

TOWN OF GARDNER HARBOR ORDINANCE

An ordinance to establish a mooring area upon the waters of the Town of Gardner in accordances with State Statutes 30.773 and as authorized with State Statutes 30.11, for the interest of public safety not detrimental to the use of waterways and public rights.

Section 1: The area covered is known as Little Sturgeon Bay mooring area and described as:

That part of Little Sturgeon Bay lying partly in Section 2 and partly in Section 3, T. 27 N., R. 24 E., Town of Gardner and described as follows:

Commencing at the northeast corner of Government Lot One (1) of said Section 3, thence S 89 degrees 21'30" W along the government lot line 990.43 feet to the intersection with the centerline of C.T.H. "CC", thence S 05 degrees 42' W along said centerline of C.T.H. "CC" 546.31 feet, thence N 89 degrees 21'30" E 582.95 feet to an iron pipe along the shore of Little Sturgeon Bay, thence S 49 degrees 41'56" E 546.38 feet to the point of real beginning, thence S 84 degrees 32'08" E 429.47 feet, thence S 22 degrees 49'35" W 269.59 feet, thence N 89 degrees 21'40" W 227.63 feet, thence N 18 degrees 22'52" W 302.28 feet to the point of real beginning.

Said tract contains 2.015 acres of land.

Section 2: The operation of the designated mooring area will be in compliance with State Statute 30.773, Designated Mooring Areas.

Section 3: Definitions.

a. Designated Mooring, means an area of water established and marked as a mooring area by lawful authority.

Section 4: " This ordinance shall become effective upon passage and posting of this ordinance.

Dated this _____ day of _____, 1989.

TOWN BOARD OF GARDNER

01-302

TOWN OF GARDNER HARBOR POLICY ORDINANCE

ARTICLE I
GENERAL PROVISIONS

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SECTION I: INTENT

The intent of this policy 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.

SECTION II: APPLICABILITY

The provisions of this policy and any rules and regulations adopted pursuant thereto shall be applicable and shall govern Little Sturgeon Bay Harbor and all other shore facilities under the jurisdiction of the Town of Gardner, Door County, Wisconsin. This policy shall be subordinate to existing Federal and State regulations governing the same matters and is not intended to preempt other valid laws.

SECTION III: AUTHORITY

The provisions of this ordinance shall apply to the waters of Green Bay within the jurisdiction of the Town of Gardner. The provisions of this ordinance shall be enforced by the Harbormaster, the U.S. Coast Guard, any law officer of the Door County Sheriff's Department, any member of the Town of Gardner Harbor Commission or the Gardner Constable or any member of the Gardner Town Board. All persons having authority to enforce this ordinance may cite alleged offenders to appear before the appropriate court of law.

SECTION IV: INVALIDITY OF PROVISIONS

If any provision of this ordinance is held invalid or inoperative, the remainder shall continue in full force and effect as though such invalid or inoperative provision had not been made.

SECTION V: STATE BOATING AND WATER SAFETY LAWS ADOPTED

The statutory provisions describing and defining regulations with respect to navigable waters, harbors and navigation, including water traffic, boats and boating and related water activities and safety, as enumerated in Chapter 30 of the Wisconsin Statutes, are all hereby adopted and by reference made a part of this ordinance.

ARTICLE II
REGULATIONS CONCERNING ANCHORING, MOORING AND SECURITY OF VESSELS

SECTION I: PRIORITY SYSTEM

Seasonal occupancy of mooring space in Little Sturgeon Bay Harbor shall be assigned according to the following priority system.

1. First Priority

Home owner and boat owner in Town of Gardner who occupied a space in the previous year.

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2. Second Priority

Home owner in the Town of Gardner who has not previously occupied a space but who meets the following criteria:

- a. The boat is owned (50% or more) by the property owner.
- b. The applicant owned the property and the deed was recorded prior to January 1 of that year.
- c. The property is improved with a residence which is in compliance with the county ordinances.
- d. The owner occupies the residence a minimum of 30 days during the year.

3. Third Priority

Land owner and boat owner in Town of Gardner.

4. Fourth Priority

A non-resident boat owner.

The Harbor Commission shall keep available at all times a "Priority List" based on applications filed annually after January 1 of each year. This list shall be available upon request from the Harbor Commission.

SECTION II: HARBOR COMMISSION

The Harbor Commission may terminate the mooring permit of any person who gives false information in order to gain a higher position on the priority list.

SECTION III: GENERAL RULES

- 1. No application from renters will be received before January 1 of the year for which space is requested.
- 2. All mooring fees are subject to the rates established annually by the Harbor Commission and are payable in full on or before April 1. Any space not paid for by that date shall be considered available and shall be rented to the highest person on the priority list. New renters shall be notified by the Harbor Commission when space is available.
- 3. Mooring space shall be assigned to the person whose name appears on the application and for the boat listed. (Person means natural person.) Space will not be transferred to another person except an Estate may continue to use the mooring until the completion of the season. A surviving spouse may continue mooring rental as long as this ordinance is complied with. Space may be transferred to a different boat of the same owner subject to the approval of the Harbor Commission. When a larger or smaller space is required, the Harbor Commission may give preference to such change.
- 4. The Harbor Commission reserves the right to require proof of ownership of any boat.

5. Mooring Assignments:
 - a. The Harbor Commission reserves the right to assign and change mooring assignments.
 - b. Only one (1) mooring will be assigned per application. An application for an additional mooring shall be assigned the lowest priority.
 - c. The Harbor Commission reserves the right to temporarily lease a mooring space on a daily basis when the current renter's boat is gone from the mooring for more than 24 hours.
6. The Harbor Commission may refuse to rent moorings to boats over 50 feet in length or 15 feet in beam.
7. The Harbor Commission may refuse to renew rental for the following reasons:
 - a. Nonpayment of fees.
 - b. Violation of rules, regulations and ordinances relating to the harbor and mooring area.
 - c. Violation of safe boating practice or federal and state boating laws.
 - d. Disregard for safety and peace of other mooring renters.
8. Applicants for mooring space must submit written proof that they have a legal or authorized seasonal parking place in the Little Sturgeon Bay area, dinghy launch space in the Little Sturgeon Bay area and provisions for garbage removal.
9. Mooring rental may be terminated for the following reasons:
 - a. Use of the harbor or mooring area for any illegal purpose.
 - b. Disregard for the peace, safety and property of others.
10. Any decision of the Harbor Commission may be appealed to the Town Board.
11. By order of the Town Board of the Town of Gardner, the Harbor Commission and Harbormaster are legal representatives to implement this policy, along with those designated in Article I, Section III of this ordinance.
12. It shall be the duty of the Harbor Commission to implement all decisions of the Town Board of the Town of Gardner and it shall further be the duty of the Harbormaster to implement all decisions of the Town Board of the Town of Gardner and the Harbor Commission for the Town of Gardner.

ARTICLE III

GENERAL BOATING AND TRAFFIC CONTROL REGULATIONS

SECTION I: TRAFFIC CONTROL AUTHORITY

The Harbor Commission shall have authority to control water-borne traffic in the portion of the waters of the harbor of Little Sturgeon Bay through the use of authorized State regulatory markers, signals, orders or directions at any time when the Harbor Commission deems it necessary in the interest of safety of persons and vessels or other property, and it shall be unlawful for any person to willfully fail or refuse to comply with any authorized State regulatory marker utilized by the Harbor Commission or with any signal, orders or directions of the Harbor Master or his authorized agent acting as the chief enforcement officer of the Harbor Commission. Such local authority shall be subordinate to applicable existing Federal and State regulations governing such matters.

ARTICLE IV
GENERAL REGULATIONS

SECTION I: LIABILITY

Any person using the facilities within the limits of the Little Sturgeon Bay Harbor shall assume all risk of damage or loss to property or injury to person. The Town of Gardner, the Harbor Commission, the Harbormaster and all other duly authorized representatives assume no risk on account of fire, theft, act of God or damages of any kind to vessels within the harbor or injury to any person.

SECTION II: OBSTRUCTION OF FACILITIES

It shall be a violation of this ordinance for any person willfully to prevent any other person from the use and enjoyment of the harbor, designated mooring area and related facilities.

SECTION III: SIGNS

The Harbormaster may place and maintain, or cause to be placed and maintained either on land or water, such signs, notices, signals, buoys or control devices as are deemed necessary to carry out the provisions of this ordinance or to secure public safety in the orderly and efficient use of the harbor.

SECTION IV: ANNUAL REGISTRATION FOR MOORINGS

On or after January 1 of each year for which a boat owner desires to moor his craft within the Little Sturgeon Bay Harbor, persons shall notify and make application with the Harbormaster providing pertinent requested information, including information about the boat, its owner(s), anticipated dates and duration for mooring the craft in the harbor, and an inspection report showing the mooring to meet minimum safety standards specified in this ordinance. It shall be a violation of this ordinance to moor a vessel within the Little Sturgeon Bay mooring area without first completing mooring registration with the Harbormaster. The Harbormaster will then determine whether a permit will be issued and designate the location for the mooring within the designated mooring area. The Town of Gardner Harbor Commission shall set a fee for the permit to cover the costs associated with such registration, as well the costs for establishing and maintaining the anchorage area (including periodic inspections of mooring equipment). All permits granted shall be valid for the duration of the year in which issued. It shall be a violation of this ordinance to place any mooring anchor in the harbor without a permit from the

Harbormaster as well as all other appropriate clearances from Local, State and Federal authorities having jurisdiction over such matters.

The placement of such moorings shall take place in designated harbor mooring areas with site placement overseen by the Harbormaster and shall be subject to the availability of adequate water area to safely accommodate the number of vessels.

SECTION V: EXISTING NON-CONFORMING MOORINGS LOCATED INSIDE OF THE DESIGNATED MOORING AREA

When, in the opinion of the Harbor Commission, the use of existing moorings at their present location within the designated mooring area represents a nuisance or threat to the safety of other moored boats, their occupants or other harbor users in general, or represents an inefficient configuration for mooring placement so that the number of potential boats safely moored is reduced, the private owner of such mooring(s) shall, within 30 days of date of notification, be ordered to remove the mooring(s) from the harbor or, at the owner's preference, move it to a suitably designated location in the mooring area. At the option of the instructing authority, the owner shall cease use of the mooring. The cost of such removal or transfer shall be borne by the owner of the mooring.

SECTION VI: OBSTRUCTING CHANNELS

It shall be a violation of this ordinance knowingly or willfully to obstruct the free use of any channel or waterway within the Little Sturgeon Bay Harbor or to fail to report to the Harbormaster any collision between vessels or other accident or incident causing damage to persons or property in the Little Sturgeon Bay Harbor.

SECTION VII: ABANDONED VESSELS

When, in the opinion of the Harbormaster, a vessel has been abandoned in the Little Sturgeon Bay Harbor, he may take custody and control of such vessel and remove it, store it or otherwise dispose of it, all at the expense and sole risk of the vessel owner. Reasonable notice of such disposal shall be publicly given.

SECTION VIII: VESSEL MAKING FAST

No person shall make fast or secure a vessel to any mooring already occupied by another vessel or to an unoccupied mooring for which the person does not have a permit from the Harbormaster or to a vessel already moored, except that a rowboat, dinghy or yacht tender regularly used by a larger vessel for transportation of persons or property to or from shore may be secured to a larger vessel or to the mooring regularly used by such larger vessel.

SECTION IX: CORRECTING AN UNSAFE MOORING

If any vessel shall be found in the judgment of the Harbormaster to be anchored or moored within the harbor of Little Sturgeon Bay in an unsafe or dangerous manner or in such a way as to create a hazard to other vessels or to persons or property, the Harbormaster or his duly authorized representative shall order and direct necessary measures to eliminate such unsafe or

dangerous condition. Primary responsibility for compliance with such orders and directions shall rest with the owner of the improperly anchored or moored vessel or with the person in charge of said vessel. In an emergency situation and in the absence of any responsible person, the Harbormaster may board such vessel and cause the improper situation to be corrected and the owner of the vessel shall be liable for any costs incurred by the Harbormaster, Harbor Commission or the Town of Gardner in effecting such correction.

SECTION X: REMOVAL OF SUNKEN VESSELS

It shall be unlawful to tie up or anchor a vessel in the Little Sturgeon Bay Harbor in such a manner as to obstruct the fairways or channels or to prevent or obstruct the passage of other vessels or to voluntarily or carelessly sink or allow to be sunk any vessel or to float loose timbers, debris or logs in any channel, fairway or mooring area in such a manner as to impede navigation or cause damage to vessels therein. It is understood that wrecked or sunken vessels within the harbor of Little Sturgeon Bay are subject to the published rules and regulations of the United States Coast Guard in any applicable State law, rules or regulations.

SECTION XI: MOORING EQUIPMENT REGULATIONS

To insure maximum safety for all boaters and water enthusiasts, the following minimum standards are hereby adopted:

- | A. | <u>Minimum Anchor Weights</u> | <u>Minimum Chain Size</u> |
|----|-------------------------------|---------------------------|
| 1. | Up to 25 foot boat 300# | 3/8 inch diameter |
| 2. | 25 to 40 foot boat 500# | 1/2 inch diameter |
| 3. | 40 foot and over 750# | 1/2 inch diameter |
- B. Maintenance and Repair of Mooring

Each mooring shall be inspected annually prior to the boating season. The inspection shall be performed by a certified diver if the mooring is in the water. A report of the inspection showing the equipment is safe for the boating season must be filed with the Harbor Commission before use of the mooring. The report shall describe any repairs performed. If the mooring is not safe, the report shall describe what repairs, if any, need to be done to make the mooring safe. The Harbor Commission, or its designees, have the right to inspect a mooring at anytime to insure that it meets minimum safety standards.

The owner of any mooring not meeting the minimum standards of this section shall within 30 days, upon written receipt of notice from the Gardner Harbormaster to said owner, comply with the minimum standards of this section. Failure to comply shall result in an automatic revocation of mooring permit in addition to penalties contained in this ordinance.

SECTION XII: VIOLATIONS AND PENALTIES

Any violation of this ordinance not covered by Section 30.80 of the Wisconsin Statutes is punishable by a fine of not more than \$200.00, plus the costs incurred in enforcing this ordinance. A repetition or continuation of any violation of any provisions of this ordinance or of any order or direction of the Gardner Harbormaster or authorized agent on successive days constitutes a

separate offense for each day during any portion of which such violation is committed or continued (except where time limits for correction or removal are expressly indicated).

SECTION XIII: This ordinance shall become effective upon passage and posting.

Dated this ____ day of _____, 1990.

TOWN BOARD FOR THE TOWN OF GARDNER

Colin Sacotte, Chairman

Clarence Krueger, Supervisor

Walter Rutz, Jr., Supervisor