

000781

Agenda Item No.
Copy Mailed to Alderpersons

City of Madison, Wisconsin

A RESOLUTION _____

Presented June 1, 2004

Referred Park Commission

authorizing the closure of the Warner Park lagoon and its connecting waterway to Lake Mendota during the 2004 Rhythm and Booms celebration.

Rereferred _____

Reported Back _____

Adopted _____ POF _____

Rules Susp. _____ Tabled _____

Public Hrg. _____

* * * * *

Drafted by: Anne Zellhoefer
Assistant City Attorney

Date: May 21, 2004

APPROVAL OF FISCAL NOTE BY THE
COMPTROLLER'S OFFICE IS NEEDED

Approved by:

Fiscal Note: Parks Division staff will place the waterway markers, and any associated costs will be absorbed within the Parks Division operating budget.

Comptroller's Office

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SPONSOR(S): Ald. VanRooy

RESOLUTION NO. _____

ID NO. _____

WHEREAS, the 2004 Rhythm and Booms celebration will be held at Warner Park on Saturday, July 3, or on the rain date of Monday, July 5, 2004; and

WHEREAS, the City of Madison will have the responsibility to provide for the safety and protection of those attending the Rhythm and Booms celebration; and

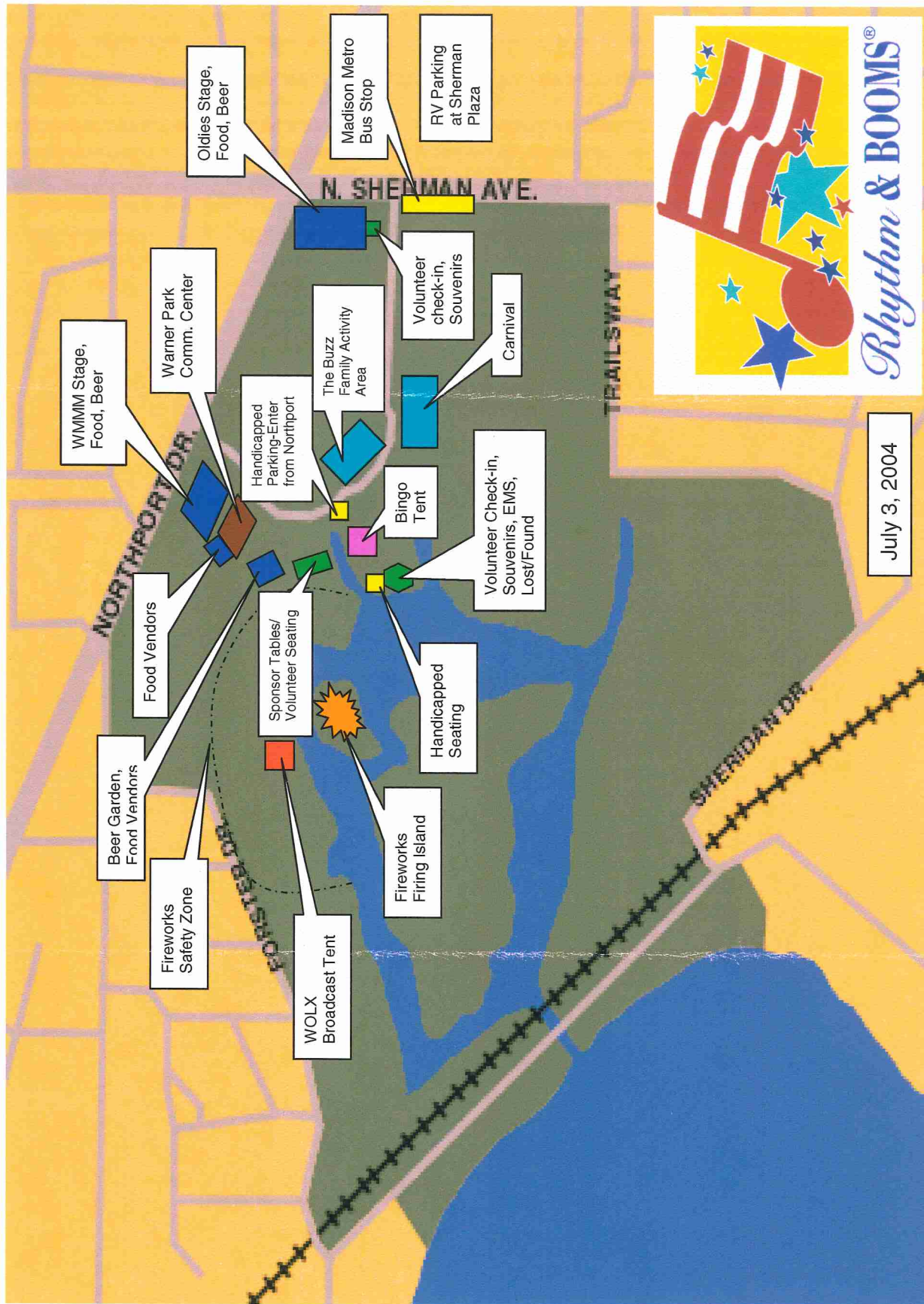
WHEREAS, fireworks for the celebration are launched from an island surrounded by the lagoon; and

WHEREAS, the Madison Police Department, which is the lead agency coordinating security issues for Rhythm and Booms, has identified the need to restrict entry to the Warner Park lagoon and its connecting waterway to Lake Mendota in order to keep spectators from entering the fireworks safety zone; and

WHEREAS, for safety and security reasons, the Madison Police Department has determined it necessary to place waterway markers to exclude boating and swimming in the Warner Park lagoon and its connecting waterway to Lake Mendota; and

WHEREAS, one of the conditions for the Wisconsin Department of Natural Resources approval is an authorizing resolution approving such closure adopted by the local unit of government abutting the effected waters.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison hereby authorizes the closure of the Warner Park lagoon and its waterway connecting to Lake Mendota on July 3 and July 5, 2004, in furtherance of the safety and protection of attendees of the Rhythm and Booms celebration.



WMMM Stage,
Food, Beer

Warner Park
Comm. Center

Oldies Stage,
Food, Beer

Madison Metro
Bus Stop

RV Parking
at Sherman
Plaza

N. SHERMAN AVE.

TRAILSWAY



July 3, 2004

NORTHPORT DR.

Food Vendors

Beer Garden,
Food Vendors

Fireworks
Safety Zone

Sponsor Tables/
Volunteer Seating

WOLX
Broadcast Tent

Fireworks
Firing Island

Handicapped
Seating

Handicapped
Parking-Enter
from Northport

The Buzz
Family Activity
Area

Bingo
Tent

Volunteer Check-in,
Souvenirs, EMS,
Lost/Found

Volunteer
check-in,
Souvenirs

Carnival

SHERIDAN DR.

14.39 WATERWAYS AND SHORELINE RESTRICTIONS FOR SPECIAL EVENTS.

- (1) No person shall enter an area that is marked with "restricted area" waterway markers in the waters under the control of the City of Madison when a resolution has been passed by the Common Council prohibiting such entry, except as provided in Subsection 2. The resolution shall state the date, time, and location regarding when and where this restriction will be in effect. This restriction may remain in effect for a period not to exceed fourteen (14) days. This restriction will be posted at all public access points when in effect.
- (2) Beginning at Midnight on August 22, 2002, until 6:00 a.m. August 25, 2002, Olin Beach, Olin Boat Launch and the Olin Park shoreline will be closed. Additionally, nine hundred (900) feet of shoreline from Wingra Creek to Turville Woods and extending out one hundred fifty (150) feet from said shoreline will also be closed and marked as "restricted areas" in conjunction with the Madison Blues Festival.

(Cr. by Ord. 13,128, 8-24-02)

14.40 - 14.44 RESERVED FOR FUTURE USE.**14.45 PENALTY.**

- (1) Any person violating any provision of Section 14.30(5) shall forfeit not more than \$50. Any person violating any other provision of Section 14.30 or any provisions of Sections 14.31-14.34 of this chapter for which a penalty is not provided by Section 14.45(2) or (3) shall forfeit not more than \$50 for the first offense and shall forfeit not more than \$100 upon conviction of the same offense a second or subsequent time within one year. (Am. by Ord. 12,130, 5-18-98)
- (2) Any person violating Section 30.67(1) or 30.68(1) or (2) Wis. Stats. shall be fined not more than \$200. Any person violating Section 30.68 Wis. Stats. shall be required to obtain a certificate of satisfactory completion of a safety course under Section 30.74(1) Wis. Stats. Any person violating Section 30.67(2) Wis. Stats. shall forfeit not more than \$200.
- (3) Any person violating Section 30.71 Wis. Stats. or any rule promulgated under that section shall forfeit not more than \$100 for the first offense and shall forfeit not more than \$200 upon conviction of the same offense a second or subsequent time within one year.
(Am. by Ord. 7840, 10-4-82)



Office of the City Attorney

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Patricia Gehler

May 24, 2004

Mike Lutz
Department of Natural Resources
Bureau of Legal Services
101 South Webster Street
Madison, WI 53707



Re: DNR APPROVAL OF WARNER PARK LAGOON CLOSURE,
CITY OF MADISON

*Rec'd Bureau
of Legal Services
5-25-04
WLS*


Dear Mike:

Enclosed please find Section 14.39, Madison General Ordinances, which grants the City authorization to close certain waterways if a resolution specifying closure date, time and location is also adopted. Also enclosed is a draft resolution for closure of the lagoon. Please advise if the resolution is acceptable or if you have suggested revisions. The map shows the lagoon and its connection to Lake Mendota.

The last Common Council meeting before the event is June 15th. In order to have the Park Commission and Common Council approve an authorizing resolution by then, the City will need the DNR's approval by June 4th.

Please call me at 261-9973 if you need more information to complete your review. Thank you.

Sincerely,


Anne Zellhoefer
Assistant City Attorney

AZ:sob
Enc

City of Madison, Wisconsin

A RESOLUTION _____

authorizing the closure of the Warner Park lagoon and its connecting waterway to Lake Mendota during the 2004 Rhythm and Booms celebration.

Presented June 1, 2004; BY TITLE ONLY

Referred Park Commission; June 15, 2004

CC meeting

Rereferred _____

Reported Back JUN 15 2004

Adopted POF

Rules Susp. _____ Tabled _____

Public Hrg. _____

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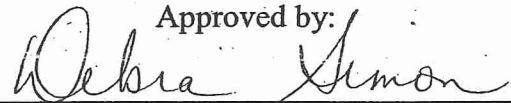
Drafted by: Anne Zellhoefer
Assistant City Attorney

Date: May 21, 2004

Fiscal Note: Parks Division staff will place the waterway markers, and any associated costs will be absorbed, within the Parks Division operating budget.

APPROVAL OF FISCAL NOTE BY THE
COMPTROLLER'S OFFICE IS NEEDED

Approved by:



Comptroller's Office

*** * * 61618 * * ***

RESOLUTION NO. 61618

ID NO. 36220

SPONSOR(S): Ald. VanRooy

WHEREAS, the 2004 Rhythm and Booms celebration will be held at Warner Park on Saturday, July 3, or on the rain date of Monday, July 5, 2004; and

WHEREAS, the City of Madison will have the responsibility to provide for the safety and protection of those attending the Rhythm and Booms celebration; and

WHEREAS, fireworks for the celebration are launched from an island surrounded by the lagoon; and

WHEREAS, the Madison Police Department, which is the lead agency coordinating security issues for Rhythm and Booms, has identified the need to restrict entry to the Warner Park lagoon and its connecting waterway to Lake Mendota in order to keep spectators from entering the fireworks safety zone; and

WHEREAS, for safety and security reasons, the Madison Police Department has determined it is necessary to place waterway markers to exclude boating and swimming in the Warner Park lagoon and its connecting waterway to Lake Mendota; and

WHEREAS, one of the conditions for the Wisconsin Department of Natural Resources approval is an authorizing resolution approving such closure adopted by the local unit of government abutting the effected waters.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison hereby authorizes the closure of the Warner Park lagoon and its waterway connecting to Lake Mendota on July 3 and July 5, 2004, in furtherance of the safety and protection of attendees of the Rhythm and Booms celebration.

This is to certify that the foregoing resolution was adopted by the Common Council of the City of Madison, Wisconsin at a meeting held on the 15th day of June, 20 04

Marion Christensen, Deputy
City Clerk