

## ORDINANCE

An Ordinance to repeal Section 14.100 of the Manitowoc Municipal Code regulating Billiard Halls, to amend Section 14.710 regulating Evidence of Gambling- Possession, and to amend Section 14.130 regulating Disorderly Conduct.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

**Section 1.** Section 14.100 is repealed in its entirety:

~~“14.100 Billiard Hall Regulations—Penalty.~~

~~It shall be unlawful and it is hereby declared to be unlawful for any person licensed to conduct, operate, manage or carry on within the City any billiard or pool hall or room, billiard or pool table, pigeon table, bowling alley, nine or 10 pin alley, or dance hall; or~~

~~To permit or allow any kind of rioting, reveling, drunkenness, lewd, lascivious or disorderly conduct on or within such premises so licensed; or~~

~~To permit or allow any gaming or gambling of any kind or description on or within such premises or any such table or alley to be used for gambling purposes in any manner whatever; or~~

~~To permit or allow any minor under 18 years of age, without first having received written consent therefor from the parent or guardian of said minor, to play any such pigeon, billiard or pool table, bowling alley, nine or 10 pin alley, or to loiter in or about any such premises so licensed.~~

~~Penalty. Any person violating any of the provisions of this section shall be punished by a fine of not more than \$100.00 and shall further be liable to the revocation of his license.”~~

**Section 2.** Section 14.130 is amended to read as follows:

**“14.130 Disorderly Conduct**

Whoever does any of the following shall be ~~guilty of disorderly conduct~~ in violation of this section:

**(1) Disorderly Conduct Prohibited.**

**(a) General Disorderly Conduct.** It shall be unlawful for a person to, in ~~in~~ a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.

**(b) Permitting Disorderly Conduct.** It shall be unlawful for a person to permit or allow any kind of disorderly conduct within a licensed premise.

**(2) Disorderly Conduct Causing Bodily Harm.** It shall be unlawful for a person to, in ~~in~~ a public or private place, engages in violent, abusive, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance and under circumstances in which such conduct causes any bodily harm to the person of another.

**(3) Compression Brakes Prohibited.** It shall be unlawful for a person to use or operate motor vehicle brakes within the City which are in any way activated or operated by the compression of the engine of such motor vehicle or any unit or part thereof.

~~(a) **Definition.** A dynamic braking device, commonly referred to as “Jake brakes,” “Jacob’s brakes,” engine brake or compression brake, used for the conversion of the engine from an~~

~~internal combustion engine to an air compressor for the purpose of braking with or without the use of, or in addition to, wheel brakes.~~

~~(b) **Use Prohibited.** It shall be unlawful to use or operate a motor vehicle within the City limits where the dynamic braking device, otherwise known as “Jake braking,” is in any way engaged or activated on such a motor vehicle, creating a loud or excessive noise within the City. It is an affirmative defense to prosecution under this section if compression brakes are applied in cases of emergency to avert imminent danger to persons or property.”~~

**Section 3.** Section 14.710 is amended to read as follows:

**“14.710 Evidence of Gambling – Possession-**

(1) Presence of Gambling Devices. In all prosecutions under this chapter for the suppression of gambling in any form, the presence in any gambling house of any articles, devices or schemes mentioned in Wis. Stat. § ~~348.09~~ 945.02 or MMC 14.590, 14.680, 14.690 or 14.700 shall be prima facie evidence that the said articles, devices or schemes were used for gambling purposes in said gambling house.

(2) Common or General Reputation as Gambling House. In all prosecutions under this chapter for the suppression of gambling or for being an inmate or frequenter of a gambling house, it shall be competent and lawful for the prosecution to establish the character of any such house by showing that the same had a common or general reputation as a gambling house while in the possession of the inmates occupying it at or about the time alleged in the indictment, information or complaint, and was promiscuously visited by persons known to be common professional gamblers or known as frequenters of gambling houses, and such showing shall be prima facie evidence that such house is a common gambling house.

(3) Possession Unlawful. The possession of any articles, devices or schemes referred to in subsection (1) of this section in any place or enclosure or in or upon any premises or any part thereof within the City of Manitowoc is illegal and unlawful.”

(4) Allowing Gambling Unlawful. It shall be unlawful for any person to permit or allow gambling as defined in Wis. Stat. § 945.02, on or within premises owned by or under the person’s control.”

**Section 4.** This ordinance shall take effect the day after publication.

INTRODUCED \_\_\_\_\_ ADOPTED \_\_\_\_\_ APPROVED \_\_\_\_\_

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Justin M. Nickels, Mayor

<b>Fiscal Impact:</b>	\$0
<b>Funding Source:</b>	n/a
<b>Finance Director Approval:</b>	/sc
<b>Approved as to form:</b>	/kmm

This resolution was drafted by Elizabeth Majerus, Staff Attorney

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