

City of Racine Ordinance 0016-20 – Temporary Closure of the Root River

An ordinance to create Section 106-11. – Temporary Closure of the Root River, Article I, Chapter 106 of the Municipal Code of the City of Racine, Wisconsin.

WHEREAS pursuant to the Wisconsin Constitution at Article XI, Section 3, “(1) Cities and villages organized pursuant to state law may determine their local affairs and government, subject only to this constitution and to such enactments of the legislature of statewide concern as with uniformity shall affect every city or every village. The method of such determination shall be prescribed by the legislature.”;

WHEREAS the Common Council of the City of Racine also has the authority to exercise “municipal home rule” as provided in Wisconsin Statute § 62.11 (5), which states, “Except as elsewhere in the statutes specifically provided, the council shall have the management and control of the city property, finances, highways, navigable waters, and the public service, and shall have power to act for the government and good order of the city, for its commercial benefit, and for the health, safety, and welfare of the public, and may carry out its power by license, regulation, suppression, borrowing of money, tax levy, appropriation, fine, imprisonment, confiscation, and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants, and shall be limited only by express language.”;

WHEREAS Wisconsin Statute § 30.77(2) provides that, “any municipality may enact ordinances relating to the local regulation of boating which are in strict conformity with ss. 30.50 to 30.71 or rules of the department promulgated under those sections.”;

WHEREAS the Common Council of the City of Racine finds that, pursuant to Wisconsin Statute § 30.77(3)(a), it is in the interest of public health, safety, and welfare, including the public’s interest in preserving the state’s natural resources, to enact the ordinances applicable on the waters within its jurisdiction that are not contrary to or inconsistent with chapter 30, and that such ordinances do relate to the equipment, use or operation of boats or to any activity regulated by Wisconsin Statutes sections 30.60 to 30.71;

WHEREAS the City of Racine Department of Public Works has an agreement with the Wisconsin Department of Transportation to remove the existing West Sixth Street Bridge at the Root River and construct a new bridge at this same location from September 2021 to December 2022;

WHEREAS the Common Council of the City of Racine finds that during the periods of bridge removal and construction, temporary closure of the Root River is necessary to protect public safety and welfare;

NOW, THEREFORE the Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: To create Section 106-11, Article I, Chapter 106 of the Municipal Code, to state as follows:

Section 106-11. – Temporary Closure of the Root River.

(a) Definitions.

1. “West Sixth Street Bridge Replacement Project area” means the area of the Root River between Horlick Park Drive and Parkview Drive, extending 300 feet upstream and 1800 feet downstream, as measured from Sixth Street.
2. “Recreational watercraft” means a boat, vessel, canoe, kayak, paddleboard, inner tube, raft, non-motorized boat, personal watercraft, or a device of any kind used or capable of being used for navigation on water.

(b) Regulations. For purposes of bridge removal and construction, no person shall be located in, or operate a recreational watercraft, within the West Sixth Street Bridge Replacement Project area during any of the following periods:

1. Anytime between November 1, 2021 through February 28, 2022, for causeway installation, removal of the existing structure, and partial removal of the causeway.
2. Between January 1, 2022 and November 30, 2022, for a maximum period of twenty individual calendar days to be determined by the City Engineer, if s/he so determines that construction related activities within the West Sixth Street Bridge Replacement Project area would present a danger to the public. These construction related activities include, but are not limited to the following: pile driving; girder and concrete rib arch erection; constructing formwork for the new bridge; concrete placement for the new bridge; removal of formwork for the new bridge; and complete removal of the causeway.

(c) Signing/Posting of the Closure. The City of Racine Public Works Department shall be the local authority responsible for the designation of the closure and assuring installation of the proper waterway markers.

1. Channel closure informational buoys or steel posts shall be placed in the navigational channel; located on both sides of the river, both upstream and downstream, from each end of the West Sixth Street Bridge Replacement Project area.
2. Hazard warning buoys or steel posts shall be placed in the navigational channel; located on both sides of the river, both upstream and downstream, from each end of the West Sixth Street Bridge Replacement Project area.
3. A signed portage route will be in place for the duration that the Root River is closed that directs waterway users around the work zone.

(d) Severability. Any provision of this section, which shall prove to be invalid, void, or illegal, shall in no way affect, impair, or invalidate any other provision thereof and the remaining provisions hereof shall nevertheless remain in full force and effect.

(e) Penalties. Upon conviction in court, any person found to be in violation of this section shall be subject to a forfeiture not to exceed \$500.00.

(f) Sunset. This ordinance shall remain in effect until 11:59 p.m., November 30, 2023, unless extended or earlier terminated or modified by the common council.

State Law Reference – Regulation of Boating, Wis. Stat. § 30.30; Penalties, Wis. Stat. § 30.80.

Part 2: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Fiscal Note: N/A

Pursuant to Wisconsin Statutes section 62.09(8)(c), the mayor shall have the veto power as to all acts of the common council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, or upon failing to approve or disapprove within 5 days, which fact shall be certified thereon by the clerk. If the mayor disapproves the mayor's objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all the members of the council shall then make the act effective notwithstanding the objections of the mayor.