

Public Safety
1-15-18

17-1218

ORDINANCE

An Ordinance to amend Section 4.070 of the Manitowoc Municipal Code regulating Navigation Rules, Section 10.130 regulating Snowmobile Regulation, Section 14.070 regulating Contributing to Truancy, and Section 14.560 regulating Public Nuisance Properties.

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

Section 1. Section 4.070 is amended to read as follows:

“4.070 Navigation Rules.

(2) Statutes and Rules. Except as otherwise specifically modified herein, and as authorized by Wis. Stat. § 30.77(2), the following statutory provisions, and any amendments thereto, are hereby specifically incorporated by reference:

- 30.681 Intoxicated boating
- 30.682 Preliminary breath screening test
- 30.683 Implied consent
- 30.684 Chemical tests
- 30.686 Report arrest to department
- 30.687 Officer’s action after arrest for violating intoxicated boating law
- 30.80 Penalties “

Section 2. Section 10.130 is amended to read as follows:

“10.130 Snowmobile Regulation.

(1) Except as otherwise provided by ordinance or Statute, persons shall be prohibited from operating a snowmobile on or adjacent to any public right-of-way in the City of Manitowoc except on a legal route. Legal routes shall be as established by the Chief of Police or his designate and shall be registered in writing with the Police Department at least 48 hours in advance of usage. Routes shall be approved for one season only. The speed limit for snowmobiles on any such legal route shall be 10 miles per hour.

(2) Persons shall be prohibited from operating a snowmobile within any public park or other City property which is not part of a public right-of-way except as designated by the Parks and Recreation Committee of the Common Council with the concurrence of the Director of Parks and Recreation. Those park areas where snowmobiling is permitted shall be marked.

(3) Statutes and Rules. Except as otherwise specifically modified herein, and as authorized by Wis. Stat. § 350. 18, the following statutory provisions and any amendments thereto, are hereby specifically incorporated by reference:

- 350.101 Intoxicated boating
- 350.102 Preliminary breath screening test
- 350.1025 Application of intoxicated snowmobiling law
- 350.103 Implied consent
- 350.104 Chemical tests
- 350.107 Officer’s action after arrest for operating a snowmobile while under the influence of an intoxicant
- 350.11 Penalties”

Section 3. Section 14.070 is amended to read as follows:

“14.070 Contributing to Truancy.

(1) Except as provided in subsection (2) of this section, any person ~~18~~ 17 years of age or older who, by an act or omission violation, knowingly encourages or contributes to the truancy, as defined in Wis. Stat. § 118.16(1)(c), of a person 17 years of age or under ~~child~~ is guilty of a violation of this section.

(2) Subsection (1) of this section does not apply to a person who has under his or her control a child who has been sanctioned under Wis. Stat. § 49.26(1)(h).

(3) An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.”

Section 4. Section 14.560 is amended to read as follows:

“14.560 Public Nuisance Properties

(2) **Definitions.** The following terms shall be defined as follows in this provision:

Chronic Nuisance Property means any premises where three (3) or more nuisance activities resulting in enforcement action have occurred during a twelve month period, or any premises where three (3) or more enforcement actions were generated from 10% or more of a premises’ available rental units during a twelve month period.

(3) Nuisance Prohibited. No person shall erect, contrive, cause, continue, maintain, or permit to exist any nuisance within the City.

~~(4)(3)~~ **Notice and Notice Procedure.**

(a) **Notice and Designation of Chronic Nuisance Properties.** Whenever the Committee determines ~~that a premises meets the definition of a Chronic Nuisance Property, three or more nuisance activities resulting in enforcement action have occurred at a premises during a six-month period,~~ the Committee may direct the Chief to notify the premises owner in writing that the premises constitutes a chronic nuisance. In calculating the requisite nuisance activities, the Committee may count separate qualifying nuisance incidents resulting in enforcement action occurring on the same day (as long as they are distinct in time) or different days, but shall never count nuisance activities that were reported by the owner of the premises.

...

(d) **Abatement Plan.** Any owner receiving such notice as set forth above shall meet with a Committee representative within 10 business days of receipt of such notice. The parties shall review the problems occurring at the property. Within 10 days of this meeting, a Committee representative, owner and property tenant shall meet, discuss and mutually prepare an abatement plan to address and eliminate the nuisance activity on the property. If the tenant is unable or unwilling to meet on such plan, a Committee representative and the property owner shall nonetheless meet to discuss such abatement plan. The Chief shall provide a written copy of the plan to the tenant. The plan shall also specify a name, address, and telephone number of a person living within 60 miles of the property who can be contacted in the event of further police, fire, or inspection contact. Failure to cooperate with the Committee in drafting a Nuisance Abatement Plan or failure to abide by the terms of a Nuisance Abatement Plan shall be deemed a violation of this section.

(4) ~~(5)~~ **Appeal.** Appeal of the determination of the Committee that the property is a chronic nuisance property may be submitted to the Common Council within 10 days of notice. Wis. Stat. Ch. 68 shall not apply to such an appeal.

~~(5)~~ ~~(6)~~ **First Offense.** Any person who shall violate any provision of this section or any regulation, rule, or order made hereunder shall forfeit not less than \$500.00 nor more than \$2,000.

~~(6)~~ ~~(7)~~ **Subsequent Offenses.** Any person who shall violate any provision of this section or any regulation, rule, or order made hereunder within 24 months after committing a previous violation of this section shall forfeit not less than \$1,000.”

Section 5. This ordinance shall take effect the day after publication.

Introduced Jan 15, 2018 _____
Adopted _____
Approved _____

Justin M. Nickels, Mayor

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

Drafted by Liz Majerus, Staff Attorney