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## **CHAPTER 12: PARKS AND NAVIGABLE WATERS**

### **12.0100 PARK REGULATIONS**

#### **12.0101 PARK REGULATIONS**

##### **A. Purpose and Definition**

In order to protect the parks, parkways, recreational facilities, and conservancy areas within the City from injury, damage, or desecration, these regulations are enacted. The term "park," as hereinafter used in this chapter, shall include all grounds, structures, and watercourses which are, or may be, located within any area dedicated to the public use as a park, parkway, recreation facility, or conservancy district in the City.

##### **B. Specific Regulations**

###### **1. Littering Prohibited**

No person shall litter, dump, or deposit any rubbish, refuse, earth, or other material in any park.

###### **2. Sound Devices**

No person shall operate or play any amplifying system unless specific authority is first obtained from the Common Council.

###### **3. Pets**

No person shall permit any dog, cat, or other pet owned by him to run at large in any park. No dog, cat, or other pet shall be allowed in picnic or swimming areas in any park except for a dog leading a blind, deaf, or mobility impaired person meeting the requirements of Wisconsin Statutes Section 174.056, as amended.

###### **4. Bill Posting**

No person shall post, paste, fasten, paint, or attach any placard, bill, notice, sign or advertising matter upon any structure, tree, or other natural object in any park, except park regulations and other signs authorized by the Common Council.

###### **5. Throwing Stones and Missiles Prohibited**

No person shall throw stones or other missiles in or into any park.

###### **6. Removal of Park Equipment Prohibited**

No person shall remove benches, seats, tables, or other park equipment from any park.

###### **7. Trapping**

No person shall trap in any park unless specific written authority is first obtained from the Common Council.

###### **8. Making of Fires**

No person shall start, tend, or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.

9. Protection of Park Property

No person shall kill, injure, or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure, deface, write upon, or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign, or other property within any park or any of the facilities of the municipal swimming pool.

10. Motorized Vehicles

No person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted.

11. Snowmobiles

No person shall operate a snowmobile in a park except in designated areas. Snowmobiles may be operated at Red Arrow Park on snow having a depth of three (3) or more inches.

12. Speed Limit

No person shall operate any vehicle in a City park in excess of 15 m.p.h. unless otherwise posted.

13. Glass Beverage Bottles in Parks Prohibited

No person shall possess any glass beverage bottle within the limits of the parks of the City.

14. Reckless Driving in Parks Prohibited

No person shall operate a motor vehicle in a reckless manner in any of the public parks of the City.

15. Parking in Parks

No person shall park any motor vehicle in any park in the City except in a designated parking area.

16. No Smoking

Smoking is prohibited in "Fenced areas" of Pedersen, Haase and Prep Baseball Fields in the City of Marinette. (Ordinance 2010-2165 adopted 2-2-2010)

**12.0102 RADIO-CONTROLLED MODEL AIRPLANES PROHIBITED IN PARKS**

No person shall fly a radio controlled model airplane in any park in the City of Marinette except in areas specifically designated and posted for such purpose.

**12.0103 USE OF METAL DETECTORS ON PUBLIC PROPERTY**

Absent authorization by the Common Council, the use of metal detectors and digging for buried objects on City property, except beaches where no vegetation is present, is prohibited. Registered land surveyors are exempt from the provisions of this section.

**12.0104 PUBLIC USE HOURS FOR PARK**

A. Unless otherwise stated below, all public parks within the City of Marinette shall be closed to public use from 10:00 p.m. until the following morning at 7:00 a.m.

1. The campground in City Park shall be open twenty-four (24) hours per day during the months of May through September and closed during the months of October through April.
2. All public boat ramps shall be open twenty-four (24) hours per day for purposes legitimately associated with the use of a boat.
3. All park restrooms shall be closed daily at 10:00 pm and shall reopen at 7:00 a.m. the following morning. (Ordinance 2010-2166 adopted 2-2-2010).
4. The Skateboard Park adjacent to the Civic Center shall be open daily between 8:00 a.m. and sunset.

B. During the time the parks within the City are closed to the public, all persons are forbidden to enter, remain, or loiter in any park unless by special written permission from the Director of Parks or the Director of Recreation.

**12.0105 SWIMMING AREAS**

No person shall swim in the Menominee River or Green Bay within the boundaries of the City of Marinette except the areas designated for swimming by the City of Marinette or by private owners of shoreline property.

**12.0106 BOAT LAUNCH FEES AT CITY FACILITIES**

A. Authorized Boat Ramps

No person may launch a boat from any City property other than at the following public boat ramps:

1. Red Arrow Park
2. Sixth Street Slip
3. Boom Landing

4. Stephenson Island
5. Menekaunee Harbor Park and Boat Launch

B. Boat Defined

A “boat” means any device designed or used for navigation or floatation of one or more persons on the water which has been transported to or from any public boat ramp facility on a trailer.

C. Repealed

See MMC Section 9.1302 Schedule A.

D. Repealed

See MMC Section 9.1302 Schedule A.

E. Annual Fees for Boat Dealer and Repair Businesses

A boat dealer or a boat repair business may pay a \$100.00 annual fee for unlimited launching of boats which are either in their inventory or owned by their customers as part of the official operation of their business. Documentation provided by the City shall be displayed on the tow vehicle pursuant to the instructions provided. No owner or employee of any such business may use a dealer/repair business pass for their personal recreational use nor allow another person to do so.

F. Enforcement and Penalties

This ordinance may be enforced by the Police Department. Any empty boat trailer parked in the parking lot at any of the above boat ramps or within the immediate vicinity shall be presumed to have been used for putting in or taking out a boat at that location. The forfeiture for a violation of this section shall be twenty dollars (\$20.00) per offense. Any forfeiture not paid within 72 hours shall automatically be doubled. Tickets shall be processed pursuant to the rules established for the enforcement of non-moving parking violations as found in the relevant portions of Sections 10.0142 and 10.0143.

G. Winter parking at Boom Landing Boat Launch Parking Lot on a temporary basis, between December 1, 2018 and March 1, 2019, a portion of the perimeter of the Boom Landing Boat Launch shall be available for parking by Marinette Marine employees and Contractors. After the river makes boat traffic impossible due to icy conditions, through March 1, 2019, parking shall be allowed, on a temporary basis, by Marinette Marine employees/contractors/subcontractors in all areas of the Boom Landing Boat Launch parking lot, except parking shall be allowed on asphalt paved areas only in designated parking stalls painted on the pavement, and not in the area which the City stores the floating docks. Parking will not be allowed in any other areas except as specified, including the grassed lawns or along the main entrance. Said temporary parking accommodation does not extend to grassy areas or entrance and exit areas. Said temporary parking accommodation shall only be allowed on paved areas within designated parking stalls. Any individual who is found to have been parked in non-

paved areas and/or in entranceway or exit areas not marked by designated parking stalls shall be subject to a citation and forfeiture. The forfeiture for a violation of this subsection shall be fifty dollars (\$50.00) per offense. Any forfeiture not paid within 72 hours shall automatically be doubled. Tickets shall be processed pursuant to the rules established for the enforcement of non-moving parking violations as found in the relevant portions of Sections 10.0142 and 10.0143.

H. No individual may park vehicles or trailers in the Boom Landing Boat Launch Facility unless they launch a boat except for four (4) single parking spaces designated for single vehicle parking, which may only be utilized for the individuals engaged in recreational boating and /or fishing activities.

I. Any vehicle that does not have a boat trailer with a current boat launch sticker which is found to have been parked in Boom Landing Boat Launch with the exception of the four (4) individual parking stalls mentioned in subparagraph H above, shall be subject to a citation and forfeiture. The forfeiture for a violation of this subsection shall be one hundred dollars (\$100.00) per offense. Any forfeiture not paid within 72 hours shall automatically be doubled. Tickets shall be processed pursuant to the rules established for the enforcement of non-moving parking violations as found in the relevant portions of Sections 10.0142 and 10.0143. Ordinance 2013-2265 adopted 10-1-13) (Ord. 2014-2279 adopted 3-7-14).

#### **12.0107 FEEDING OF WILDLIFE PROHIBITED IN PARKS AND OTHER PUBLIC AREAS**

No person shall feed any wildlife in any public parks or on any other property owned or occupied by the City of Marinette. Wildlife shall be defined as mammals or birds that are neither human nor domesticated.

#### **12.0108 STEPHENSON ISLAND PEDESTRIAN FOOTBRIDGE REGULATIONS**

##### **A. Purpose**

To enhance the aesthetic enjoyment and safety of the pedestrian footbridge crossing the Menominee River between the Tourist Information Center and Stephenson Island, the following regulations for the use of the bridge are hereby established:

##### **B. Bicycles and Other Wheeled Devices Prohibited**

No person may ride a bicycle, skateboard, rollerblades or other similar wheeled device on the bridge. Bicycles may be walked across the bridge in an orderly manner. This prohibition does not apply to wheelchairs or other devices used for the mobility of the disabled.

##### **C. No Climbing or Sitting on Railing**

No person may use or occupy any portion of the bridge other than the walkway. Any other activities including but not limited to climbing on the side or sitting on the railing are prohibited.

D. Littering and Obstructions

Littering or discarding or placing other items or objects on the bridge or into the Menominee River is prohibited.

E. Fishing Prohibited

No person may engage in the activity of fishing, the netting of fish or otherwise harvesting any natural resources from the bridge.

F. Impeding Foot Traffic

No person may impede other persons from crossing the bridge at any time.

**12.0109 CITY PARK CAMPING REGULATIONS**

The following regulations are established for camping in Marinette City Park:

A. Maximum Duration Per Season

The maximum allowable days that a person, family or camping unit may occupy a campsite within the campground is fourteen (14) consecutive days. After that time, the campground must be vacated for a minimum of 7 days before returning to the campground.

B. Number of Motor Vehicles and Additional Fee

In addition to the camping unit, the occupant of any campsite may keep a maximum of two (2) motor vehicles and/or trailered boats on the site.

**12.0110 REGULATION OF ANIMALS AT PARKS**

A. Pedersen, Haase and Prep Field Parks

No person may bring any pet or other animal into, or keep any pet or other animal on the grounds of, the following ballparks adjacent to or near Ridge Street: Pedersen, Haase and Prep Field Parks. This subsection shall not apply to any animal used to assist a disabled person.

B. All Other Parks

The following regulations shall apply to all City parks not mentioned in subsection A: No person shall allow any dog to run at large on the grounds of any such city park. Any owner or person in charge of a dog on the grounds of any such city park shall control such dog by means of an attached leash. The leash must not be longer than six (6) feet in length. This subsection shall not apply to dogs confined within the interior of a motor vehicle or to any animal used to assist a disabled person in accordance with the ADA.

**12.0111 REGULATION OF TRANSIENT DOCKAGE AT MENEKAUNEE HARBOR AND BOAT LAUNCH**

1. Transient boaters may dock their boat at the Menekaunee Harbor Park Transient Docks from dawn to dusk. Overnight transient dockage is prohibited.

2. Boat owners are liable for the repair or replacement of Menekaunee Harbor Park and Boat Launch Transient Dock facilities damaged by their boat whether the boat was under the control of the owner or not.
3. No selling, advertising, or activities related to re-selling of boats by parties private or commercial is permitted within Menekaunee Harbor Park and Boat Launch Transient Docks.
4. All vessels kept in Menekaunee Harbor Park and Boat Launch Transient Docks must be seaworthy and capable of meeting all coast guard requirements for vessels of the type. The City of Marinette reserves the right to remove any vessel not deemed seaworthy or hazardous to other boats, boaters or premises at the owner's expense.
5. No carpeting, painting, boxes or additional material of any kind may be installed or stored on transient docks. Non-City of Marinette dock boxes, or anything else not marina provided/approved will be removed by the City of Marinette. Only City of Marinette approved stairs are allowed on dock.
6. If an individual using a transient dock has a pet, owners are expected to clean up after their pet. Dogs are to be leashed at all times within Menekaunee Harbor Park and Boat Launch in accordance with City Ordinances.
7. No diving shall be allowed from transient dockage.
8. No fish cleaning is to be performed at Menekaunee Harbor Park.
9. Boaters are responsible for transporting their garbage and other refuse to the receptacles provided.
10. All boats shall be operated at "No Wake" speed within the Menekaunee Harbor Park.
11. The City of Marinette assumes no liability for the boats of its customers at the Menekaunee Harbor Park and Boat Launch Transient Docks. Upon request, boaters **MUST PROVIDE PROOF OF INSURANCE TO THE CITY OF MARINETTE IF OCCUPYING THE TRANSIENT DOCKAGE.**
12. For the peace and comfort of all Menekaunee Harbor Park customers, during the day, music of any kind must be kept to an acceptable level, at the sole discretion of the City of Marinette, so as not to disturb other boaters.
13. Charcoal grilling is not allowed on the docks.
14. The only vessel to be in a slip is the vessel registered to the slip. Dinghies or other "fun boats" must be stored on the deck of the boat. They cannot be stored



on the docks at any time. Any “fun boat” found being utilized in an unauthorized manner will be seized and deemed property of the City of Marinette.

15. Waste oil is not permitted in Menekaunee Harbor Park trash containers.
16. Chartering for hire is prohibited.
17. No commercial activity of any type is allowed within the transient dockage area of Menekaunee Harbor Park.
18. Vessel length includes all additions such as bowsprits, swim platforms, anchors, etc. No part of the boat may extend beyond the length of the slip. The City of Marinette may measure vessels after occupancy.
19. No part of a boat may extend over the dock walkway. The City of Marinette reserves the right to move or retie any boat tied in a way deemed unacceptable by the City of Marinette for safety reasons.
20. No rollerblading/skating, skateboarding, bicycling or motorcycling is permitted on piers or docks.
21. Sanding is prohibited on transient dockage.
22. Spray painting on or near the water is strictly prohibited.
23. Boaters are required to use oil absorbent materials in their bilge areas.
24. Discharge of sewage into Menekaunee Harbor is strictly prohibited.
25. No maintenance, repair, or painting of vessels permitted at the Menekaunee Harbor and Boat Launch.
26. All piers and slips at the Menekaunee Harbor and Boat Launch must be kept neat and tidy at all times.
27. The discharge of bilge fluid or holding tanks is strictly prohibited at the Menekaunee Harbor and Boat Launch.
28. Fueling in the slip at the Menekaunee Harbor and Boat Launch is prohibited.
29. Laundry shall not be hung from the vessels so as to be seen from anywhere at the Menekaunee Harbor and Boat Launch.
30. This ordinance may be enforced by the Police Department. The forfeiture for a violation of this section shall be three hundred (\$300.00) per offense (plus court costs), per day.

## **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' 05" Longitude W 87° 37' 24"
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' 47" 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' 33" Longitude W 87° 35' 45"
2. Latitude N 45° 5' 38" 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 enthusiast 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 steerage 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.
8. The fee shall be fifteen dollars (\$15.00) per foot per season and shall

accompany the application.

9. Once a seasonal permit is issued, that permit holder may not be bumped by a vessel with a higher dock space priority.

#### **12.0212 PENALTY**

- A. Any person who shall violate any of the provisions of this Chapter shall, upon conviction thereof, forfeit an amount as found in Section 1.0107 of this Code of Ordinances, together with the cost of prosecution.
- B. Any person who shall violate any of the provisions of this Chapter shall, upon conviction thereof, be subject to the penalties in which case applicable as provided by Wisconsin Statutes in which case made and provided for, unless otherwise provided for by the provisions of this Chapter.

#### **12.0300 BULKHEAD LINES**

##### **12.0301 HARBOR LINE ON MENOMINEE RIVER**

The harbor line on the Menominee River in the City is hereby established as follows: Commencing at a point on the center line of the Interstate Bridge which is N. 42 degrees 30 minutes E. 999.93 feet from the intersection of the center line and the center of Eggener Street; thence running S. 75 degrees 12 minutes 30 seconds E. 1957.97 feet; thence S. 73 degrees 36 minutes 30 seconds E. 1004.07 feet; thence S. 70 degrees 30 minutes 30 seconds E. 1171.32 feet; thence S. 15 degrees 11 minutes 30 seconds E. 138.80 feet; thence S. 7 degrees 11 minutes 34 seconds W. 384.23 feet; thence S. 71 degrees 48 minutes 15 seconds E. 138.43 feet; thence N. 59 degrees 06 minutes 34 seconds E. 407.12 feet; thence N. 72 degrees 39 minutes 33 seconds E. 339.43 feet; thence S. 70 degrees 30 minutes 30 seconds E. 2886.16 feet to a point 10 feet easterly of the center line of Ogden Street N. 6 degrees 30 minutes 30 seconds W. 1552.57 feet of a point on the center of Water Street 10.0 feet easterly of the stone monument marking the intersection of said Water Street and Ogden Street; thence S. 71 degrees 41 minutes 30 seconds E. 1856.57 feet to the government pier on the south side of the channel of the Menominee River.

##### **12.0302 BULKHEAD LINES**

- A. The bulkhead line of that part of the southwesterly shore of the Menominee River, hereinafter described and more particularly shown by a map on file in the City Clerk's office, is established and determined as set forth in the following description and the map, subject to the approval of the Department of Natural Resources of Wisconsin, namely:

Commencing at a point 33.6 feet N. 60 degrees 10 seconds East of the most easterly corner of Lot 15, Subdivision of Section 6, Township 30 North, Range 24 East; thence N. 29 degrees 22 minutes 30 seconds W. along the right-of-way reference line of STH 180, a distance of 315.53 feet; thence on a line of a 955.37 foot radius curve to the left, 273.96 feet; thence N. 45 degrees 48 minutes 45 seconds W. 104.51 feet to a perpendicular line



hereinafter referred to as "Line A"; thence continuing N. 45 degrees 48 minutes 45 seconds W, 50 feet to a perpendicular line hereinafter referred to as "Line B"; thence continuing N. 45 degrees 48 minutes 45 seconds W. 205.64 feet; thence N. 45 degrees 11 minutes W. 446.32 feet; thence on a line of a 510.11 foot radius curve to the left, 268.59 feet; thence N. 75 degrees 24 minutes W. 133.77 feet to a perpendicular line hereinafter referred to as "Line C"; thence continuing N. 75 degrees 24 minutes W. 100 feet; thence turning at right angles to the north 33 feet to the point of beginning of said bulkhead line; thence easterly to a point on Line C, 70 feet northerly of the above described reference line; thence southeasterly and parallel with said reference line, to Line B; thence southeasterly to a point on Line 2, 40 feet northeasterly of said reference line.

- B. The bulkhead line of that part of the southwesterly shore of the Menominee River, hereinafter described and more particularly shown by the attached map, is established and determined as set forth in the following description and the attached map, subject to the approval of the Department of Natural Resources of Wisconsin, namely:

Commencing at a point 33.6 feet north 60 degrees 10 seconds east of the most easterly corner of Lot 15, Subdivision of Section 6, Township 30 North, Range 24 East; thence south 29 degrees 22 minutes 30 seconds east along the right-of-way reference line of STH 180, a distance of 170.10 feet thence north 60 degrees 37 minutes 30 seconds east 58.70 feet to the point of beginning of said bulkhead line; thence south 76 degrees 14 minutes 55 seconds east a distance of 510.57 feet to a point on the westerly line of Bridge Street; said point being the southwesterly abutment of the secondary channel bridge of U.S. Route 41.

- C. A bulkhead line along a part of the south shoreline of the Menominee River is hereby established and determined subject to the approval of the Department of Natural Resources as shown in the map attached (Area A) and particularly described as follow, to-wit

That part of Block 59, Section A, Menominee River Lumber Company's First Addition to the Village of Menekaunee (now City of Marinette), more particularly described as follows: Commencing at a point in a westerly line of Ogden Street, said point being 1,526.5 feet north 6 degrees 30 minutes west from the intersection of said westerly line of Ogden Street and the center line of Water Street as presently laid out in the City of Marinette. Run thence north 70 degrees 30 minutes 30 seconds west a distance of 984.0 feet to the point of real beginning. Run thence north 70 degrees 30 minutes 30 seconds west 2,039.7 feet; thence south 53 degrees 15 minutes east 2,078.66 feet; thence north 66 degrees 19 minutes east 580.6 feet; thence north 36 degrees 32-1/2 minutes west 446.9 feet to the point of real beginning, containing 17.9 acres more or less.

- D. A bulkhead line along a part of the north shoreline of the South Branch of the Menominee River is hereby established and determined subject to the approval of the Department of Natural Resources as shown in the map

attached (Area B) and particularly described as follows, to-wit:

That part of Block 59, Section A, Menominee River Lumber Company's First Addition to the Village of Menekaunee (now City of Marinette) more particularly described as follows: Commencing at a point in the westerly line of Ogden Street, said point being 306.4 feet north 6 degrees 30 minutes west from the intersection of said west line of Ogden Street and the center line of Water Street as presently laid out in the City of Marinette, said point being the point of real beginning. Run thence north 6 degrees 30 minutes west along the westerly line of Ogden Street 240.7 feet; thence north 51 degrees 50 minutes west 439.7 feet; thence south 55 degrees 41 minutes west 286.2 feet; thence south 60 degrees 10 minutes east to the point of real beginning, containing 4.15 acres more less.

- E. The bulkhead line of that part of the south shore of the Menominee River, hereinafter described and more particularly shown by the attached map, is established and determined as set forth in the following description and the attached map, subject to the approval of the Department of Natural Resources, namely:

All that part of Government Lots 3 and 4, Section 1, T3ON, R23E, City of Marinette, Marinette County, Wisconsin, bounded and described as follows: Commencing at an iron bolt in the center line of STH 180, said point being the Northwest Corner on said Section 1, and run thence on true bearings, S 70 degrees 06 minutes 55 seconds E 421.90 feet, to the Northeast Corner of the abutment wall at the southerly end of the guard lock, said point being the point of beginning of the Bulkhead line hereafter described (High Water Elevation at this point being 610.60 U.S.G.S. Datum);

Thence S 65 degrees 44 minutes 20 seconds E along said Bulkhead line, 557.00 feet to an iron pipe 2 inches in diameter with a brass cap stamped "Bulkhead line"; thence S 89 degrees 07 minutes 20 seconds along said Bulkhead line, 265.75 feet to an iron pipe, 2 inches in diameter with a brass cap stamped "Bulkhead line"; thence S 59 degrees 00 minutes E along said Bulkhead line, 209.54 feet to an iron pipe, 2 inches in diameter with a brass cap stamped "Bulkhead line"; thence S 73 degrees 47 minutes E along said Bulkhead line, 306.10 feet to an aluminum pipe 2 inches in diameter with a cap stamped "Bulkhead line," 172.64 feet to an aluminum pipe 2 inches in diameter with a cap stamped "Bulkhead line"; thence N 75 degrees 22 minutes 25 seconds E along said Bulkhead line, 739.00 feet to an outside corner of sheet steel piling; thence N 40 degrees 13 minutes 25 seconds E along said Bulkhead line, 90.88 feet to the Northwest Corner of the South Wall supporting the intake racks at Scott Paper Plant; thence S 87 degrees 00 minutes E along the North Line of said South Wall, on said Bulkhead line, 92.25 feet to the Northeast Corner of said Wall, said point being the point of termination of the above described Bulkhead line (High Water Elevation at this point being 610.30 feet U.S.G.S. Datum).

- F. A bulkhead line along a part of the south shoreline of Menominee River is hereby established and determined, as shown on the map attached and

particularly described as follows:

That part of Government Lots 2 and 5, Section 6, Township 30 North, Range 24 East, City of Marinette, Marinette County, Wisconsin, described as follows: Commencing at the Southeast corner of said Section 6, and run thence due North (Wisconsin Plane Coordinate Grid North) 2776.07 feet; thence North 72 degrees 25 minutes 35 seconds West along a line 40 feet southwesterly of and parallel to the Channel Line of the Menominee River, 136.18 feet to the point of beginning of the Bulkhead Line, at Menominee River Ordinary High Water; thence continue North 72 degrees 25 minutes 35 seconds West along the Bulkhead Line, 10 feet; thence south 17 degrees 34 minutes 25 seconds West along the Bulkhead Line, 80.00 feet; thence North 72 degrees 25 minutes 35 seconds West along the proposed Bulkhead Line, 370.00 feet; thence North 84 degrees 29 minutes 15 seconds West along the proposed Bulkhead Line, 1008.16 feet to the point of Termination of the proposed Bulkhead Line.

The Wisconsin State Plane Coordinates (see survey map for location) are as follows:

Point 1	471149.001	2613262.655
Point 2	471052.152	2614266.155
Point 3	470940.438	2614618.887
Point 4	471016.704	2614643.041
Point 5	471013.685	2614652.575
Point 6	470972.568	2614782.399
Point 7	471024.528	2614782.399
Point 8	468196.494	2614782.404

G. A Bulkhead Line being part of fractional Section 9, T30N, R24E City of Marinette, Marinette County Wisconsin and particularly described as follows:

Commencing at the W1/4 corner section 8, T30N, R24E; thence N88 degrees 33'15"E, 2697.45 feet to the center of said section 8; thence S89 degrees 46'48"E, 2676.34 feet to the W1/4 corner said section 9; thence N79 degrees 49'25"E, 3054.97 feet to the point of beginning; thence from said point of beginning, N07 degrees 23'16"W, 83.03 feet; thence S89 degrees 06'00"W, 42.21 feet; thence N43 degrees 47'14"W, 374.28 to the point of termination.

H. This above bulkhead lines shall be submitted to the Department of Natural Resources pursuant to Section 30.11 of the Wisconsin Statutes.

(Ordinance 2013-2248 replacing G. and adding H. adopted 4-30-13)