



Legislation Text

File #: 990242, Version: 1

990242
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to the use of city-owned or city-controlled wharves and docks.

118-33 am

118-47 rc

- Analysis -

This ordinance creates the following provisions relating to the use of city-owned or city-controlled wharves and docks at street or alley ends:

1. The police chief is authorized to give orders or directions to prevent use of city docking facilities when requested to do so by the municipal port director.
2. The penalties for failure to comply with any order or directions of the port director or the chief of police relating to use of city docking facilities are increased.
3. The following exceptions to the general prohibition on non-city use of city docking facilities at street or alley ends are created:
 - a. The board of harbor commissioners may lease such facilities on an exclusive basis to boat owners (currently, such leases are permitted only for docking facilities at the foot of a city street or alley). The common council shall approve all leases over one year in duration.
 - b. The board of harbor commissioners may, in accordance with general terms and conditions established by the common council, license those facilities on a nonexclusive basis for use by boat owners.

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

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

118-33. [[Harbor Master to]] Control >>of<< City Docks. 1. USE OF CITY DOCKS, ETC. The [[harbor master]] >>municipal port director, or the chief of police at the request of the port director,<< [[of the city of Milwaukee]] is [[hereby]] authorized and directed to give such orders [[and]] >>or<< directions >>, including the posting of appropriate signage prohibiting unauthorized use,<< as he >>or she<< shall deem proper and necessary to prevent the use of any >>street-end or alley-end<< wharves and docks which are owned >>or controlled<< by the city of Milwaukee [, except public wharves and docks at the foot of public streets,]] by any boat, vessel or other craft belonging to any person, firm or corporation, excepting the use thereof by any person, firm or corporation to whom a lease [[of]] >>or license for<< such wharves or docks may be granted by the proper city authorities >>under s. 118-47 or the use of any wharf or dock which is designated by resolution of the common council for transient use between the hours of 6 a.m. and 12 p.m. and subject to such further restrictions as may be imposed by the common council<<. The [[harbor master]] >>municipal port director or chief of police<< may order the removal at any time from said wharves and docks of any boat, vessel or other craft.

2. PENALTY. Any master or owner or other person or any officer, manager or agent of any corporation having in charge or in his >>or her<< control any boat, vessel or other craft, excepting the person, firm or corporation expressly excepted in sub. 1 [[above]], who shall neglect or refuse to comply [[within one hour after being ordered,]] with any order >>or directions<< of the [[harbor master]] >>municipal port director or chief of police<< authorized by this section, shall for each offense or conviction thereof be liable for a penalty of not less than [[25]] >>\$100<< nor more than [[100]] >>\$500<<, or in default of payment thereof not less than [[5]] >>4<< nor more than [[30]] >>20<< days imprisonment in the house of correction of Milwaukee county; and each and every day of 24 hours for which such neglect or refusal shall continue shall be deemed as a separate offense.

Part 2. Section 118-47 of the code is repealed and recreated to read:

118-47. Use of City Docking Facilities. 1. GENERAL PROHIBITION. Except as provided herein, it shall be unlawful for any person to tie up or moor any vessel, craft or float at any street or alley end in the city, except that stone, wood, lumber and other materials and articles which are or may be purchased by the city for its use may be delivered to such locations if agreed upon at the time of the making of the contract therefor.

2. NON-CITY USE. Notwithstanding the provisions of sub. 1, if the city owns or controls docking facilities at street or alley ends, the common council may, acting in accordance with s. 30.30(8), Wis. Stats., do any of the following:

- a. Lease those facilities on an exclusive basis to owners of vessels, crafts or floats. The municipal port director, with the assistance of the

commissioners of public works and city development, shall negotiate the terms of such leases, including the fair market rent, and submit the leases to the board of harbor commissioners for review and approval. Leases for one year or more shall be subject to review and approval by the common council.

b. License those facilities on a nonexclusive basis for use by owners of vessels or crafts. The board of harbor commissioners may issue such licenses in accordance with general terms and conditions established by the common council.

c. Establish short-term (less than 24 hours) rates for transient use of such facilities.

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: _____

City Attorney

99170-1

JDO

6/4/99