARBOR |
| 13.04.010 | Securely Fastened |
| 13.04.020 | Obstructing The Channel |
| | |
| 13.05.000 | RULES FOR VESSELS IN MOTION |
| | |
| 13.06.000 | LUMBER NOT TO PROJECT OVER DOCKLINE |
| | |
| 13.07.000 | REMOVAL OF SAND, ETC. PROHIBITED |
| | |
| 13.08.000 | PILING LOOSE MATERIAL AT WATER'S EDGE PROHIBITED |
| | |
| 13.09.000 | INNER AND OUTER HARBORS DEFINED |
| | |
| 13.10.000 | PERMIT TO DOCK |
| | |
| 13.11.000 | REQUEST TO MOVE |
| | |
| 13.12.000 | NO SWIMMING |
| | |
| 13.13.000 | FISH CLEANING |
| | |
| 13.14.000 | OUTDOOR COOKING |
| | |
| 13.15.000 | CLOTHING |
| | |
| 13.16.000 | NO SMOKING |
| | |

| | |
|-----------|---|
| 13.17.000 | ADOPTION BY REFERENCE OF SECTION 30.77 AND 30.79, WISCONSIN STATUTES |
| | |
| 13.18.000 | FISHING REGULATIONS |
| | |
| 13.19.000 | PROHIBITED USES OF MARINA PARKING PERMIT; PENALTIES |
| | |
| 13.25.000 | PENALTY |

13.01.000 BOARDS OF HARBOR COMMISSIONERS.

13.01.010 Creation; Appointment; Term. A Board of Harbor Commissioners shall be created by a resolution of the Common Council. Such resolution shall state that the board shall consist of seven (7) members. Such resolution shall state the length of the term of each member so that the term of one or more will expire the first year; one or more in two years; and one or more in three years. Appointments shall be made by the mayor subject to confirmation by the council. No person shall be appointed unless he is a qualified elector of the City and has been a resident for at least three years. One member shall be an alderman. A person appointed shall serve until a successor is appointed and qualifies. Members shall receive no compensation but shall be reimbursed for expenses actually and necessarily incurred.

13.01.020 Organization. The board shall select a president and vice-president. The board may employ a secretary. The board shall hold meetings at such times and places as it determines.

13.02.000 POWERS AND DUTIES OF HARBOR COMMISSION.

13.02.010 Planning. The Board of Harbor Commissioners shall make such plans as it deems necessary for the improvement of the harbor over which it has jurisdiction. The board shall not carry out any such plans until approved by the Common Council.

13.02.020 Commercial Aspects. The Board of Harbor Commissioners shall have exclusive control over the commercial aspects of the day-to-day operations of the harbor and its facilities. Nothing contained herein shall prevent the Common Council from changing or restricting such control by resolution approved by a majority of the council.

13.02.030 Fees and Charges. The Board of Harbor Commissioners shall fix fees and charges for the use of the harbor facilities, except such fees shall be subject to approval by the Common Council.

13.02.040 Budgets. The Harbormaster shall submit an annual estimate of anticipated revenues and expenses for review and approval by the Board of Harbor Commissioners. The Board of Harbor Commissioners shall submit such budget to the City Administrator at a time to be designated by the City Administrator. The City Administrator shall submit the budget to the Finance Committee of the Common Council at a time to be established by the Finance Committee. Final review of the budget shall be by the Common Council for inclusion in the annual budget of the City. All monies derived from the operation of the Harbor Facility shall be paid into the General Fund. No money may be expended by

the Board of Harbor Commissioners which has not been appropriated by the Council in the adoption of its budget. The Common Council may from time to time authorize the transfer of certain net income resulting from harbor operations from the General Fund into the Harbor Reserve Fund, in amounts determined by the Council.

13.02.050 Annual Report. A Board of Harbor Commissioners shall report annually to the Council giving an account of its activities and an account of its income and expenditures.

13.02.060 Health, Order and Safety. Nothing contained herein shall be deemed to remove, from the authority of the Common Council, or its designees, control of the governmental aspects relating to the public health, order and safety.

13.04.000 RULES FOR VESSELS LYING IN THE HARBOR.

13.04.010 Securely Fastened. No vessel, craft or float shall be permitted to lie in the harbor adrift or insecurely fastened.

13.04.020 Obstructing the Channel. No vessel, craft or float shall obstruct the channel or be moored or anchored so as to prevent the passage of any other vessel, craft or float.

13.05.000 RULES FOR VESSELS IN MOTION. No person may operate a vessel at a speed in excess of slow-no-wake speed in the harbor, within the boundaries of the inner and outer harbor.

13.06.000 LUMBER NOT TO PROJECT OVER DOCK LINE. No person shall place or maintain lumber or other material over the dock line of any dock within a City harbor.

13.07.000 REMOVAL OF SAND, ETC. PROHIBITED. No person shall remove any stone, sand or earth from the beach or from within 300 feet of the high water mark, along or near the shore line of Lake Michigan within the City.

13.08.000 PILING LOOSE MATERIAL AT WATER'S EDGE PROHIBITED. No person shall place or maintain any crushed stone, coal, gravel, sand, ashes, dirt or other loose material within 3 feet of the water's edge along the beaches of harbors in the City.

13.09.000 INNER AND OUTER HARBORS DEFINED. The inner harbor shall include all that part of the harbor lying west of a line drawn north and south from the east limits of the navigation light on the stub of the old pier on the north side of the harbor channel, south to the Electric Company Docks on the south side of the harbor channel.

The inner harbor shall include all slips as laid out and established heretofore. The outer harbor shall include all waters of Lake Michigan east of and outside of the line drawn from the navigation light on the stub of the old government pier as herein before described and within the government breakwater.

13.10.000 PERMIT TO DOCK. No person shall dock a vessel at the Port Washington Marina facilities or any other harbor facility without obtaining a permit therefore from the Harbormaster of the City of Port Washington or his duly authorized agent.

13.11.000 REQUEST TO MOVE. No person shall refuse to move his vessel when requested to do so by the Harbormaster when emergency conditions or safety precautions require the removal of said vessel to a different location.

13.12.000 NO SWIMMING. There shall be no swimming, diving, skin diving or bathing within the waters of the Port Washington Marina facility.

13.13.000 FISH CLEANING. Cleaning of fish shall take place only at authorized fish cleaning stations.

13.14.000 OUTDOOR COOKING. Outdoor cooking on the piers of the Port Washington Marina facility is prohibited.

13.15.000 CLOTHING. No one shall cause clothing or laundry to be hung upon the piers or other municipal property at the Port Washington Marina facility.

13.16.000 NO SMOKING. There shall be no smoking within 30 feet of the gas fill stations at the Port Washington Marina facility.

13.17.000 ADOPTION BY REFERENCE OF SECTION 30.77 AND 30.79, WISCONSIN STATUTES. Except as otherwise specifically provided, all provisions of the general body of law in Section 30.77 and 30.79, Wisconsin Statutes as may be amended, created, or re-created describing and defining municipal regulations of boating and water safety patrols, including penalties to be imposed are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance.

13.18.000 FISHING REGULATIONS. Section 13.18.010. Fishing within that area of the inner harbor known as the North Slip lying on the North side of the harbor channel North of the Wisconsin Electric Company docks, shall be regulated as follows:

1. No person shall fish from the finger piers in the North harbor when boats are present and moored at those finger piers.
2. Fishing shall be allowed from the North Slip boardwalk commencing at the stairs leading from Main Street proceeding North and East along the boardwalk to a point on the North side of the boardwalk, twenty (20') feet from the end of the northernmost pier.
3. All persons fishing on the boardwalk shall at all times conduct their fishing so that all fishing rods, tackle and other equipment remain in an area four (4') feet from the slip side of said boardwalk. The area outside and to the landside of said area shall remain free of all fishing rods, tackle and other equipment for purposes of pedestrian access and use.
4. Fishing shall be permitted in the channel leading into and out of the North Slip save that boats will also navigate in the channel as well.
5. No person shall climb on any railing on the boardwalk or attach equipment in such a way as to damage the same. Any damage to the boardwalk or any railing on the boardwalk shall be the responsibility of the person found to have caused such damage and, in addition to the fines provided herein, shall be required as additional restitution.

13.19.000 PROHIBITED USES OF MARINA PARKING PERMIT; PENALTIES.

No person shall falsely make or alter, or duplicate, reproduce or copy by any means, a parking pass or permit issued by the Harbormaster or his designee authorizing parking within the parking lots or areas adjacent to the Port Washington Marina facilities so that such pass or permit purports to have been made by another, or at another time, or with different provisions or by authority of one who did not give such authority, nor shall any person possess, or use or display as original and genuine, a parking pass or permit that has been so made, altered, duplicated, reproduced or copied. Any person who shall violate any of the provisions of this section shall, for a first offense, be subject to a penalty consisting of a forfeiture in the sum of \$250.00 together with any applicable fees, assessments and costs of prosecution, and, for a second and subsequent offenses, a

forfeiture in the sum of \$500.00 together with any applicable fees, assessments and costs of prosecution and the permanent revocation of the person's Marina slip rental privileges at the Port Washington Marina facility. In the case of default in payment of such forfeiture(s), fees, assessments and costs, such person shall be imprisoned in the county jail for a term not exceeding five (5) days.

13.25.000 PENALTY. Except as provided in sec. 13.19.000, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 25.04.000 of this Municipal Code.