

**TOWN OF GIBRALTAR**

**ORDINANCE 1988-4**

**HARBOR ORDINANCE**

**REVOKE ORDINANCE 79-1 AND ORDINANCE 81-2**

**HARBOR ORDINANCES**

THE TOWN BOARD OF THE TOWN OF GIBRALTAR DOES ORDAIN AS FOLLOWS:

We hereby revoke ordinance 79-1 and Ordinance 81-2, passed and approved by the Town Board, Town of Gibraltar, entitled "AN ORDINANCE TO ESTABLISH FEES FOR DOCKAGE, GENERAL RULES AND REGULATIONS, AND PROVIDE FOR PUBLIC HEALTH AND SAFETY AT THE GIBRALTAR TOWN DOCK," in its entirety.

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THE TOWN BOARD OF THE TOWN OF GIBRALTAR DOES ORDAIN AS FOLLOWS:

AN ORDINANCE TO ESTABLISH FEES FOR DOCKAGE, GENERAL RULES AND REGULATIONS, AND PROVIDE FOR PUBLIC HEALTH & SAFETY AT THE GIBRALTAR TOWN DOCK.

SECTION I: Priority system

Seasonal rental space at the Gibraltar Town Dock shall be assigned according to the following priority system.

1. First Priority:
  - a. Homeowner and boat owners in the Town of Gibraltar who rented space in 1981, and every year thereafter.
  - b. Boat Owner who rented a boat slip in 1981, and yearly thereafter.
2. Second Priority:
  - a. The boat is wholly owned by the property owner.
  - b. The applicant owned the property and the deed was recorded prior to January 1 of that year.

- c. The property is improved with a residence, which is in compliance with the County Ordinance.
  - d. The owner occupies the residence a minimum of 30 days during the year.
3. Third Priority:

Land owner and boat owner in the Town of Gibraltar.

4. Fourth Priority:

A non-resident boat owner.

The Harbor Commission shall keep available at all times a "Priority List" based on the applications filed annually after January 1 of each year. This Priority List shall be posted at the Town Dock.

## SECTION II: Harbor Commission

The Harbor Commission may terminate the rental space of any person who gives false information in order to gain a higher position on the priority list.

## SECTION III: General Rules

1. No application from renters will be received before January 1 of the year for which space is requested.
2. All dock fees are subject to the rates established annually by the Town Board and are payable in full on or before April 1. Any space not paid for by that date shall be considered available and shall be rented to the highest person on the priority list. New renters shall be notified by the Harbor Commission when space is available.
3. Dock space shall be assigned to the person whose name appears on the application and for the boat listed. (Person means natural person.) Space will not be transferred to another person except an Estate may continue to use the slip until completion of the season. A Surviving Spouse may continue slip rental as long as this ordinance is complied with. Space may be transferred to a different boat of the same owner subject to the approval of the Harbor Commission. When a larger or smaller space is required, the Harbor commission may give preference to such change.
4. The Harbor Commission reserves the right to require proof of ownership of any boat.
5. Space Assignments:
  - a. The Harbor Commission reserves the right to assign space and change space assignment.
  - b. One slip will be assigned per application. An application for an additional slip shall be assigned the lowest priority.
6. The Harbor Commission may refuse to rent space to boats over 50 feet in length or 15 feet in beam.
7. The Harbor Commission may temporarily lease a slip on a daily basis when the renter's boat is gone from the dock for more than 24 hours.
8. The Harbor Commission may refuse to renew rental for the following reasons:
  - a. Nonpayment of fees.
  - b. Violation of ordinances relating to the dock.
  - c. Violation of safe boating practice and federal and state boating laws.
  - d. Disregard for the safety and peace of other dock renters.

9. Dock rental may be terminated for the following reasons:
  - a. Use of the dock for any illegal purpose.
  - b. Disregard for the peace, safety and property of others.
10. Any decision of the Harbor Commission may be appealed to the Town Board.
11. By order of the Town Board of the Town of Gibraltar, the Harbor Commission and Dockmaster are the legal representatives to implement this ordinance.
12. It is the duty of the of the Dockmaster to implement all decisions of the Town Board and the Harbor Commission, together with the duties established in the Dockmaster JOB DESCRIPTION as established by the Town Board.

#### SECTION IV: Prohibitions

1. It shall be unlawful for any person to store any equipment including but not limited to bicycles, dinghies, sailboats or furniture on any dock or sidewalk.
2. It shall be unlawful for any person to use any fire for cooking purposes except in areas designated by the Harbor Commission.
3. It shall be unlawful for any person to swim in the water enclosed by the Gibraltar Town Dock.
4. It shall be unlawful for any person to operate a motorboat at such speeds so as to cause a wake, which could damage another boat.
5. It shall be unlawful for any person to ride a motorcycle or motor drive vehicle on any dock without permission of authorized personnel.
6. It shall be unlawful for any person to use the dock facility without payment of the fees required by this ordinance. Every person paying a fee shall display on his vehicle, such proof of payment as issued by the Dockmaster or other designated official. Failure to display proof of payment shall be deemed a violation of this ordinance.
7. It shall be unlawful for any person to launch a boat for another person with the intent of avoiding payment of the fee.
8. It shall be unlawful for any person to park a boat or car, or otherwise use the launching ramp in a manner which will prevent otherwise use the launching ramp in a manner which will prevent other persons from using the launching ramp, or in a manner which will cause unreasonable delay or inconvenience to other persons using the launching ramp.
9. It shall be unlawful for any person to sleep in any car, truck, motor home, camper or trailer parked overnight at the dock park. No person shall sleep on any boat, which is not in the water.

#### SECTION V: Penalty

Any person who shall violate any provision of this ordinance shall upon conviction thereof forfeit the sum of not more than \$25.00 plus the cost of prosecution for each day of violation and in default of payment of such forfeiture and cost of prosecution shall be imprisoned in the County Jail until the forfeiture and cost of prosecution are paid, but not exceeding three (3) days providing that any person under the age of eighteen (18) who shall be found violating the provisions of this ordinance shall be dealt with according to the provisions of the Juvenile Code – Wisconsin Statutes.

#### SECTION VI: Stipulation of Guilt

Those duly authorized officers upon request of any person charged with violation of any provision of this ordinance may accept a written stipulation of guilt and require forfeiture from such

person. Upon tending such forfeiture and stipulation, the defendant's presence in Court shall not be required. Such stipulation of guilt shall be in such form as approved by any Court Taking and retaining jurisdiction.

SECTION VII: Imposition of Costs

The Court and the Judge thereof taking and retaining jurisdiction may charge such Court costs and other legal disbursement in the administration of such court as provided by Wisconsin State Statutes, as amended, for collection of forfeitures.

SECTION VIII: Forfeitures

All forfeitures collected under and by virtue of this ordinance shall be paid into the Town Treasury.

SECTION IX: Commercial Uses of Town Dock

It shall be unlawful to use any dock space at the Gibraltar Town Dock for commercial purposes unless authorized by the Town Dock for commercial purposes unless authorized by the Town Board or Harbor Commission. Not more than 10 percent of the seasonal slips may be made available for commercial purposes.

SECTION X: Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board of the Town of Gibraltar would have passed the other provision of this ordinance irrespective of whether or not one or more provisions may be declared invalid and of any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

Adopted this 1<sup>st</sup> day of March, 1988.

TOWN OF GIBRALTAR

BY:

Ray Slaby Jr., Chairman

Steve Ellmann, Clerk