



Legislation Text

File #: 29978, Version: 1

Fiscal Note

No appropriation is necessary.

Title

Amending Sections 8.188 and 1.08(3)(a) of the Madison General Ordinances regarding the use of specified City piers and boat launches.

Body

DRAFTER'S ANALYSIS: Sec. 8.188 prevents any person from using a boat launch or pier within specified City parks for any purpose other than launching or removing the boat from the water. It has come to the City's attention that the existing agreement with Westport Marine, Inc. (dba Betty Lou Cruises) to use the City's pier at Olin Park allows a use that is contrary to this ordinance. Furthermore, other parties have approached the City about the possibility of entering into contracts with the City to use the City's pier and launches for otherwise prohibited activities. As the City may not contract around compliance with ordinance requirements, it is necessary to amend the existing ordinance to allow for such contracts, both to expressly allow for the Betty Lou agreement and to make other agreements possible. Any resulting agreement would still need to be properly approved by the Board of Park Commissioners and the Common Council. In addition, this ordinance updates the penalty provisions of this section to allow for a greater penalty for third and subsequent offenses within a year to account for a recent situation where commercial interests have not been deterred from the private use of City piers and launches by the existing citations amounts. The updated penalty structure is consistent with penalties for violating the public nuisance provisions of Sec. 8.15, and still allows for smaller penalties for more isolated violations.

The Common Council of the City of Madison do hereby ordain as follows:

- 1. Section 8.188 entitled "Anchoring and Mooring of Watercraft Regulated" of the Madison General Ordinances is amended to read as follows:

"8.188 ANCHORING AND MOORING OF WATERCRAFT REGULATED.

- (1) No person shall anchor or moor any watercraft within twenty-five (25) yards of any boat launch or pier in any of the following places except temporarily for the purpose of launching or removal of a boat from the waters and while the watercraft is attended by a person capable of moving the watercraft in case of an emergency or to avoid the obstruction of traffic:
 - (a) The launch sites at Marshall Park, Warner Park, Tenney Park, Olin Park, Law Park and Olbrich Park.
 - (b) The piers at Marshall Park, Warner Park, Tenney Park, Olin Park, Law Park, Olbrich Park and James Madison Park.
- (2) This section does not apply to any person whose use of the above noted launch sites or piers is consistent with a valid agreement entered into with the City of Madison.
- (2)(3) Any person who shall violate any provision of this section shall be subject to a forfeiture of not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for the first offense and, not less than forty dollars (\$40) nor more than two hundred dollars (\$200) for the second offense within a year and not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for the third or subsequent conviction within a year."

2. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating and amending therein the following:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
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Anchor or moor watercraft within 25 yards of certain boat launch sites or piers.	8.188	\$50, 1st \$100, 2 nd <u>in 12 mos.</u> \$200, 3rd + sub.”
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EDITOR'S NOTE: New or revised bail deposits must be approved by the Municipal Judge prior to adoption.
This deposit has been so approved.