

CHAPTER XIX
KENOSHA MUNICIPAL HARBOR
OPERATION AND REGULATIONS

19.01 BOARD OF HARBOR COMMISSIONERS

The Board of Harbor Commissioners of the City of Kenosha is created and shall have all the powers, rights, and duties as conferred upon such boards by Chapter 30 of the Wisconsin Statutes.

19.011 COMMERCIAL HARBOR, SIMMONS ISLAND MARINA, SAILBOAT BASIN, SOUTHPORT MARINA

A. Descriptions.

1. "COMMERCIAL HARBOR" is described as a portion of the navigable waterway, known by the U.S. Army Corps of Engineers on November 1, 1989, as the "Kenosha Harbor", said portion being the waterway between the North and South piers and the turning basin immediately North of the Western extreme of the South pier. The COMMERCIAL HARBOR shall specifically exclude property contiguous to the waterway, said exclusion specifically including, but not limited to, the property occupied on November 1, 1989, by the Kenosha Yacht Club and the North pier warehouse.

2. "SAILBOAT BASIN" is described as the portion of navigable waters of Kenosha Harbor between 50th Street and 51st Place running approximately sixty (60) feet along the East Side of the Kenosha Harbor immediately South of the location of the U.S. Coast Guard Station as of November 1, 1989, specifically excluding the property occupied by the Kenosha Yacht Club.

3. "SIMMONS ISLAND MARINA" is described as the portion of the navigable waterway known as the Kenosha Harbor and related facilities appurtenant thereto; said portion of the waterway is bounded on the North by 45th Street, on the South by the 50th Street Bridge, on the East by Simmons Island Park, and on the West by private land; said "related facilities" shall specifically include the dockage and parking facilities directly abutting said portion, the launch ramps, the public fish cleaning station and its facilities; said SIMMONS ISLAND MARINA specifically excludes the area of land occupied on November 1, 1989 by the Kenosha Yacht Club.

4. "SOUTHPORT MARINA" is described as being roughly bounded by 57th Street on the North, by 60th Street on the South and by 3rd Avenue on the West.

B. Jurisdiction.

1. The Harbor Commission shall have jurisdiction over the COMMERCIAL HARBOR and establish rates for services, in accordance with Chapter 30, Wisconsin Statutes, and all other applicable laws. The Department of Public Works shall provide administrative assistance to the Harbor Commission.

2. The Common Council of the City of Kenosha shall have jurisdiction over the SOUTHPORT MARINA, SIMMONS ISLAND MARINA and SAILBOAT BASIN and related facilities, and all land contiguous to the navigable waterway known as the Kenosha Harbor not specifically reserved to the Harbor Commission, in accordance with City Ordinances and Wisconsin Statutes.

The Department of Public Works, under the supervision of the Park Commission, shall be charged with the responsibility of preparing the Operating and Capital Improvement Budgets for said facilities. The Marina Commission shall review said Budgets and forward its recommendations to the Board of Park Commissioners, who shall make its recommendations and forward them to the Committee on Finance for further review and recommendation prior to submission to the Common Council for approval. The Common Council shall act upon the recommendation of the Marina Commission.

With respect to Public Works projects and improvements relative to any said facility, the Committee on Public Works (Board of Public Works) shall have such authority as provided by City Ordinances and State Law.

19.015 MARINA COMMISSION

A. Title and Purpose. There is hereby created the MARINA COMMISSION, whose purpose is to act in an advisory capacity with respect to the Southport Marina, Simmons Island Marina and the Sailboat Basin, when operated by the City and, if operated under a lease or licensing agreement, to perform such duties as required thereby.

B. Composition and Term. The MARINA COMMISSION shall be the Board of Harbor Commissioners. The members shall hold office for so long as holding the position from which appointed.

C. Officers. The Commission shall elect a Chairman and Vice-Chairman on May 1 of each year.

D. Duties. The MARINA COMMISSION shall make recommendations to the Park Commission and other reviewing and approving bodies with respect to:

1. Capital Improvements, including requests for proposals and contracts.
2. Annual budget.
3. Operation.
4. Promotion and marketing.

The Marina Commission shall also perform any duties required under a lease or licensing agreement if any such facility is operated under a lease or licensing agreement.

E. Committees. The Commission may appoint Committees to negotiate contracts, review requests for proposals or make recommendations with respect to other matters within its jurisdiction.

19.02 REGULATION OF BOATING

A. Except as otherwise specifically provided in this Ordinance, all provisions of Sections 30.50 through 30.71, Wisconsin Statutes of 1991-1992, describing and defining Boating Regulations, and also all amendments thereof and supplementary thereto, are hereby adopted and by reference made a part of this Ordinance as if fully set forth therein. Any action required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Ordinance.

Sections 30.50 through 30.71, Wisconsin Statutes, adopted by reference, shall include, but not be limited to the following:

- 30.50 (Definitions)
- 30.61 (Lighting Equipment)
- 30.62 (Other Equipment)
- 30.63 (Motor Boat Prohibition)
- 30.64 (Patrol Boats)
- 30.65 (Traffic Rules)
- 30.66 (Speed Restrictions/Slow No Wake Speed)
- 30.67 (Accidents: Duty to Render Aid/Duty to Report)
- 30.675 (Distress Signal Flag)
- 30.68 (Prohibited Operation)
- 30.681 (Intoxicated Boating)
- 30.69 (Water Skiing)
- 30.70 (Skin Diving)

B. The Department of Public Works shall place and maintain a copy of this Section of the Ordinance at all public access points within the jurisdiction of the City of Kenosha.

19.025 WATERWAYS DESIGNATED SLOW-NO-WAKE

A. Definitions.

1. "Personal Watercraft" means a motorboat

that uses an inboard motor powering, a water jet pump or a caged propeller as its primary source of motive power, and that is designed to be operated by a person standing on, kneeling on or sitting astride the watercraft.

2. "Slow-No-Wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

B. No person shall, at any time, operate a boat or personal watercraft faster than "Slow-No-Wake" within the navigable waterways of the Simmons Island Marina, Sailboat Basin, Commercial Harbor and Southport Marina.

19.03 PUBLICIZING LOCAL REGULATIONS

All local regulations adopted under §30.77 (3) of the Wisconsin Statutes shall be prominently posted by the Board of Harbor Commissioners, acting for the Common Council, at all public access points within the harbor area, and also shall be filed with the State Conservation Commission.

19.045 PIERHEAD LINE, PENALTY FOR VIOLATIONS

No person, party, firm or corporation shall violate any pierhead line established by the City under authority of §30.13, Wisconsin Statutes. The penalty for such a violation, upon convictions, shall be a forfeiture of not less than Twenty-Five (\$25.00) Dollars and not more than One Hundred (\$100.00) Dollars per day of violation, plus Court costs, each day constituting a separate violation, and in default of payment of said forfeiture and Court costs the violator shall be imprisoned in the County Jail for not more than sixty (60) days.

19.05 LOCAL REGULATIONS

A. Sanitary.

1. No person, firm or corporation shall throw, discharge, dump, deposit, or cause or permit to be thrown discharged, dumped or deposited any garbage, filth, offal or putrid or unwholesome substance upon the margin or banks or within the limits or into the waters of the harbor.

2. No person, firm or corporation shall throw, discharge, dump, deposit or cause to be thrown, discharged, dumped or deposited any clay, earth, ashes, stone, timber, rubbish, junk or similar substance in the harbor unless said matter shall be placed inside of an improved retaining wall so arranged as not to permit the escape of such substance into the waters of the harbor.

3. No master or other person in charge or in possession of any vessel while entering or leaving the harbor or while anchored, moored or tied up at any wharf, pier or revetment, shall discharge, dump, deposit or cause or permit to be discharged, dumped, or deposited any residue of any cargo within the limits or into the waters of the harbor.

B. Health.

1. **Rat Guards.** Immediately after moving alongside any dock or wharf, all ocean vessels must put approved rat guards on all lines leading to the dock or wharf.

C. Safety.

1. **Cargo Gear and Gangway Safety Inspection Certificate.** Masters are required to present safety inspection certificate of cargo handling equipment and gangways to stevedoring companies and other employers of harbor labor upon request.

2. **Shipside Projections.** All ocean vessels while docked must have gangways, booms or other projections on the off shore side of the vessel rigged in within the line of the ship's side except when working lighters, barges, or trimming with self unloader boom, etc., on the off shore side.

3. **Dangerous Cargo Handling.** Vessels bunkering fuel oil or handling other inflammables and/or explosives in the Dangerous Cargo Regulations of the U.S. Coast Guard while in the harbor shall fly the International Code Flag "B" by day and show a red light by night in customary manner.

D. Fire.

1. No open fire is permitted on deck of any vessel while in the harbor.

2. In the event of fire occurring on board any vessel in the harbor, such vessel must sound five (5) prolonged blasts of the whistle or siren as an alarm indicating fire on board or at the dock at which the vessel is moored. Such signal must be repeated at intervals to attract attention and is not a substitute for, but must be used in addition to the usual means of reporting fire to the local Fire Department. The words "prolonged blast" shall mean a blast from 4 to 6 seconds duration.

E. Miscellaneous.

1. **Splash Boards.** Immediately after mooring alongside a dock, where required by dock facility, suitable splash boards must be installed and secured over any waste lines on the dock side of the ship to

prevent any discharge from going over the dock surface.

2. **Responsible Ship's Officers.** All vessels while in the harbor must have at least one officer on board in authority who shall take action as may be necessary in case of an emergency.

When loading, vessels shall maintain appropriate officers and crews aboard to permit shifting of vessels and reception of cargo at any time of day or night.

3. **Cargo Manifests.** It shall be the responsibility of each commercial vessel or its agents, fishing tugs excepted, to furnish to the Kenosha Board of Harbor Commissioners a copy of the manifest on all inbound or outbound cargo being discharged or loaded at this port.

19.055 OBSTRUCTIONS TO NAVIGATION IN HARBOR

A. Authority. This Ordinance is created pursuant to the authority of §30.16, Wisconsin Statutes and other applicable law.

B. Prohibition. No person, party, firm or corporation shall permit any watercraft or float to obstruct or interfere with the free navigation of any water channel or slip in the harbor, nor, more specifically permit any watercraft or float to be placed, tied anchored or moored in the Small Boat Harbor beyond the pierhead line established by the City on the West side of said harbor in the water channel separating private piers and slips on the West side of the harbor from City piers and slips on the East side of said harbor.

C. Removal. The Harbor Master, or designee thereof, may remove any watercraft or float found to be violating §B., after having given reasonable notice to the master or owner or agent, if known and a resident of this State, or to the person in charge thereof, to so remove such watercraft or float.

D. Costs of Removal. All costs, charges and expenses of such removal are a first lien on such watercraft or float, which lien may be enforced in the manner provided by law. The owner of any such watercraft or float is also personally liable for such costs, charges and expenses, to be recovered by the City by a personal action commenced by the City Attorney.

E. Penalty. Any person, party, firm or corporation violating this Ordinance shall, upon conviction thereof, forfeit not less than Twenty-Five (\$25.00) nor more than Five Hundred (\$500.00) Dollars, each day of violation constituting a separate

offense together with the costs of prosecution and in default of payment of forfeiture and costs of prosecution shall be imprisoned in the County Jail for not more than ninety (90) days.

19.06 BOAT LAUNCHING AND MOORING IN THE SIMMONS ISLAND MARINA

A. Boat Launching and Mooring Fees. Boat launching and mooring fees shall be established by the Common Council, following review and recommendation by the Marina Commission and Park Commission.

B. Prohibition. Within the Simmons Island Marina, no person shall:

1. Launch a boat without first obtaining a permit from the City through the Parks Division, or its designated contractor, issued upon payment of an appropriate fee established by the Common Council.

2. Moor a boat in any boat mooring slip without first having entered into a seasonal or temporary slip rental/lease agreement with the City through the Parks Division, or its designated contractor, and paying an appropriate fee established by the Common Council.

3. Launch or moor a boat contrary to this Chapter or reasonable order or direction of enforcing personnel.

C. Enforcement. This Section shall be enforced by the Department of Public Works, or its designated contractor. The Director of the Department shall designate employees thereof, or its designated contractor, to enforce this Section, hereinafter referred to as enforcing personnel. The requirements of this Chapter shall be posted, in summary form, at the land entrance to the Simmons Island Marina.

D. Removing and Impounding Boats Moored in an Unauthorized Boat Slip. Enforcing personnel are authorized to remove and impound any boat moored in an unauthorized boat slip until payment is received for such mooring based upon the Temporary Slip Rental fee then in effect for the size of subject boat, plus a Fifty (\$50.00) Dollar service fee. The person who paid the fees shall be notified of their right to appeal.

The person who paid such fees may, within ten (10) days following payment, file a written notice of appeal with the Department of Public Works, which appeal shall be heard by the Marina Commission within a reasonable time, who shall give the recommendation to the Park Commission. The Park

Commission may uphold the fee or direct that the fee be refunded where collected contrary to this Section or where otherwise required in the interest of justice.

19.07 SECRETARY

The Board of Harbor Commissioners shall employ a secretary, not a member of the Board, and fix his compensation and duties. His appointment shall be made pursuant to the Civil Service Ordinance of the City of Kenosha (§30.07(5), Wis. Stats.).

19.08 HARBOR MASTER

A. The Board of Harbor Commissioners shall employ a Harbor Master and fix his compensation. His appointment shall be made pursuant to the Civil Service Ordinance of the City of Kenosha (§30.07 (5) Wis. Stats.).

B. Duties and Powers. The Harbor Master is authorized and required to give such orders and directions, relative to the location, change of place or station, manner of moving in or the use of the harbor of every vessel, craft or float, lying, moving or laid up in the harbor, as may be necessary to promote good order therein and the safety and equal convenience of such vessels, crafts or floats; and any owner, master or other person having charge of the same who shall refuse to obey any such order or direction shall be punished by a fine hereinafter provided in this Chapter.

19.10 PENALTIES

A. Any person, firm or corporation violating any of the provisions of this Chapter, which provisions are in conformity with the Statutes of the State of Wisconsin, shall upon conviction thereof, be subjected to the same fine as provided by Chapter 30 of said Wisconsin Statutes and the same imprisonment only in case the fine is not paid.

B. Any person, party, firm or corporation violating any other provision of this Chapter, or reasonable order or direction of the Harbor Master, or enforcing personnel shall, upon conviction thereof, forfeit not more than Five Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of timely payment of forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeitures and costs are paid, but for a period not exceeding thirty (30) days.