



## Legislation Text

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**File #:** 111125, **Version:** 3

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### 111125 SUBSTITUTE 3

#### ALD. BAUMAN

A substitute ordinance relating to the securing of boats to docks or dockwalls located in navigable waters of the city.

118-33-1.5 cr

118-36 cr

This ordinance prohibits the securing, in one place, of any boat, vessel or watercraft to any dock or dockwall in the navigable waters of the city which is owned or controlled by the city for more than 24 hours. The docks and dockwalls under the jurisdiction and control of the board of harbor commissioners are exempt from this 24-hour limit.

This ordinance also prohibits the securing of any boat, vessel or watercraft to any privately-owned dock or dockwall located in any of the navigable waters of the city without the permission of the owner of the dock if there is, in plain view at such dock or dockwall, a sign indicating that securing of a boat without the dock or dockwall owner's permission is prohibited.

Finally, this ordinance establishes a penalty for violation of either of these prohibitions and authorizes the chief of police to enforce the prohibitions by issuing citations.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 118-33-1.5 of the code is created to read:

**1.5. LONG-TERM USE OF CITY DOCKS OR DOCKWALLS.** a. Unauthorized Use Prohibited. No person having in his or her charge or control any boat, vessel or other watercraft shall secure, or permit to be secured, in one place the boat, vessel or watercraft to any dock or dockwall in the navigable waters of the city which is owned or controlled by the city for more than 24 hours.

b. Exception. This subsection shall not apply to any dock or dockwall under the jurisdiction and control of the board of harbor commissioners.

c. Adverse Weather Conditions. Whenever a small craft warning is issued for Lake Michigan, the time during which the warning is in effect shall not be included when determining whether any boat, vessel or other watercraft is in violation of par. a.

d. Enforcement by Police. The chief of police is authorized to enforce the prohibition of par. a and may issue a citation to the master, owner or other person, or any officer, manager, or agent of any corporation, having in his or her charge or control any boat, vessel or other watercraft found to be in violation of par. a.

e. Penalty. Any master, owner or other person, or any officer, manager or agent of any corporation, having in his or her charge or control any boat, vessel or other watercraft found to be in violation par. a of shall, for each offense or conviction thereof, be liable for a penalty of not less than \$100 nor more than \$500 together with the costs of prosecution, and in default of payment shall be imprisoned as provided by law. Every 24-hour day of violation of par. a shall constitute a separate offense.

Part 2. Section 118-36 of the code is created to read:

**118-36. Use of Privately-Owned Docks. 1. UNAUTHORIZED USE PROHIBITED.** No person having in his or her charge or control any boat, vessel or other watercraft, shall secure, or permit to be secured, the boat, vessel or watercraft to any privately-owned dock or dockwall located in any of the navigable waters of the city without the permission of the owner of the dock or dockwall if there is, in plain view at such dock or dockwall, a sign indicating that securing of a boat without the dock or dockwall owner's permission is prohibited. All signs installed shall comply with applicable provisions of the code.

**2. ENFORCEMENT BY POLICE.** The chief of police is authorized to enforce the prohibition of sub. 1 and may issue a citation to the master, owner or other person, or any officer, manager or agent of any corporation, having in his or her charge or control any boat, vessel or other watercraft found to be in violation of sub. 1.

**3. PENALTY.** Any master, owner or other person, or any officer, manager or agent of any corporation, having in his or her charge or control any boat, vessel or other watercraft found to be in violation of sub. 1 shall, for each offense or conviction thereof, be liable for a penalty of not less than \$100 nor more than \$500 together with the costs of prosecution, and in default of payment shall be imprisoned as provided by law. Every 24-hour day of violation of sub. 1 shall constitute a separate offense.

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

LRB135417-4

JDO

12/13/2011