

JNW
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16-0741

ORDINANCE

An ordinance to amend Sections 3.160, 3.350, 3.600, 10.670, 10.730, 13.010, 14.060, 14.070(2), 14.410(2)(a), 14.430(5), 14.850(5), 15.230(3)(g), 15.450(7)(c), 15.510, 15.670, 17.080, 28.040, and 30.010 to update outdated references to state statutes.

Section 1. Section 3.160 is amended to read as follows:

“Community Development Authority.

(2) **Creation of Community Development Authority.** Pursuant to Wis. Stat. ~~§66.4325~~ § 66.1335, there is hereby created a housing and development authority to be known as the Community Development Authority of the City of Manitowoc. The community development authority shall be deemed a separate body corporate and politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects.

(4) **Powers and Duties.** The Community Development Authority shall have all powers, duties and functions set out in Wis. Stat. ~~§§ 66.40~~ 66.1201 and ~~66.43~~ 66.1333 for housing and redevelopment authorities, and as to all housing projects initiated by the Community Development Authority it shall proceed under Wis. Stat. ~~§ 66.40~~ § 66.1201, and as to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs it shall proceed under Wis. Stat. ~~§§ 66.405 to 66.425~~ §§ 66.1301 to 66.1329, ~~66.43~~ 66.1331, ~~66.43~~ 66.1333, ~~66.435~~ 66.1337 or ~~66.46~~ 66.1105, as determined appropriate by the Common Council on a project by project basis. As to all community development programs and activities undertaken by the City under the Federal Housing and Community Development Act of 1974, the Community Development Authority shall proceed under all applicable laws and ordinances not inconsistent with the laws of this State. In addition, the Community Development Authority may act as agent of the City to perform all acts, except the development of the general plan of the City, which may otherwise be performed by the Planning Commission under Wis. Stat. ~~§§ 66.405 — 66.425~~ §§ 66.1329 to 66.1329, ~~66.43~~ 66.1331 and ~~66.435~~ 66.1337 or ~~66.46~~ 66.1105.

In addition to the foregoing powers, duties and functions the Community Development Authority shall have such other powers, duties and functions related to community development as are conferred upon the Authority by the City Council from time to time, which shall include any powers and duties previously conferred on the Manitowoc Housing Commission.

(5) **Termination of Housing Authority.** Upon the adoption of the ordinance codified in this section, the Manitowoc Housing Authority is hereby terminated. The powers and duties of the Manitowoc Housing Authority shall be assumed by the Community Development Authority pursuant to the terms of Wis. Stat. ~~§ 66.4325(5)~~ §66.1335(5).

(6) **Controlling Statute.** This section of the Municipal Code is enacted pursuant to Wis. Stat. ~~§ 66.4325~~ §66.1335. Insofar as this section may be inconsistent with Wis. Stat. ~~§ 66.4325~~ §66.1335, the Statute shall control.”

Section 2. Section 3.350 is amended to read as follows:

“Emergency Government.

(1) **Purpose.** The purpose of this section is to establish an effective program of emergency government as required by Wis. Stat. ~~§ 466.03(4)~~ §323.14.”

(2) **Emergency Government: Emergency Government Coordinator: Duties and Authority.**

(b) **Duties and Authority.** The Emergency Government Coordinator shall have the duties provided for in Wis. Stat. ~~§ 466.03(5)~~ §323.15. In fulfilling these duties, the Coordinator shall work together with the Manitowoc County Director of Emergency Government pursuant to the terms of any agreements between the City of Manitowoc and Manitowoc County. In the event of an actual emergency, the Coordinator shall work to coordinate an emergency response with, as appropriate,

other City department heads and the Director of Manitowoc County Emergency Government.”

Section 3. Section 3.600 is amended to read as follows:

“**Weed Commissioner.** The Mayor is authorized to appoint one or more Weed Commissioners who shall act pursuant to Wis. Stat. ~~§§ 66.97 and 66.98~~ 66.0517.”

Section 4. Section 10.670 is amended to read as follows:

“**Traffic Bureau.**

(4) Traffic Citation.

(b) In addition to the requirements under subsection (4)(a) of this section, citations may inform the alleged violator that in lieu of court appearance he may within five days make a deposit under Wis. Stat. § 345.26 or stipulate no contest under Wis. Stat. § 345.27. If the citation does not contain the information specified in this subsection, such information shall be given to the alleged violator in a separate printed statement attached to the violator’s copy of the citation. All deposits must be made at the Manitowoc Police Station. If the deposit is mailed, the alleged violator shall sign a statement before mailing to the effect that he has read such information and said statement shall be mailed with the deposit. The citation shall state the amount of the deposit and contain the information required under Wis. Stat. ~~§ 343.27~~ 345.27(1), and if it does not, the information shall be given to the alleged violator in a separate printed statement attached to the violator’s copy of the citation. All deposits mailed shall be mailed to the Manitowoc Police Department.

(5) Deposit.

(a)1. A person arrested under Wis. Stat. § 345.22 for the violation of a traffic regulation who is allowed to make a deposit under Wis. Stat. § 345.23(2)(a) shall deposit the money by either mailing the deposit to the Manitowoc Police Department if the arresting officer deems this possible or, if previously approved by the Court, the office of the Manitowoc County Clerk of Court, or by going, in the custody of the arresting officer, to any of those places to make the deposit. Before allowing the arrested person to make the deposit the arresting officer or the person receiving the deposit shall comply with Wis. Stat. ~~§ 343.27~~ 345.27(1) or, if the deposit is mailed, the signed statement required under Wis. Stat. ~~§ 343.27~~ 345.27(1) shall be mailed with it.

(c)2. The person receiving the deposit shall prepare a receipt in triplicate on a serially numbered form, showing the purpose for which the deposit is made and stating that the alleged violator may inquire at the office of the Clerk of Court or justice regarding the disposition of the deposit, and shall deliver the original to the alleged violator or, if the deposit is made by mail, shall mail the receipt by return mail. ~~The receipt referred to in this subsection may be included as part of the uniform citation under Wis. Stat. § 345.25~~

(c)5. Accident Reports. The operator of any vehicle involved in an accident shall immediately, and without delay, after such accident file with the City Police Department a copy of the report required by Wis. Stat. § 346.70, if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this section. Such reports shall be subject to the provisions and limitations in Wis. Stat. ~~§§ 346.7(4)(f)~~ 346.70(4)(f) and 346.73.

(6) Official Traffic Signs and Signals:

(d) Enforcement. This chapter shall be enforced in accordance with the provisions of Wis. Stat. §§ 345.20 to 345.53, Ch. 299 and ~~§ 66.12~~ 66.0114.

(d)1. Stipulation of Guilt or No Contest. Stipulations of guilt or no contest may be made by persons arrested for violations of this chapter in accordance with Wis. Stat. ~~§ 66.12(1)(b)~~ §§ 66.0114(1)(b) and (1)(bm) whenever the provisions of Wis. Stat. § 345.27 are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under Wis. Stat. § 345.11 and may be accepted within five days of the date of the alleged violation. Stipulations may be accepted by the City Police Department.

(d)3. Notice of Demerit Points and Receipt. Every officer accepting a forfeited penalty or money deposit under this chapter shall receipt therefor in triplicate as provided in Wis. Stat. § 345.26(3)(b). Every officer accepting a stipulation under the provisions of this chapter shall comply with the provisions of Wis. Stat. §§ ~~343.27~~, 343.28, 345.26(1)(a) and 345.27(2), and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Wis. Stat. § 345.11.”

Section 5. Section 10.730 is amended to read as follows:

“Angle Parking.

...

South 22nd Street. On the east side of South 22nd Street from the south curblineline of Marshall Street for a distance of 190 feet to the south. As authorized by Wis. Stat. § ~~46.52(2)~~ 346.52(2), angle parking shall be permitted during school hours from 7:30 a.m. to 4:30 p.m. during school days, as well as at all other times....”

Section 6. Section 13.010 is amended to read as follows:

“Solid Waste Recycling and Disposal.

(1) Purpose. The purpose of this section is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wis. Stat. § ~~159.11~~ 287.11 and Wis. Admin. Code NR 544.

(2) Statutory Authority. The ordinance codified in this section is adopted as authorized under Wis. Stat. § ~~159.09(3)(b)~~ 237.09(3)(b).

(5) Definitions. ... **Person** includes any individual, corporation, partnership, association, local governmental unit, as defined in Wis. Stat. § ~~66.299(1)(a)~~ 66.0131(1)(a), State agency or authority or Federal agency.

...

Postconsumer waste means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stat. § ~~144.61(5)~~ 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stat. § ~~144.44(7)(a)(1)~~ 289.01(17).

...

Solid waste has the meaning specified in Wis. Stat. § ~~144.01(15)~~ 289.01(33).

Solid waste facility has the meaning specified in Wis. Stat. § ~~144.43(5)~~ 289.01(35).

...

(6)(a) Disposal of Solid Waste. All persons who generate solid waste in the City of Manitowoc shall dispose of such solid waste as required in this section and as otherwise required by law. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in subsections (8)(e) through (o) of this section which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility, and except that a person may dispose of a microwave oven in a solid waste disposal facility if the capacitor has been removed and disposed of in accordance with Wis. Stat. § ~~144.79(7)~~ 299.45(7), if applicable.

(9)(c) Separation Requirements Exempted. A recyclable material specified in subsections (8)(e) through (o) of this section for which a variance has been granted by the Department of Natural Resources under Wis. Stat. § ~~159.11(2m)~~ 287.11(2m) or Wis. Admin. Code NR 544.14.

(20)(d) Enforcement and Penalties. In addition to other enforcement measures provided for herein, the City may remove or cause to be removed any recyclable or nonrecyclable solid waste which is not disposed of as required by this section and charge the cost of such removal as a special charge against the property pursuant to Wis. Stat. § ~~66.60(16)~~ 66.0627.”

Section 7. Section 14.060 is amended to read as follows:

“Interference with Custody by Parent or Others. Except as provided under Wis. Stat. Ch. 48, whoever intentionally causes a child to leave, takes a child away or withholds a child for more than 12 hours beyond the court-approved visitation period from the legal custodian with intent to deprive the custodian of his or her custody rights without the consent of the custodian is guilty of violating this section. Whoever causes a child to leave, takes a child away or withholds a child for more than 12 hours from the child’s parents, or the child’s mother in the case of a nonmarital child where the parents do not subsequently intermarry under Wis. Stat. § ~~767.69~~ 767.803, without the consent of the parents or the mother is guilty of a violation of this section.”

Section 8. Section 14.070(2) is amended to read as follows:

“Contributing to Truancy.

(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. § ~~49.50(7)(h)~~ 49.26(1)(h).”

Section 9. Section 14.410(2)(a) is amended to read as follows:

“Sanctions for Violations of Dispositional Orders.

(2) **Subsequent Dispositional Order for Truancy.**

(a) Suspension of the child’s operating privilege, as defined in Wis. Stat. § ~~340.04(4)~~ 340.01(40), for not more than one year. If the juvenile does not hold a valid driver’s license, other than an instruction permit or a restricted license, the Court may order the suspension to begin on the date the license would otherwise be reinstated or issued or two years after the date of the order, whichever occurs first.”

Section 10. Section 14.430(5) is amended to read as follows:

“Curfew.

(5) **Penalties.** An underage person who violates this section shall be subject to the penalties prescribed in Wis. Stat. § ~~48.343~~ 938.343. Any parent, guardian or person having legal custody of an underage person who violates this section shall be penalized as provided in MMC 14.860.”

Section 11. Section 14.850(5) is amended to read as follows:

“Fair Housing.

(5) **Procedure.** Any person aggrieved by an unlawful practice prohibited by this section may file a complaint with the Community Development Authority within 30 days after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than 60 days after the alleged unlawful practice has occurred. The Community Development Authority shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this section shall cause the chairperson of the Community Development Authority to forward the complaint and findings to appropriate State and Federal agencies. (See also Wis. Stat. § ~~101.22~~ 106.50, which prohibits additional discriminating practices and allows fewer exceptions than this section.)”

Section 12. Section 15.230(3)(g) is amended to read as follows:

“Office- Residential District.

(3) **Conditional Uses Permitted.** The following uses are permitted subject to MMC 15.370(27):

...
(g) Body piercing establishments as defined in Wis. Stat. ~~§254.24~~ 252.24;
..."

Section 13: Section 15.450(7)(c) is amended to read as follows:

"Removal and Disposition of Signs.

(c) **Deteriorated or Dilapidated Signs.** The Building Inspector shall cause to be removed any deteriorated or dilapidated signs under the provisions of Wis. Stat. ~~§ 66.05 §§66.0413 and 66.0427.~~"

Section 14. Section 15.510(1) is amended to read as follows:

"Mobile Home Parks, Mobile Homes, Manufactured Homes and Recreational Vehicles.

(1) **State Laws – Adoption by Reference.** Wis. Stat. ~~§§ 101.90 to 101.96,~~ §§ 101.91 – 101.965, 218.10, 218.11, 218.12 and ~~218.14 to 218.17~~ 218.15, 218.17, and Administrative Code Chapter Adm 65 are herewith adopted by reference."

Section 15. Section 15.510 is amended to read as follows:

"Mobile Home Parks, Mobile Homes, Manufactured Homes and Recreational Vehicles.

(16) Monthly Parking Fee.

(a) There is hereby imposed on each owner of a nonexempt, occupied mobile or manufactured home in the City of Manitowoc a monthly parking fee determined in accordance with Wis. Stat. ~~§ 66.058(3)~~ 66.0435(3) which is hereby adopted by reference and made part of this section as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile or manufactured home owner. Said licensee shall be liable to the City for any default in payment of the monthly parking permit fee by the mobile or manufactured home owner. Licensees of mobile or manufactured home parks and owners of occupied mobile or manufactured homes located on land outside a mobile or manufactured home park existing at the time of annexation to the City of Manitowoc shall pay to the City Treasurer such parking permit fees on or before the tenth of the month following the month for which such fees are due in accordance with the terms of this section and such regulations as the Treasurer may reasonably promulgate.

(b) Licensees of mobile or manufactured home parks and owners of land on which are parked any occupied, nonexempt mobile or manufactured homes shall furnish information to the City Clerk and City Assessor on such homes added to their park or land within five days after arrival of such home on forms furnished by the City Clerk in accordance with Wis. Stat. ~~§ 66.058(3)(e) and (e)~~ 66.0435(3)(c) and (e).

(17) **Revocation of License.** The Common Council of the City of Manitowoc is hereby authorized to revoke any license or permit issued pursuant to the terms of this section in accordance with Wis. Stat. ~~§ 66.058~~ 66.0435."

Section 16. Section 15.670 is amended to read as follows:

"Shoreland-Wetland Zoning.

(1) Statutory Authorization, Findings of Fact, Statement of Purpose and Title.

(a) **Statutory Authorization.** The ordinance codified in this section is adopted pursuant to the authorization in Wis. Stat. §§ 62.23 and 62.231 for cities and Wis. Stat. §§ 87.30 and ~~44.26~~ 281.31 for counties.

(2) Definitions. Navigable waters means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. Under Wis. Stat. § ~~444.26(2)(4)~~; 281.31(2m) notwithstanding any other provisions of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stat. § 61.351 or ~~62.224~~ 62.231, and Wis. Admin. Code NR 117, do not apply to lands adjacent to farm drainage ditches if:

(7) Amending Shoreland-Wetland Zoning Regulations.

(a)3. In order to ensure that this section will remain consistent with the shoreland protection objectives of Wis. Stat. § ~~444.26~~ 281.31, the Common Council may not rezone a wetland in a Shoreland-Wetland Zoning District, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions: ...”

Section 17. Section 17.080 is amended to read as follows:

“Street Openings.

See Wis. Stat. § ~~84.15~~ 893.83, ...”

Section 18. Section 28.040 is amended to read as follows:

“Definitions.

WPDES Stormwater Permit means a permit issued by the Wisconsin Department of Natural Resources under Wis. Stat. § ~~447.024~~ 283.33 that authorizes the point source discharge of stormwater to waters of the State, and is regulated by Wis. Admin. Code NR 216, “Stormwater Discharge Permit.”

Section 19. Section 30.010(4) is amended to read as follows:

“Illicit Discharge and Connection Ordinance.

Authority.

(4) The requirements of this chapter do not preempt more stringent stormwater management requirements that are imposed by WPDES Stormwater Permits issued by the Department of Natural Resources under Wis. Stat. § ~~447.024~~ 283.33.”

Section 20. This ordinance shall take effect the day after publication.

Introduced **AUG 15 2016** _____
Adopted _____
Approved _____

Justin M. Nickels, Mayor

Drafted by Staff Attorney Elizabeth Majerus

Fiscal Impact: \$0
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Finance Director Approval: /sc
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