

12.0200 HARBORS AND CRAFT

12.0201 APPLICABILITY AND ENFORCEMENT

The provisions of this Chapter shall apply to the navigable waters within the corporate limits of the City of Marinette. The provisions of this Chapter will be enforced under the direction of the Common Council.

12.0202 MUFFLER REQUIREMENT

It shall be unlawful for any person, firm, or corporation to operate any motorboat within the corporate limits of the City of Marinette, without having a muffler attached to and actually in use upon the motor which is being operated on such motorboat. It shall be unlawful for any person, firm or corporation to operate any motorboat within the corporate limits of the City of Marinette with the cut-out open on such motor and to operate any motorboat with any unusual noise which tends to cause a disturbance to the public, unless such boat is engaged in a race duly authorized by the Common Council.

12.0203 SPEED RESTRICTION

A. Definitions

1. "Boat" shall have the same meaning and definition as assigned under Section 30.50(1), Wis. Stats.
2. "Motorboat" shall have the same meaning and definition as assigned under Section 30.50(2).

B. Speed Restriction

No person shall operate a motorboat at a speed greater than is reasonable and prudent under the conditions and having regard for the activities and potential hazards then existing. The speed of a motorboat shall be so controlled as to avoid colliding with any object lawfully in or on the water or with any person, boat, or conveyance in or on the water in compliance with legal requirements and exercising due care. This Section does not apply to emergency, patrol, or rescue craft. The provisions of this Section shall not prohibit the holding of supervised motorboat races over a course laid out, plainly marked, adequately patrolled and policed, upon application and approval from the Common Council.

12.0204 REGULATION OF BOATING

Sections 30.50 through 30.71, Wis. Stats., are hereby adopted and incorporated by reference. Violations of these sections may be enforced in Municipal Court.

12.0205 NEGLIGENT OPERATION

No person shall operate or use any boat upon any navigable waters within the corporate limits of the City of Marinette in a careless, negligent, or reckless manner so as to endanger the property or person of another.

12.0206 ANCHORING OF CRAFT

- A. No person having charge of any craft or boat shall anchor it or otherwise fasten or permit it to be anchored or fastened in the harbor, rivers, or navigable waters within the City so that it obstructs the passage of any other craft or boat.
- B. No person shall fasten any craft to protection piers or bridges, bridge approaches, or piles driven for the protection of bridge piers or approaches in the City.

12.0207 BRIDGE PASSING

All craft navigating the Menominee River, or other navigable waters within the City when passing any bridge shall move and be moved past the same as expeditiously as is consistent with a proper movement in the river but in no case shall obstruct the passage across a bridge more than five (5) minutes. No craft shall be so anchored or fastened as to prevent any bridge from a free and rapid opening.

12.0208 BRIDGE OPENINGS

When a person having charge of any craft shall wish to move it past any bridges, reasonable time shall be allowed for the bridge opening and no person shall move any craft against the bridge or the center or protection pier thereof before the bridge is opened.

12.0209 DEBRIS IN HARBOR

No person shall cast or deposit or allow to be cast or deposited in the harbor or the Menominee River, or in any other navigable waters within the limits of the City, any soil, sand, filth, manure, or any other refuse.

12.0210 REGULATION OF BOATING ON THE MENOMINEE RIVER

A. Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.

B. Applicability and Enforcement

The provisions of this ordinance shall apply to the portion of the waters of the Menominee River within the corporate limits of the City of Marinette as more specifically set forth below. The provisions of this ordinance shall be enforced by the officers of the Marinette Police Department.

C. State Boating and Safety Laws Adopted

State boating laws as found in Wisconsin Statutes Section 30.50 to 30.71, as amended, are adopted by reference.

D. Definitions

- 1. "Watercraft" means any device designed or used for navigation or flotation of one (1) or more persons on the water.

E. Boat Excluded Area

1. No person may place a boat or watercraft, be a passenger on a boat or watercraft, or operate a boat or watercraft, on the Menominee River between the most downstream dam and the Hattie Street Bridge.
2. Signage informing the public of this ordinance shall be posted conspicuously on the downstream side of the Hattie Street Bridge.

F. Regulation of Boating in the Menominee River

Section 1(a) Applicability, (b) Restrictions, (c) Enforcement (d) Repeal

(a) Applicability:

A sole ordinance to regulate boating upon the waters of the Menominee River, located in the City of Marinette in the County of Marinette and prescribing penalties for violations thereof.

(b) Restrictions

Slow-no-wake

No person may operate a boat faster than slow-no-wake in the designated areas, bays, or zones of the Menominee River that are clearly marked and identified by slow-no-wake waterway markers using GPS coordinates (formatted in degrees, minutes and seconds). The following Waterway Marker Buoys will be placed at intervals that accommodate boating traffic and are in line of sight of each other.

Between the Hattie Street Bridge on the upstream end and a line running due north from the Boom Landing boat ramp to the Wisconsin State line on the downstream end.

1. Latitude N 45° 06' 06" Longitude W 87° 37' 25"
2. Latitude N 45° 06' 07" Longitude W 87° 37' 30"
3. Latitude N 45° 06' 10" Longitude W 87° 37' 43"

Beginning at Ogden Street, extending northwesterly along the South Channel of the Menominee River, and ending at 6th Street Boat Launch.

1. Latitude N 45° 5' 46" Longitude W 87° 36' 24"
2. Latitude N 45° 5' 46" Longitude W 87° 36' 26"

Beginning at the southwest end of the south Government Pier (Marinette side), extending southwesterly, and ending at Ogden Street. This includes all waters within Menekaunee Harbor.

1. Latitude N 45° 5' 32" Longitude W 87° 35' 45"
2. Latitude N 45° 5' 37" Longitude W 87° 35' 33"

Hours of Operation

No person may operate a boat faster than slow-no-wake at all times on the Menominee River in areas designated as “slow-no-wake.”

(c) Enforcement

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

(d) Repeal of conflicting ordinances

Any and all former ordinances or parts of ordinances regulating boating upon the waters listed in this ordinance that are in conflict with this ordinance heretofore enacted by this governing body are hereby repealed.

Section 2 Intent

The intent of this ordinance is to provide for the safety, welfare, healthful conditions and enjoyment of recreational boating enthusiasts and riparian landowners consistent with public rights, interests and capabilities of the waterways listed.

Section 3 State Boating and Definitions Adopted

State boating laws and definitions found in Wisconsin State Statutes 30.50 are adopted by reference.

Section 3.1 Local Definitions

(a) "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steering control.

(b) “Boat” or “vessel” means every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water and a fishing raft.

Multiple Restrictions

(a) "Public access" means any access to the waters by means of public property.

Section 4 Waterway Marker (a) Placement (b) Maintenance (c) Buoy Standards (d) MOUs and Contracted Services

(a) Placement of Waterway Markers

An approved Waterway Marker Permit from the Wisconsin Department of Natural Resources is required prior to any buoy placement per Wisconsin Administrative Code NR 5.09(3).

(b) Maintenance of Waterway Markers

The Waterway Marker Permit Applicant is responsible for the placement, maintenance and upkeep of said buoys pursuant to NR 5.09(4).

(c) Buoy Standards

Buoys will conform to Specifications for Waterway Markers as stated in NR 5.09(6)

(d) MOUs and Contracted Services

Any and all waterway marker(s), buoys and or signs identified in this ordinance, after an approved waterway marker permit from the DNR has been issued whether regulatory and non-regulatory may be placed and maintained by memorandum of understanding or contracted services managed through the waterway marker permit applicant. In addition, the permit applicant may; at any time change, amend or terminate such agreement for any cause.

Section 5 (a) Posting and Publicizing of Boating Related Ordinance (b) Recording and Filing of Boating Related Ordinance

(a) Posting and Publicizing of Boating Related Ordinance

The City of Marinette shall provide and maintain a sign with a minimum of 3 inch lettering stating "Local Ordinance" and be posted at each public landing. The sign shall list, in letters with a minimum height of one inch, a summary, synopsis, or outline of those regulations more restrictive than state law, or shall contain a map made of a durable material showing those areas with local restrictions, or both.

(b) Recording and Filing of Boating Related Ordinance

The City of Marinette shall send a complete signed copy of the enacted ordinance to their local Department of Natural Resource Office or Recreational Safety Warden, per Wisconsin State Statute 30.77(4) and NR 5.15 Wisconsin Administrative Code.

Section 6 Penalties

Wisconsin State boating penalties as found in Wisconsin State Statutes 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section 7 Severability

The provisions of this Ordinance shall be deemed severable and it is expressly

declared that the City of Marinette Common Council would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section 8 Effective Date

This ordinance will become effective upon passage and the day after publication.

G. Penalties

Boating penalties as found in Wisconsin Statutes Section 30.80, as amended are adopted by reference.

12.0211 MENEKAUNEE COMMERCIAL HARBOR AREA

A. Establishment of Commercial Harbor

All City owned dockwall land abutting the south branch of the Menominee River downstream from Ogden Street is hereby declared to be a commercial harbor for the purpose of facilitating the commercial fishing industry and other commercial vessels. Any such land which the City has leased to another person or entity shall be excepted from this ordinance.

B. Leasing of Dock Space

Any suitable dock space shall be made available for lease to commercial vessels on the following basis:

1. Vessels holding a Wisconsin Commercial Fishing License shall have first priority.
2. Vessels holding a Michigan Commercial Fishing License shall have second priority.
3. Other commercial vessels shall have third priority.
4. No recreational vessels shall be allowed.
5. If demand exceeds supply, the Harbor Commission shall establish a maximum footage per license.
6. The applicant shall sign an agreement holding the City harmless from liability.
7. Applications for dockage for any calendar year shall be accepted commencing on November 1 of the preceding year on a first come first served basis. Applications shall be made to the City Clerk. No applicant shall have any rights to the dock space rented the previous year. Seasonal permits for any given year shall be issued on the first business day following January 1st.