

Payne, Nancy

From: Rooney, John
Sent: Monday, August 05, 2013 11:01 AM
To: Payne, Nancy
Subject: FW: docking restrictions
Attachments: Draft CITY Ordinance for Docking.docx; Draft COUNTY Ordinance for Docking.docx

See me on this.

John C. Rooney, P.E.
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From: Weber, Robert
Sent: Monday, August 05, 2013 10:41 AM
To: Rooney, John
Subject: FW: docking restrictions

From: Kasriel, Marisa
Sent: Monday, August 05, 2013 10:39 AM
To: Weber, Robert
Subject: RE: docking restrictions

Dear Rob,

I apologize for the delay in addressing this request pertaining to docking restrictions. In brief, we should update our City Ordinance to reflect the suggested changes, however, we should also get Racine County to incorporate a similar ordinance into the County's Code. The forfeiture should be set at \$30.00 (as opposed to the City's current amount of \$20.00), and the sheriff's water safety enforcement patrol should cite to the County's new ordinance when issuing tickets for docking violations. Also, this will need to be introduced at a council meeting, then assigned to a committee, which will then send it back to the council upon the committee's approval. Below are some details relating to all of this, and I've attached drafts of both the proposed City and County ordinances.

The following changes to City of Racine Municipal Code of Ordinances ("City Ord.") section 106-64 are fine:

No person shall dock a boat for any period of time longer than two hours on the north shoreline of Root River within 305 feet west of the Main Street Bridge, along the north side of the Root River, east from the east edge of the Main Street Bridge for a distance of 122 feet, and along the south side of the Root River, east from the east edge of the Main Street Bridge for a distance of

138 feet, and along the east shoreline of Rooney/Pugh Recreational Area located at the east terminus of Reichert Court for a distance of 750 feet north.

Also, while we're changing City Ord. section 106-64, we might want to correct the language in City Ord. section 106-65 to read:

The county sheriff's water safety enforcement patrol shall be given authority to enforce section 106-64.

as this is how that branch of the Sheriff's Department is referred to in the County Ord. (at sections 10-41 to 10-46).

Because Wisconsin Statute sections 30.03(2)-(3) require enforcement of all Chapter 30 forfeitures (relating to navigable waters, harbors, and navigation) to be recovered by way of a civil action (for nuisance) by a district attorney and, when collected, paid into the state treasury, it seems wise to create a corresponding ordinance for Racine County so that all enforcement of this law will fall under the County's jurisdiction. We would suggest something along the lines of:

Section 10-XX. Docking restrictions. No person shall dock a boat for any period of time longer than two hours on the north shoreline of Root River within 305 feet west of the Main Street Bridge, along the north side of the Root River, east from the east edge of the Main Street Bridge for a distance of 122 feet, and along the south side of the Root River, east from the east edge of the Main Street Bridge for a distance of 138 feet, and along the east shoreline of Rooney/Pugh Recreational Area located at the east terminus of Reichert Court for a distance of 750 feet north.

Although the forfeiture for violating City Ord. section 106-64 is currently \$20.00, according to the table in City Ord. section 106-10, we should raise it to \$30.00 to comply with the minimum fine limits set forth in County Ord. section 10-79 (\$30.00), and the similar forfeiture amounts found in County Ord. section 5-3 (which is the schedule of deposits cross-referenced to in sec. 10-80).

Please let me know if you have any additional questions relating to this.

Thanks,

Marisa Kasriel

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From: Weber, Robert
Sent: Friday, July 19, 2013 10:29 AM
To: Kasriel, Marisa
Subject: FW: docking restrictions
Importance: High

From: Rooney, John
Sent: Friday, July 19, 2013 9:29 AM
To: Weber, Robert; Nielsen, Mark
Cc: jimnancy1500@icloud.com; 'd.riese@goracine.org'; 'd.hogan@goracine.org'
Subject: docking restrictions
Importance: High

Sec. 106-64. - Docking restriction.

No person shall dock a boat for any period of time longer than two hours on the north shoreline of Root River within 305 feet west of the Main Street Bridge, along the north side of the Root River, east from the east edge of the Main Street Bridge for a distance of 122 feet, and along the south side of the Root River, east from the east edge of the Main Street Bridge for a distance of 138 feet.

(Ord. No. 30-90, pt. 1, § 10.09.020, 9-4-90; Ord. No. 9-97, pt. 2, 6-17-97)

Sec. 106-65. - Enforcement.

The county sheriff water patrol shall be given authority to enforce section 106-64.

(Ord. No. 30-90, pt. 2, § 10.09.030, 9-4-90)

Rob/Mark:

Two items related to the above ordinance:

1. The Racine Harbor Commission (RHC) is desirous of expanding Sec. 106-64 to include the floating docks in front of the Pugh & Rooney Recreational Areas (breakwater area fronting former Walker site). The intent is to limit two hour docking in these areas for a few reasons. The first is the docks are used by fishermen and for general public use, as well as courtesy dockage for short term periods. Dockage longer than a few hours is not acceptable as it prevents this public space from being used and enjoyed by all.
2. The docks have become a location where transient boaters, as well as those on moorings provided by RHC, have docked for several days at a time. The boaters on moorings should really tie up to their mooring can, and the transients should be paying a local marina or yacht club the appropriate charge for transient dockage.

Questions arose at our recent RHC meeting regarding by Racine County Sheriff's Water Patrol (RCSWP) regarding enforcement and issuance of citation for ordinance violation. Specifically, RCSWP is not sure what the citation or forfeiture is, and needs guidance to enforce this. Does Racine County need to adopt this ordinance to enforce? What is the forfeiture? What should they reference when issuing citation?

I suggest the ordinance be expanded and modified to include the recreational areas, in addition to the restriction near the Main Street Bridge where courtesy docks are available for boaters to pump out sanitary sewage from their boat for a nominal fee. Does this ordinance change need to go to a standing committee prior to Common Council (CC), or can the ordinance revision be handled direct by CC?

I suggest the ordinance be modified as indicated in red below.

No person shall dock a boat for any period of time longer than two hours on the north shoreline of Root River within 305 feet west of the Main Street Bridge, along the north side of the Root River, east from the east edge of the Main Street Bridge for a distance of 122 feet, and along the south side of the Root River, east from the east edge of the Main Street Bridge for a distance of 138 feet, and along the east shoreline of Rooney/Pugh Recreational Area located at the east terminus of Reichert Court for a distance of 750 feet north.

Thank you in advance for your assistance in this matter.

John C. Rooney, P.E.
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A communication relating to prohibiting long-term docking at the Rooney/Pugh Recreational Areas so as to protect general public access.

Ordinance XX-13

To recreate Sec. 106-64 – Docking restriction and Sec. 106-65 – Enforcement, in the Municipal code of the City of Racine, Wisconsin.

The Common Council of the City of Racine do ordain as follows:

Part 1:

To recreate Sec. 106-64 – Docking restriction as follows:

“Sec. 106-64 – Docking restriction. No person shall dock a boat for any period of time longer than two hours on the north shoreline of Root River within 305 feet west of the Main Street Bridge, along the north side of the Root River, east from the east edge of the Main Street Bridge for a distance of 122 feet, and along the south side of the Root River, east from the east edge of the Main Street Bridge for a distance of 138 feet, and along the east shoreline of Rooney/Pugh Recreational Area located at the east terminus of Reichert Court for a distance of 750 feet north.”

Part 2:

To recreate Sec. 106-65 – Enforcement as follows:

The county sheriff’s water safety enforcement patrol shall be given authority to enforce section 106-64.

Part 3:

To recreate Sec. 106-10(b) to raise the forfeiture for a violation of Sec. 106-64 (“Docking”) from \$20.00 to \$30.00.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Proposed Racine County Ordinance (to be codified among sections 10-71 to 10-77):

Sec. 10-XX. *Docking restrictions.* No person shall dock a boat for any period of time longer than two hours on the north shoreline of Root River within 305 feet west of the Main Street Bridge, along the north side of the Root River, east from the east edge of the Main Street Bridge for a distance of 122 feet, and along the south side of the Root River, east from the east edge of the Main Street Bridge for a distance of 138 feet, and along the east shoreline of Rooney/Pugh Recreational Area located at the east terminus of Reichert Court for a distance of 750 feet north.