

ORDINANCE No.

000178

An Ordinance prescribing requirements for the marking and placement of mooring buoys in the two federally designated special anchorage areas in the Bay of Sturgeon Bay within the city limits of the City of Sturgeon Bay.

RECITALS:

WHEREAS, the United States of America has created two special anchorage areas in the Bay of Sturgeon Bay in accordance with an Act of Congress of April 22, 1940, which are codified in 33 Code of Federal Regulations (CFR) 110.78, in which vessels not exceeding 65 feet in length may be anchored and are not required to carry or exhibit anchorage lights. The legal descriptions for these areas, as stated at 33 CFR 110.78 are recited as follows:

Area 1. Beginning at a point bearing 126°, 3,000 feet from the fixed green Sturgeon Bay Canal Leading Light mounted on the highway bridge; thence 120°, 1,200 feet, this line being parallel to and 150 feet from the channel edge; thence 222°, 500 feet; thence 300°, 1,200 feet; thence 042°, 500 feet to the point of beginning.

Area 2. Beginning at a point 160 feet from the shoreline and on the east line of 15th Avenue extended; thence south 530 feet to a point 100 feet from the northern edge of the channel; thence southeasterly 2,350 feet along a line parallel to the northern edge of the channel to a point on the east line of 18th Avenue extended, using that portion of 18th Avenue that runs in a true north-south direction perpendicular to Utah Street; thence north 530 feet along this line of 18th Avenue extended to a point approximately 400 feet from the shoreline; thence northwesterly 2,350 feet along a line parallel to the northern edge of the channel to the point of beginning.

WHEREAS, the City of Sturgeon Bay has been and is presently experiencing increasing congestion in the Bay of Sturgeon Bay within the city limits of the City of Sturgeon Bay, including the above-described special anchorage areas, because of the unsupervised mooring of boats in the Bay of Sturgeon Bay, and

WHEREAS, the City of Sturgeon Bay is in the process of waterfront redevelopment which will affect the uses of the waters of the Bay of Sturgeon Bay, and

WHEREAS, the United States of America does not regulate the anchorage of boats within the above-described special anchorage areas other than to restrict the privilege of anchored boats in the special anchorage areas without anchorage lights to vessels less than 65 feet in length, and leaves such regulation to local government, and

WHEREAS, the City of Sturgeon Bay has determined that it wishes to exercise control over the above-described special anchorage areas as an exercise of its police power function.

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NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF STURGEON BAY DO
ORDAIN AS FOLLOWS:

SECTION 1: Section 14.08 of the Municipal Code of the City of Sturgeon Bay is created as follows:

14.08 REGULATION OF BOAT MOORINGS. (1) The federally designated special anchorage areas created in 33 CFR 110.78 may be divided into public mooring, commercial mooring, transient anchorage, and buoyed channel spaces. The Harbor Commission is authorized and directed to prepare a map of the federally designated anchorage areas that may provide for the above-described features, and it is also authorized and directed to prepare administrative rules and regulations for the administration of this ordinance, which shall include a plan for prioritizing applications in the event that there are more applications than available mooring spaces. The rules and regulations must be approved by the Common Council before they are effective and enforceable. Persons with existing moorings shall be given the first priority to maintain their moorings as much as possible. The legal description of said special anchorage areas is recited as follows:

Area 1. Beginning at a point bearing 126°, 3,000 feet from the fixed green Sturgeon Bay Canal Leading Light mounted on the highway bridge; thence 120°, 1,200 feet, this line being parallel to and 150 feet from the channel edge; thence 222°, 500 feet; thence 300°, 1,200 feet; thence 042°, 500 feet to the point of beginning.

Area 2. Beginning at a point 160 feet from the shoreline and on the east line of 15th Avenue extended; thence south 530 feet to a point 100 feet from the northern edge of the channel; thence southeasterly 2,350 feet along a line parallel to the northern edge of the channel to a point on the east line of 18th Avenue extended, using that portion of 18th Avenue that runs in a true north-south direction perpendicular to Utah Street; thence north 530 feet along this line of 18th Avenue extended to a point approximately 400 feet from the shoreline; thence northwesterly 2,350 feet along a line parallel to the northern edge of the channel to the point of beginning.

(2) No person shall place or cause to be placed a boat mooring within the above-described federally designated special anchorage areas in the Bay of Sturgeon Bay without a permit issued by the Harbor Master of the City of Sturgeon Bay.

(3) Boat moorings by permit are restricted according to the following specifications:

(a) The permit application shall provide the following information: name of applicant(s), address(s), home, business, and emergency telephone numbers, the vessel name (if applicable), an indication of sail or power propulsion, the manufacturer's name, the model designation, the hull identification number, the registration or documentation number, the home port or state of registration, the length overall, the beam, the draft, the color for topsides, deck, and waterline stripe, and a description of the anchor intended to be used. The permit fee shall be in such an amount as the Common Council may from time to time determine. The Harbor Commission may establish rules and regulations in the event of re-registration or change of registration on any mooring. Any fees in regard thereto shall be in such an amount as the Common Council may from time to time establish.

A person may procure a mooring permit for a mooring and not register a boat to that mooring if the owner does not intend to moor a boat at the mooring site. The permit shall be prepared on a form to be provided by the City Clerk-Treasurer, but shall not be effective until approved by the Harbormaster. At such time as the permit holder intends to moor a boat at the mooring site, the Clerk-Treasurer must be provided with the information about the boat as required above.

(b) The placement of boat moorings must be approved by the Harbormaster, who will consider the size of boat, depth of water, length of chain, proximity to other moorings, and other such factors as the Harbormaster may consider relevant; the Harbormaster may modify the mooring conditions of the proposed mooring application. The Harbormaster's decisions may be reviewed by the Harbor Commission upon application of the applicant, the Harbormaster, or any other interested party affected by the Harbormaster's decisions.

(c) Only one boat, which may include one service tender, may be attached to any single boat mooring.

(d) The minimum length of mooring chain between the anchor and the mooring buoy be at least twice the water depth at the placement of the mooring anchor.

(e) The boat mooring anchor and attachments must be objects of uncontaminated material suitable for the boat intended to be moored; it is the applicant's responsibility to make this determination.

(f) The mooring buoy must be of a design and material approved by the Wisconsin Department of Natural Resources.

(4) Any boat mooring shall be considered abandoned if a properly completed application is not on file with the Harbor Master by May 1 of each year. A properly completed application consists of a completed and signed application form provided by the Clerk-Treasurer, a signed hold harmless and indemnification agreement included with the application form, and payment in full of the permit fee required by this ordinance. In the event that there are no changes in the information provided on the previous application form and hold harmless and indemnification agreement on file with the Harbor Master, payment of the annual permit fee will constitute a properly completed application for that year. If there are changes in the information provided on the previous application form and hold harmless and indemnification agreement on file with the Clerk-Treasurer, a new application form and hold harmless and indemnification agreement must be provided by May 1 of that year with the permit fee. In the event of abandonment as provided for herein, any person may apply for the mooring at the location of the abandoned mooring, which may then be issued in accordance with rules and regulations established by the Harbor Commission.

(5) The Harbor Commission is authorized to approve mooring permits not in conformance with the requirements of this ordinance upon a showing of conditions that justify a deviation.

(6) Violations of any provisions of this ordinance, or of any of the administrative rules and regulations of the Harbor Commission promulgated in accordance with this ordinance shall be subject to a fine in accordance with Section 25.04 of the Municipal Code of the City of Sturgeon Bay. Each day the violation continues to exist shall be a separate offense.

SECTION 2:

This Ordinance shall take effect upon passage and publication.