

CITY OF STURGEON BAY
HARBOR COMMISSION MEETING
Monday, March 21, 2016
4:00 p.m.
Council Chambers, 2nd Floor, City Hall, 421 Michigan Street

AGENDA

1. Roll Call
2. Adoption of Agenda
3. Public Comment
4. Consideration of: *Three Year Harbor Improvement Plan*
5. Discussion of: *Duties of Harbor Commission*
6. Discussion of: *Mooring Buoys in the Bay of Sturgeon Bay*
7. Adjourn

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

3/17/16
10:00 a.m.
JL

Harbor Commission Members:
Gary Nault, Chairman
Ed Ireland, Council Rep
Robert Spude
Paul Mickelson
Randy Morrow
Matt Felhofer
Steve Propsom

Executive Summary

Title: 2016 Harbor Assistance Program Statement of Intentions

Background: The Wisconsin Department of Transportation manages the Harbor Assistance Program (HAP). This program provides 80% grant funding for harbor improvements related to commercial transportation. Sturgeon Bay has successfully used this program in the past, including reconstruction of the East Side Dock, Sawyer Dock and floating dock at Bayship Building. In order to qualify for grant funding, potential projects must be listed in the city's 3-year harbor improvement plan. The WDOT uses the Statement of Intentions (SOI) of the various ports to gauge the level of port activity and determine how much funding to request from the legislature for the HAP. The SOI must be submitted to the WDOT by April 1st of each year to be able to apply for Harbor Assistance Grants.

Submitting the Statement of Intentions does not obligate the city to undertake any of these projects. There have been projects included in the SOI for many years and never happened. An example is the industrial harbor that was proposed off the southwest side of the canal. But it is important to remember that if projects are not included in the SOI there will be no grant funding from the Harbor Assistance Program that the city wishes to undertake that deals with commercial infrastructure.

Fiscal Impacts: There is no cost to the city

Recommendation: Staff recommends approval of the 3 year Statement of Intentions and submittal to the WDOT.

Prepared By: Bob Bordeau **Date:** 3/9/16
Bob Bordeau
Municipal Services Director

Reviewed By: Marty Olejniczak **Date:** 3/9/2016
Marty Olejniczak
Community Development Director

Reviewed By: Josh VanLieshout **Date:** 3/9/16
Josh VanLieshout
City Administrator

**THREE-YEAR HARBOR DEVELOPMENT
STATEMENT OF INTENTIONS**

Due: April 1
Send to: WisDOT
 Bureau of Railroads & Harbors
 P. O. Box 7914 Madison,
 Wisconsin 53707-7914

Sturgeon Bay
 Harbor Name

City of Sturgeon Bay
 Responsible Local Unit of Government
 (County, City, Village or Town)

Improvements Proposed in Calendar Year 2017

Instructions: Complete one of these sheets for each project contemplated in each of the next three years. Include only those projects that benefit COMMERCIAL TRANSPORTATION. Examples include dredging, dredge disposal and dock wall construction.

PART I Project Description and Objective(s)

DOCKING IMPROVEMENTS FOR BAY SHIPBUILDING COMPANY: This project involves improving the existing docking facilities in the south yard of Bay Shipbuilding Company to increase capacity and efficiency for winter layover and maintenance of commercial freighters. Proposed improvements include installation of steel sheet pile along berths 1, 2 and 3; dredging to maintain proper depth, and removal of a wreck situated along berth 1.

PART II Project Resources

PART III Rank & Probability

Expected Funding Sources (All types)

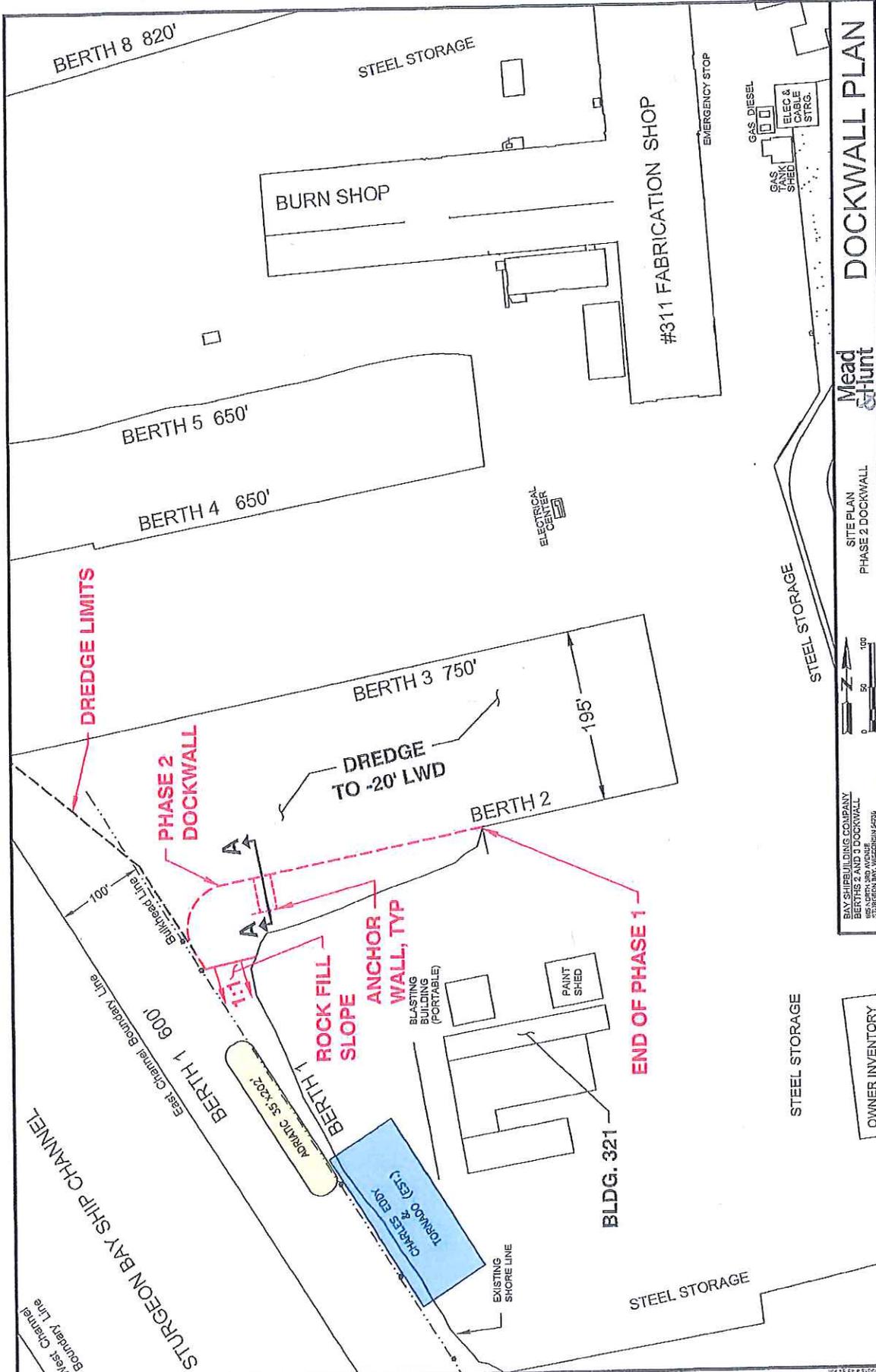
	<u>Amount</u>
(a) Wis DOT	\$5,520,000
(b) Bay Shipbuilding Co.	\$1,380,000
(c)	
(d)	<u>\$6,900,000</u>
	Total

(a) Of the projects listed for the year noted above, this project is of 1st priority to the applicant.

(b) The estimated probability of this project being started in year noted above is:
 (Circle One) High
 Medium
 Low

Prepared By: Bob Bordeau, Harbor Master

Date: 3/7/2016



DOCKWALL PLAN

Mead & Hunt

SITE PLAN
PHASE 2 DOCKWALL



BAY SHIPBUILDING COMPANY
BERTHS 2 AND 3 DOCKWALL
STURGEON BAY, WISCONSIN 54906

STEEL STORAGE

OWNER INVENTORY

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PART I Project Description and Objective(s)

NEW PIER AT SAWYER DOCK. Installation of pile supported (or floating) pier connecting to the existing steel sheet piling at the Sawyer Dock. This pier is intended to be approximately 20-30 feet wide and about 200 feet long, located between the Michigan Street Bridge and Oregon Street Bridge. It would be used to moor a variety of commercial vessels, including cruise ships, excursion vessels, tugboats, commercial fishing boats, and other vessels.

PART II Project Resources

PART III Rank & Probability

Expected Funding Sources (All types)

Amount

(a) Of the projects listed for the year noted above, this project is of 2nd priority to the applicant.

(a) Wis DOT

\$480,000

(b) City of Sturgeon Bay

\$120,000

(b) The estimated probability of this project being started in year noted above is:

(c)

(Circle One) High

(d)

\$600,000

Medium

Total

Low

Prepared By: Bob Bordeau, Harbor Master

Date: 3/7/2016

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PART I Project Description and Objective(s)

EAST SIDE DOCK IMPROVEMENTS: The East Side Dock is located at the foot Pennsylvania Street. The proposed project involves upgrades to the electrical service in order to allow mooring of some of the tugboat fleet that serves Bay Shipbuilding Company. This project will provide additional mooring options for the tugs, if they need to be relocated from their current site, and other vessels.

PART II Project Resources		PART III Rank & Probability
<u>Expected Funding Sources (All types)</u>	<u>Amount</u>	(a) Of the projects listed for the year noted above, this project is of <u>3rd</u> priority to the applicant.
(a) Wis DOT	\$44,000	
(b) City of Sturgeon Bay	\$11,000	(b) The estimated probability of this project being started in year noted above is:
(c)		(Circle One) <u>High</u>
(d)	\$55,000	Medium
	<u>Total</u>	Low

Prepared By: Bob Bordeau, Harbor Master

Date: 3/7/2016

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City of Sturgeon Bay
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Improvements Proposed in Calendar Year 2018

Instructions: Complete one of these sheets for each project contemplated in each of the next three years. Include only those projects that benefit COMMERCIAL TRANSPORTATION. Examples include dredging, dredge disposal and dock wall construction.

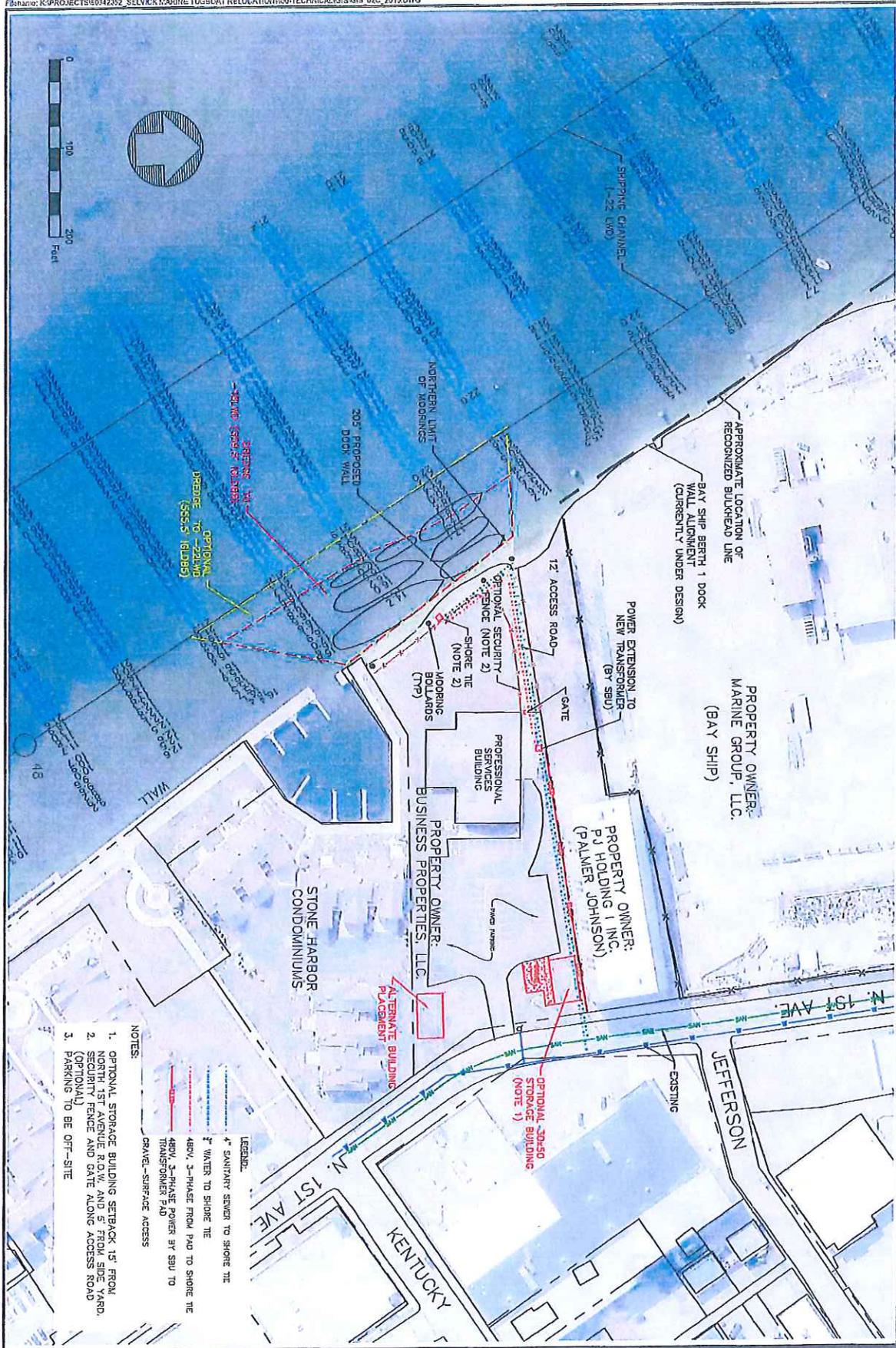
PART I Project Description and Objective(s)

DOCK WALL ALONG HARBOR BUSINESS CENTER FRONTAGE. This project involves creation of a new steel dock wall along the approximately 210 feet of water frontage at the Harbor Business Center, 253 N. 1st Avenue. It involves new steel sheet piling and dredging, along with land access and utility improvements. This new dock wall could be used by a variety of vessels, including some of the tugboat fleet serving the adjoining Bay Shipbuilding Company. When coupled with the planned dock wall at the adjoining Bay Shipbuilding Company, this new dock wall could also allow for longer freighters to be moored, thereby increasing capacity for the winter fleet layover.

PART II Project Resources		PART III Rank & Probability
<u>Expected Funding Sources (All types)</u>	<u>Amount</u>	(a) Of the projects listed for the year noted above, this project is of <u>1st</u> priority to the applicant. (b) The estimated probability of this project being started in year noted above is: (Circle One) <u>High</u> <u>(Medium)</u> Low
(a) Wis DOT	\$880,000	
(b) Property Owner and/or Lessee	\$220,000	
(c)		
(d)	\$1,100,000	
	<u>Total</u>	

Prepared By: Bob Bordeau, Harbor Master

Date: 3/7/2016



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Improvements Proposed in Calendar Year 2018

Instructions: Complete one of these sheets for each project contemplated in each of the next three years. Include only those projects that benefit COMMERCIAL TRANSPORTATION. Examples include dredging, dredge disposal and dock wall construction.

PART I Project Description and Objective(s)

SUNSET PARK DOCKING FACILITY. This potential project involves the creation of a mooring area at the south edge of Sunset Park. The plan includes extending a 400-foot double wall sheet pile bulkhead from the peninsula of land located between the beach and boat launch basin and additional sheet pile wall along the existing shore. It also includes dredging to -18 LWD and shore improvements such as access, parking, and utilities. This facility could be used for a variety of vessels and uses.

PART II Project Resources

PART III Rank & Probability

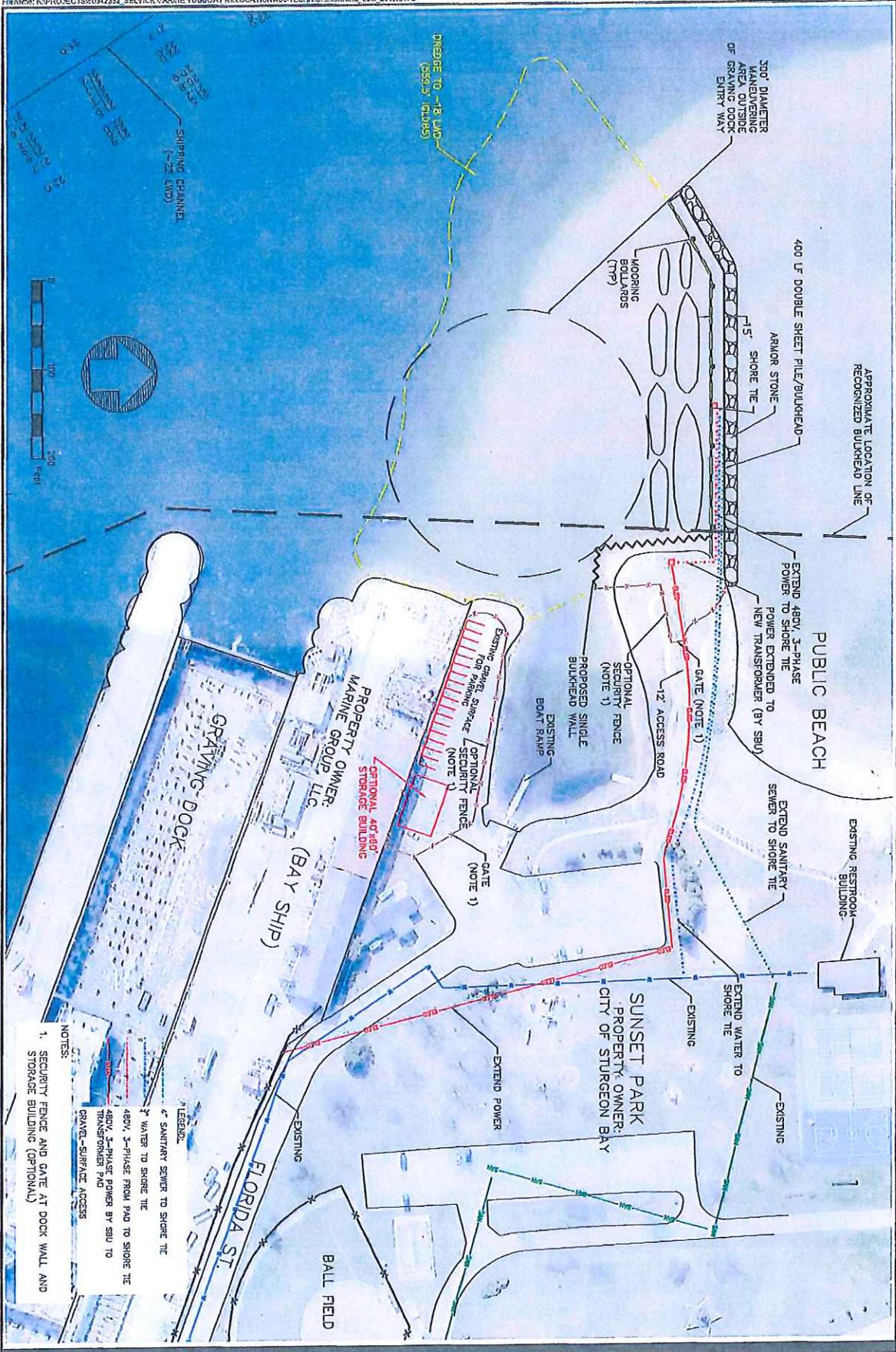
<u>Expected Funding Sources (All types)</u>	<u>Amount</u>
(a) Wis DOT	\$4,400,000
(b) Property Owner and/or Lessee	\$1,100,000
(c)	
(d)	\$5,500,000
	<u>Total</u>

(a) Of the projects listed for the year noted above, this project is of 2nd priority to the applicant.

(b) The estimated probability of this project being started in year noted above is:
(Circle One) High
Medium
Low

Prepared By: Bob Bordeau, Harbor Master

Date: 3/7/2016



- NOTES:
1. SECURITY FENCE AND GATE AT DOCK WALL AND STORAGE BUILDING (OPTIONAL)
- LEGEND:
- EXISTING WATER TO SHORE TIE
 - EXISTING SANITARY SEWER TO SHORE TIE
 - EXISTING POWER
 - EXISTING
 - 480V, 3-PHASE FROM PAD TO SHORE TIE
 - 480V, 3-PHASE FROM PAD TO SHORE TIE TRANSFORMER PAD
 - GRATING SURFACE ACCESS

Harbor Commission Meeting

February 27, 2013

A meeting of the Harbor Commission was called to order by Chairperson Nault at 7:00 p.m. in Council Chambers, City Hall, 421 Michigan Street. Members Gary Nault, Paul Mickelson, Randy Morrow and Steve Propsom were present; Members Stewart Fett, Robert Spude and Matt Felhofer were excused. Also present were Municipal Services Superintendent Bordeau, City Administrator McNeil, Police Chief Porter and Municipal Services Secretary Lenius.

Moved by Mr. Morrow, second by Mr. Mickelson to adopt the following agenda:

1. Roll Call
2. Adoption of Agenda
3. Public Comment
4. **Consideration of: Three Year Harbor Improvement Plan**
5. Discussion of: Possible Study of Water Weed Cutting Operation
6. Adjourn

Carried.

Nobody spoke during public comment.

Consideration of: Three Year Harbor Improvement Plan – Mr. Bordeau explained that every three years, we need to provide the Wisconsin Department of Transportation our Harbor Development Statement of Intentions to offer them with an idea of what projects may be out there to assist in funding. Submitting these intentions, does not require that they are completed, but allows municipalities to receive funding from the WisDOT Harbor Assistance Programs.

Alderman Vandertie entered at 7:10 p.m.

Discussion took place regarding those statements that were submitted in 2009 and were not completed to decide if they would be resubmitted or removed from the improvement plan as well as possibly adding two new statements.

Moved by Mr. Mickelson, second by Mr. Morrow to recommend to council the following Three Year Harbor Development Statement of Intentions for the years 2013 through 2015:

Year 2013 – Medium priority – Stone Harbor Docking Improvements

Year 2014 – High priority – New Improvements for Tugboat Fleet

Year 2015 – High priority – Festival Pier

Year 2015 – Low priority – Develop and Improve Sheet Piling around Railroad Spur

All in favor. Carried.

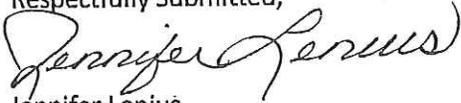
Discussion of: Possible Study of Water Weed Cutting Operation – Mr. Nault stated he brought this item forward to see if the committee would be interested in studying the operation to see if there were possible areas to improve the weed cutting in the bay and to help educate the public on the operation and the regulations involved.

Mr. Bordeau stated the Wisconsin DNR regulates what can be done to control the weeds in the bay including what can be cut, how deep they can cut, what areas cannot be cut or sprayed, etc. The City has an Aquatic Plant Management Plan in place that is approved by the DNR and is reviewed and updated every 5 years. Any changes made to the plan would need to be presented to the DNR and they would need to review it. He also stated that he feels public education would be helpful to allow a better understanding of the operation. Mr. McNeil and Ald. Vandertie both commented they thought public education would be beneficial for both residents and marina owners.

The Committee suggested meeting monthly with the next meeting focusing on the current plan as well as regulations in place. Mr. Bordeau stated he would invite Mary Gansberg from the DNR to the meeting to help explain the regulations to the committee. After this meeting it was suggested to have two different meetings to speak to the public – one inviting marina owners and the other inviting residents to attend.

Moved by Mr. Propsom, second by Mr. Nault to adjourn. All in favor. Meeting adjourned at 8:00 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Jennifer Lenius". The signature is written in dark ink and is positioned above the printed name.

Jennifer Lenius

Municipal Services Secretary

30.38 Powers and duties of boards of harbor commissioners.

- (1) RELATIONSHIP TO MUNICIPALITY'S GOVERNING BODY.
- (a) Except as otherwise expressly provided, a board of harbor commissioners may exercise its powers and perform its duties without first obtaining the consent of the governing body of the municipality which created it, but in no event is the board empowered to financially obligate in any manner this state without the consent of the state legislature, or the municipality in which it operates without the consent of the governing body of such municipality.
- (b) It is the public policy of this state that, so far as possible, the board of harbor commissioners shall have exclusive control of the commercial aspects of the day-to-day operation of the public harbor and public harbor facilities, as set forth in sub. (8), and the governing body of the municipality shall have exclusive control of the governmental aspects relating to public health, order and safety. No municipality may exercise the powers set forth in subs. (8) (a) or (9), except through a board of harbor commissioners.
- (c) Insofar as consistent with the principle set forth in par. (b), all powers not expressly conferred upon the board of harbor commissioners are reserved to the governing body of the municipality.
- (2) MUNICIPAL DEPARTMENTS TO ASSIST BOARD OF HARBOR COMMISSIONERS. A board of harbor commissioners may make written requests to any other officer or agency of the municipality for assistance in the performance of its duties and such officer or agency shall comply with such request if the requested assistance involves the type of work normally performed by such officer or agency and the assistance will not substantially affect the budget of such officer or agency. If a difference arises between the officer or agency and the board as to whether such officer or agency is required to render the requested assistance, the ruling of the governing body of the municipality with respect thereto shall be final.
- (3) CONTRACT PROCEDURES. In the letting of work relative to the construction, repair or maintenance of a harbor or harbor facility or in the purchase of equipment, supplies or materials relative to carrying out its powers and duties, a board of harbor commissioners shall be governed by the procedures and requirements set forth in s. 30.32.
- (4) TITLE TO LANDS AND FACILITIES. Title to harbor lands and facilities shall vest in the municipality.
- (5) PLANNING AND EFFECTUATING HARBOR IMPROVEMENTS. A board of harbor commissioners shall make such plans as it deems necessary for the improvement of the harbor over which it has jurisdiction, so as to adequately provide for the needs of commerce and shipping, including the efficient handling of freight and passenger traffic between the waterways of the harbor and air and land transportation terminals. Among other things, such planning may include plans for the acquisition of land for harbor purposes, including industrial sites, plans for laying out service roads, plans for the construction and acquisition of harbor facilities designed to enlarge or improve harbor operations, and plans for the improvement of publicly-owned harbor facilities. In planning for service roads the board shall seek the advice and cooperation of the local highway authorities and in all cases shall seek the advice and cooperation of the municipal planning agency, if any. The board shall not carry out any such plans until they have been submitted to and approved by the

governing body of the municipality. When such plans have been so approved, either as submitted or in modified form, the board shall be in charge of carrying such plans into effect.

- (6) LEASING HARBOR LANDS AND FACILITIES.** A board of harbor commissioners may lease to any party, either for exclusive or common use, such parcels of publicly-owned harbor lands or such publicly-owned harbor facilities as it deems expedient, provided such lease is for any purpose or use requiring, involving or connected with the construction, operation, maintenance or use of any harbor facility. Such board may also lease, for revenue purposes, any of the publicly-owned harbor lands under its jurisdiction, not actually in use for harbor purposes, to be used for any purpose deemed satisfactory to the board. No leases of municipally-owned harbor lands or harbor facilities made pursuant to this subsection are valid until approved by the governing body of the municipality, unless such governing body has authorized the board to make such leases without its approval.
- (7) MAINTENANCE OF HARBOR FACILITIES.** The board of harbor commissioners shall be in charge of the maintenance of the public harbor facilities. To the extent that funds, including revenue from harbor operations, are available for such purpose, the board may make repairs to harbor facilities without first obtaining the consent of the governing body of the municipality.
- (8) HARBOR OPERATION.**
- (a)** A board of harbor commissioners shall have exclusive control over the commercial aspects of the day-to-day operation of the public harbor and public harbor facilities. Among other things the board may:
1. Operate publicly-owned or leased wharf and terminal facilities and handling equipment.
 2. Operate publicly-owned railroad beltlines or other essential railroad facilities, or lease railroad facilities.
 3. Assign berths at publicly-owned or leased harbor facilities.
 4. Maintain guards at publicly-owned or leased harbor facilities.
- (b)** When so authorized by the municipal governing body, a board of harbor commissioners also may:
1. Operate airport facilities owned or leased by the municipality and located on or contiguous to the harbor lands.
 2. Operate municipal harbor craft, such as fireboats, tugs, dredges, barges, lighters and inspection boats.
 3. Acquire, charter and operate vessels for use in domestic and foreign commerce.
- (c)** In lieu of operating the publicly-owned harbor facilities, a board of harbor commissioners may lease such facilities for operation by the lessee, but the board shall retain such control over the lessee as will enable it to make certain that the harbor is operated in accordance with the public policy set forth in par. (e). No lease of municipally-owned facilities is valid until approved by the governing body of the municipality, unless such governing body has authorized the board to make such lease without its approval.
- (d)** A board of harbor commissioners may adopt rules to facilitate the exercise of its powers and duties under this subsection. Copies of such rules shall be made available to interested persons upon request.

- (e) In exercising its powers under this subsection, a board of harbor commissioners shall be guided by a policy designed to maintain the operation of the harbor in a continuous, peaceful and efficient manner and shall maintain its services so as to effectuate this policy and shall handle without discrimination, any valid and legitimate cargo. But nothing in this subsection shall prevent the board or its lessees from adopting reasonable rules regarding noxious cargo or explosives.
- (f) A board of harbor commissioners shall have no jurisdiction over public bridges.
- (9) **FIXING FEES.** A board of harbor commissioners shall fix and regulate all fees and charges for use of the publicly owned and operated harbor facilities and for other services rendered. All such fees and charges are subject to the approval of the governing body of the municipality. Copies of the schedule of fees and charges shall be made available to interested persons upon request. Equal fees shall be charged for equal services except that higher fees may be charged for boats that are used for recreational purposes, that do not carry passengers for a fee and that are one or more of the following:
 - (a) Exempt from the certificate of number and registration requirements under s. 30.51 (2) (a) 3., 5. or 9.
 - (b) Exempt from the registration requirement under s. 30.51 (2) (c) 3.
 - (c) Owned by persons who are not residents of this state.
- (10) **ACCOUNTS AND STATISTICS.** A board of harbor commissioners shall maintain an adequate system of accounts with respect to its operations, which system of accounts shall be in conformity with the system used by the municipality. The board also shall maintain statistics with respect to the traffic and finances of the port.
- (11) **PROMOTION ACTIVITIES.** A board of harbor commissioners may engage in activities designed to promote trade and traffic through the port and for this purpose may, among other things, make representations before official public bodies and intervene in rate case proceedings.
- (12) **RESPONSIBILITIES RELATIVE TO JOINT HARBORS.** If a board of harbor commissioners is in charge of a harbor which lies partly in this state and partly in another state, the board shall be the official body that represents the interests of the municipality that created the board in such joint harbor, including the harbor's facilities and shipping interests. The board shall study the needs of the joint harbor, including the harbor's facilities and shipping interests, with reference to both its joint aspects and its aspects relating to this state. The board from time to time shall make such recommendations, as the board considers needful and practical, to the proper authorities for the proper maintenance, improvement and betterment of the joint harbor, including the harbor's facilities and shipping interests. The board may take steps within its power as seem practicable to cause such recommendations to be carried into effect. The board may also meet and act jointly with the agency representing the interests of the other state in the joint harbor, on matters of common interest and which affect the joint harbor including the harbor's facilities. It may join with such agency in adopting a general plan for the development of the joint harbor and in making such other recommendations as seem advisable and may act jointly with such agency in doing all things within its power to cause such plans and recommendations to be carried into effect.
- (13) **FUNDS; DISBURSEMENTS; NET REVENUE.**

- (a) All moneys appropriated to a board of harbor commissioners, all revenues derived from the operation of the public harbor except in the case of a joint harbor revenue from joint improvements before division thereof, and all other revenues of the board shall be paid into the municipal treasury and credited to the harbor fund, except that revenues assigned or pledged under s. 30.35 (6) or 66.1103 shall be paid into the fund or funds provided for in the ordinance or resolution authorizing the issuance of the bonds and shall be applied in accordance with that ordinance or resolution.
- (b) Subject to the limitations and conditions otherwise expressed in this section and to a budget approved by the municipal governing body, moneys in the harbor fund may be used for the acquisition, construction, improvement, repair, maintenance, operation and administration of the public harbor and harbor facilities and for the acquisition, chartering and operation of vessels under sub. (8) (b) 3. Except as provided in s. 30.34 (4), such moneys shall be paid out of the harbor fund only on orders signed by the president and secretary of the board, or some other official authorized by the board, after the allowance of claims by the board or on orders entered in the minutes of the board. Disbursements from the harbor fund shall be audited as other municipal disbursements are audited; however, the board may determine on some other procedure it deems appropriate for the consideration of claims and the reporting thereof notwithstanding the provisions of this paragraph. If a procedure other than that set forth in this paragraph is prescribed by the board, the approval of the chief auditing officer shall be obtained.
- (c) At the end of each fiscal year, the board shall compute its net revenue, if any, after paying the costs of operating, maintaining and improving the harbor. Thereupon, the board shall certify the amount of such net revenue, if any, to the municipal treasurer who shall cause such amount to be transferred from the harbor fund to the general fund of the municipality.
- (14) **REPORTS OF EXPENDITURES.** A board of harbor commissioners shall, on or before October 1 of each year, file with the clerk of the municipality which created the board, a detailed statement of the amount of money that will be required to meet its expenses and needs for the ensuing year, and the clerk shall place such statement before the governing body in due course so that it may levy such taxes and make such appropriations as it deems practical to defray the expenses and meet the needs and requirements of the board in the performance of its functions.
- (15) **ANNUAL REPORTS.** A board of harbor commissioners shall make a report annually to the governing body of the municipality which created it, giving an account of its activities and an account of its revenues and expenditures in the preceding calendar year. Such report may contain such other matters as the board deems of interest, including such recommendations as it deems to be for the best interest of the municipality and its harbor, harbor facilities and shipping interests.

History: 1981 c. 238; 1985 a. 29; 1987 a. 27; 1991 a. 39; 1995 a. 130, 225; 1999 a. 150 s. 672; 2001 a. 16.

A fee assessed for revenue purposes, which bears no relation to the costs of maintaining harbor facilities, is a tax that is not authorized under sub. (9). *Racine Marina Associates v. City of Racine*, 175 Wis. 2d 614, 499 N.W.2d 715 (Ct. App. 1993).

14.025 - Regulation of moorings generally.

- (1) No person shall place a mooring within 200 feet of the ordinary high water mark of the Bay of Sturgeon Bay, unless a permit is secured from the harbor master.
- (2) Moorings by permit are restricted according to the following specifications:
 - (a) Each riparian owner is entitled to one mooring permit per 100 feet or part thereof. The permit application shall provide the name of the applicant, address, home, business and emergency telephone numbers and a description of the anchor intended to be used. The applicant shall also provide a drawing showing dimensions of the frontage of the lot which shall indicate the approximate location and bearing of the side lot lines and the proposed location for the anchor. The administrative fee shall be established by the city council. The permit shall be prepared on a form to be provided by the harbor master, but shall not be effective until approved by the harbor master.
 - (b) The placement of moorings shall be approved by the harbor master. The harbor master may modify the mooring conditions of the proposed mooring application. The harbor master's decisions may be reviewed by the harbor commission upon application of the applicant, the harbor master or any other interested party affected by the harbor master's decisions.
 - (c) It is the applicant's responsibility to provide the proper mooring buoy in accordance with state statutes.
 - (d) It is the applicant's responsibility to provide a mooring anchor which is of uncontaminated material and of suitable capacity.
 - (e) The harbor commission, in its sole discretion, is authorized to approve mooring permits not in conformance with the requirements of this section upon a showing of conditions that justify a deviation.
 - (f) The two special anchorage areas designated in accordance with tit. 33 CFR 109.10 are exempted from the operation of this section.
- (3) The definitions of "mooring," "mooring anchor" and "mooring buoy" as stated in § 30.01, Wis. Stats., are adopted and incorporated by reference in this section as if fully set out.
- (4) The penalties of § 30.80, Wis. Stats., are adopted and incorporated by reference in this section as if fully set out.

(Code 1992, § 14.025)

14.08 - Regulation of moorings in federally designated special anchorage areas.

- (1) The definitions of "mooring," "mooring anchor" and "mooring buoy" as stated in § 30.01, Wis. Stats., are adopted and incorporated by reference into this section as if fully set out.
- (2) The federally designated special anchorage areas created in 33 CFR 110.78 may be divided into public mooring, commercial mooring, transient anchorage and buoyed channel spaces. The harbor commission is authorized and directed to prepare a map of the federally designated anchorage areas that may provide for the above described features and it is also authorized and directed to prepare administrative rules and regulations for the administration of this section, which shall include a plan for prioritizing applications in the event that there are more applications than available mooring spaces. The rules and regulations must be approved by the city council

before they are effective and enforceable. Persons with existing moorings shall be given the first priority to maintain their moorings as much as possible. The legal description of the special anchorage areas is recited as follows:

- (a) *Area 1.* Beginning at a point bearing 126°, 3,000 feet from the fixed green Sturgeon Bay Canal Leading Light mounted on the highway bridge; thence 120°, 1,200 feet, this line being parallel to and 150 feet from the channel edge; thence 222°, 500 feet; thence 300°, 1,200 feet; thence 042°, 500 feet to the point of beginning.
 - (b) *Area 2.* Beginning at a point 160 feet from the shoreline and on the east line of 15th Ave. extended; thence south 530 feet to a point 100 feet from the northern edge of the channel; thence southeasterly 2,350 feet along a line parallel to the northern edge of the channel to a point on the east line of 18th Ave. extended, using that portion of 18th Ave. that runs in a true north-south direction perpendicular to Utah St.; thence north 530 feet along this line of 18th Ave. extended to a point approximately 400 feet from the shoreline; thence northwesterly 2,350 feet along a line parallel to the northern edge of the channel to the point of beginning.
- (3) No person shall place or cause to be placed a boat mooring within the above described federally designated special anchorage areas in the Bay of Sturgeon Bay without a permit issued by the city harbor master.
 - (4) Boat moorings by permit are restricted according to the following specifications:
 - (a) The permit application shall provide the following information: names of applicants; addresses; home, business and emergency telephone numbers; vessel name, if applicable; an indication of sail or power propulsion; manufacturer's name; model designation; hull identification number; registration or documentation number; home port or state or registration; length overall; beam; draft; color for topsides, deck and waterline stripe; and a description of the anchor intended to be used. The permit fee shall be in such an amount as the city council may from time to time determine. The harbor commission may establish rules and regulations in the event of reregistration or change of registration on any mooring. Any fees in regard thereto shall be in such an amount as the city council may from time to time establish.
 - (b) A person may procure a mooring permit for a mooring and not register a boat to that mooring if the owner does not intend to moor a boat at the mooring site. The permit shall be prepared on a form to be provided by the harbor master and shall not be effective until approved by the harbor master. At such time as the permit holder intends to moor a boat at the mooring site, the harbor master must be provided with the information about the boat as required above.
 - (c) The placement of boat moorings must be approved by the harbor master, who will consider the size of boat, depth of water, length of chain, proximity to other moorings and such other factors as the harbor master may consider relevant. The harbor master may modify the mooring conditions of the proposed mooring application. The harbor master's decisions may be reviewed by the harbor commission upon application of the applicant, the harbor master or any other interested party affected by the harbor master's decisions.
 - (d) Only one boat, which may include one service tender, may be attached to any single boat mooring.
 - (e) The minimum length of mooring chain between the anchor and the mooring buoy shall be at least twice the water depth at the placement of the mooring anchor.

- (f) The mooring buoy shall be of a design and material approved by the Wisconsin Department of Natural Resources.
- (5) Any boat mooring shall be considered abandoned if a properly completed application is not on file with the harbor master by May 1 of each year. A properly completed application consists of a completed and signed application form provided by the harbor master, a signed hold harmless and indemnification agreement included with the application form and payment in full of the permit fee required by this section. If there are no changes in the information provided on the previous application form and hold harmless and indemnification agreement on file with the harbor master, payment of the annual permit fee will constitute a properly completed application for that year. If there are changes in the information provided on the previous application form and hold harmless and indemnification agreement on file with the harbor master, a new application form and hold harmless and indemnification agreement shall be provided by May 1 of that year with the permit fee. In the event of abandonment as provided for herein, any person may apply for the mooring at the location of the abandoned mooring, which may then be issued in accordance with rules and regulations established by the harbor commission.
- (6) The harbor commission is authorized to approve mooring permits not in conformance with the requirements of this section upon a showing of conditions that justify a deviation.

(Code 1992, § 14.08)

1.13 - Harbor commission.

The harbor commission shall be appointed pursuant to § 30.37, Wis. Stats., and shall have the powers and duties prescribed by § 30.38, Wis. Stats., provided that as of June 15, 1969, the membership of the commission shall be increased by two, who shall be appointed for two-year terms, except that for the initial term only one member shall be appointed for two years and the other member for a term of one year. The mayor shall appoint an alderperson to the commission as one of the appointees.

(Code 1992, § 1.13)