

## ORDINANCE

An Ordinance to amend to create **Section 11.035** regulating **Escort Services**; to repeal **Section 14.180** regulating Vagrancy; to amend **Section 14.240** regulating Crimes Against Sexual Morality; to repeal **Section 14.550** regulating Houses of Ill Fame – Inmates—Solicitation – Common Prostitutes – Penalties; to repeal **Section 14.580** regulating Leasing Building for Prostitution—Penalty; to repeal **Section 14.590** regulating Gambling House—Penalty; to repeal **Section 14.660** regulating Gambling—Inmates—Penalty; to repeal **Section 14.670** regulating Seizure of Gambling Instruments—Arrest; to repeal **Section 14.680** regulating Seizure of Gambling Instruments—Destruction—Resisting Officer—Penalty; to repeal **Section 14.690** regulating Slot Machines, etc.—Penalty; to repeal **Section 14.700** regulating Pool Selling—Use of Premises, etc.—Penalty; to repeal **Section 14.720** regulating Vagrants – Beggars – Organ Grinders – Street Musicians – Prostitutes – Gamblers – Penalty – Definition of Vagrancy; to repeal **Section 14.740** regulating Marathons and Other Physical Endurance Contests—Penalty; and to repeal **Section 14.750** regulating Confectionary Stores, Ice Cream Parlors, Closing Hours—Penalty.

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

**Section 1.** Section 11.035 is created to read as follows:

### **“11.035 Escort Services.**

#### **(1) Definitions.**

**Employee** means any person whose name is furnished by an escort service, is referred to a customer through an escort service, or is an agent, employee, independent contractor, or volunteer for an escort service.

**Escort** means any person who, for a fee, commission, salary, hire, profit, payment or other monetary considerations accompanies or offers to accompany another person to or about social affairs, entertainments or places of amusement or consorts with another person about any place of public resort or within any private quarters.

**Escort Service** means service provided by any person who, for a fee, commission, salary, hire, profit, payment or other monetary consideration, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

**In Call** means any arrangement whereby an escort is provided on a premises owned, leased, rented, or controlled by the escort or escort service.

**Person** means any natural person, sole proprietorship, partnership, corporation or association, excepting the United States of America, the State of Wisconsin, and any political subdivision thereof.

**(2) Exemptions.** This chapter does not apply to businesses, agencies and persons licensed by the State of Wisconsin or the City pursuant to a specific statute or ordinance, and employees employed by a business so licensed, and which perform an escort or escort service as a merely incidental service to the primary function of such profession, employment or business and which do not hold themselves out to the public as an escort or escort service.

**(3) Escort Service License Required.** No person may work or perform services as an escort in the City unless employed by a licensed escort service and properly registered pursuant to this chapter. No escort service may operate or provide service in the City without first obtaining an escort service license. Any person, partnership or corporation who or which desires to operate or provide services from more than one location must have a license for each location. An escort service license issued by the City pursuant to this chapter is non-transferrable.

**(4) Application for Escort Service License.**

- a. The application for a license shall be on a form approved by the City Clerk. An applicant for a license, which shall include each partner and limited partner of a partnership applicant, each officer and director of a corporate applicant, each stockholder holding 10% or more of the stock or beneficial ownership, and every other person who is interested directly in the ownership or operation of the business, shall furnish the following information under oath:
- i. Name, including all aliases;
  - ii. Written proof that the individual is at least 18 years of age;
  - iii. All residential addresses of the applicant for the past 10 years;
  - iv. The business, occupation, or employment of the applicant for 10 years immediately preceding the date of application;
  - v. Whether the applicant previously operated in this or any other state, county or city under an escort service license or similar business license and whether the applicant has ever had such a license revoked or suspended, the reason therefor and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation;
  - vi. All conviction and pending charges of felony, misdemeanor or ordinance violations except minor traffic violations;
  - vii. The address of the escort service to be operated by the applicant;
  - viii. If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent and all officers and directors of the corporation;
  - ix. If the applicant is a partnership, the application shall specify the name and address of all partners and provide a certified copy of the partnership agreement or articles of partnership.
- b. Additional Information. Each service shall furnish the following information under oath at the time of application:
- i. The trade name of the escort service. An escort service may operate under only one trade name per license;
  - ii. The complete address of the proposed business location with a copy of the deed, lease or other document pursuant to which the applicant occupies or will occupy such premises;
  - iii. The service's federal employer identification number;
  - iv. A written plan setting forth:
    1. Description of the nature of the business to be conducted and services to be offered;
    2. Hours that the service will be open to the public;
    3. Copies of contracts to be used with escorts and customers.
- c. The application shall require payment of the appropriate fee at the time of submission. The amount of the fee shall be determined by the Common Council and on file in the office of the City Clerk.
- d. Upon receipt of the application, the matter will be referred to the Chief of Police for confirmation of qualifications. Upon confirmation, the matter will be presented to the Finance Committee for review and recommendation to the Common Council.
- e. License Fee. The application fee for a license, or any renewal thereof, shall be \$500. The application fee for a photo identification card, or any renewal thereof, shall be \$100. There is no proration of fees for any license or card issued for less than a one-year period, nor shall there be any prorated refund for a license or card that is suspended or revoked. If the application

#### **(5) Standards for License Issuance.**

- a. To receive a license to operate an escort service, an applicant must meet the following standards:
- i. All persons required to be named under subsection 4(a) shall be at least 18 years of age;
  - ii. No person required to be named under subsection 4(a) shall have been convicted of a felony;
  - iii. Subject to Ch. 111, Wis. Stats., no person required to be named under subsection 4(a) shall have been convicted of a law or ordinance violation

involving moral turpitude, prostitution, obscenity, or another crime of a sexual nature in any jurisdiction;

iv. No person required to be named under subsection 4(a) shall have been convicted of a violation of a law or ordinance which substantially relates to the licensed activity;

v. No person required to be named under subsection 4(a) shall have been a director, officer, partner, or person interested directly in the control of an organization that has been convicted of a violation of any law or ordinance which substantially relates to the licensed activity.

b. If any charges are currently pending which, if resulting in a conviction, would disqualify the applicant pursuant to subsection (5)(a), the Finance Committee may postpone action on the application until such time as the charge is resolved.

#### **(6) License Renewal.**

a. Every license issued pursuant to this chapter shall terminate December 31 following its issuance, unless revoked sooner. Application for renewal shall be on a form provided by the City Clerk and shall be accompanied by the renewal fee which shall be determined by the Common Council and on file with the City Clerk.

#### **(7) Application Denial.**

a. If, upon review of the application, the Finance Committee recommends denial of the license, the City Clerk shall notify the applicant by mail of the denial and the reason(s) therefor. The letter shall include the date and time of the Finance Committee review and the right of the applicant to appear before the Committee.

b. The Committee shall hear any person for or against the granting of the license and shall report its recommendations to the Common Council.

#### **(8) License Nonrenewal, Suspension or Revocation.**

a. Any license issued under this chapter may be suspended for not less than 10 days, nor more than 90 days, or revoked or non-renewed, for causes outlined in this section, unless otherwise provided by state statute or city ordinance. Causes for suspension or revocation include but are not limited to:

i. Violation by the licensee or his agent or employee of any law of the United States, State of Wisconsin or City of Manitowoc relating to the particular trade, occupation or business so licensed.

ii. Violation by the licensee or his agent or employee of any statute, ordinance or law when the circumstances of the violation, arrest, or conviction substantially relate to the licensed activity.

b. Any violation of the requirements of this chapter shall be grounds for revocation of a license issued under this chapter.

c. Any act or omission of any employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended, or renewed.

d. The procedure for revocation or suspension of a license shall be as follows:

i. A complaint shall be made in writing by the Chief of Police or by any person to the Finance Committee.

ii. A copy of the complaint, accompanied by a notice or summons signed by the City Clerk stating the time and place when and where the complaint will be heard before the Finance Committee, shall be served on the licensee named in the complaint. The summons shall command the licensee to appear before the Finance Committee on a date and time named in the summons, not less than 3 days or more than 10 days from the date of issuance, and show cause why his license should not be revoked or suspended.

iii. At the time and place named in the summons, the licensee may appear in person with or without counsel and shall be fully heard by the Finance Committee in his defense on the complaint and the proof which may be submitted in support thereof.

- iv. After such hearing, the Finance Committee shall determine whether cause for revocation or suspension exists and shall report same to Common Council.
- v. The Common Council may revoke or suspend the license based in part on the Finance Committee's recommendation.

**(9) Responsibilities of Escort Service Operator.**

- a. The operator of an escort service shall maintain a register of all employees or independent contractors, showing the name and aliases used by the employee, home address, birth date, sex, telephone numbers, social security number and date of employment and termination. This information shall be maintained in the register on the premises for at least three years following termination.
- b. Every escort service shall:
  - i. Provide to each patron a written contract and receipt of payment for services. The contract shall clearly state the type of services to be performed, the length of time such services shall be performed, the total amount of money such services shall cost the patron, and any special terms or conditions relating to the services to be performed.
  - ii. Maintain a legible written record of each transaction of any escort furnished to or arranged for on behalf of any person or customer. The record shall show the date and hour of each transaction, the name, address, and telephone number of the person requesting an escort, and the name of every escort furnished.
- c. The operator of an escort service shall make the register of employees, along with any other records required to be maintained under this chapter, available immediately for inspection by police upon demand of a member of the Manitowoc Police Department at all reasonable times.
- d. Any corporation or partnership holding an escort service license under this chapter shall report to the City Clerk, in writing, within 15 days any change of personnel identified in subsection (4)(a).

**(10) Registration of Operators, Employees and Independent Contractors.**

- a. All operators or employees working for any escort service and independent contractors shall, prior to beginning employment or contracted duties, be required to register with the City Clerk. During the registration process, the person shall provide name, address, birth date, any aliases used, telephone numbers, dates of employment and names of employers.
- b. The applicant shall pay a fee at the time of registration. The amount of the fee shall be determined by the Common Council and on file in the office of the City Clerk.
- c. To be registered as an escort, the applicant must satisfy the following conditions:
  - i. The applicant shall be at least 18 years of age.
  - ii. Subject to Ch. 111, Wis. Stats., the applicant shall not have been convicted of or pleaded nolo contendere, or no contest, to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction.
  - iii. The application shall not have been convicted of a felony, misdemeanor or ordinance violation which substantially relates to the licensed activity.
  - iv. The applicant shall not have been found to have previously violated this chapter within five years immediately preceding the date of the application.
- d. Upon successful completion of the background investigation and approval by the Finance Committee, the applicant shall be issued a photo identification card that permits the applicant to function as an escort in the City of Manitowoc, subject to all federal and state laws and ordinances of the City.
- f. The photo identification card shall be kept available while performing escort services for production upon request by members of the Manitowoc Police Department.

- g. All identification cards shall expire on December 31 in the year of issuance.
- h. Any escort employed by more than one escort service shall submit a separate registration for each service by which the escort is employed.

**(11) Regulated Acts.**

- a. No escort or escort service may conduct in calls on residentially-zoned property.
- b. No escort or escort service may engage in unlawful acts while acting as an escort. A violation of a criminal statute or ordinance by an escort shall be considered a violation of this chapter by licensee.
- c. No person may escort or agree to escort a person under the age of 18.
- d. No person may advertise indicating that an escort service is available in the City unless that service possesses a valid license issued pursuant to this chapter. No escort service may advertise using a trade name unless that trade name is disclosed in the escort service license application. Any advertisements or escort activity conducted under an unreported trade name shall be considered unlicensed activity. For purposes of this section, "advertisement" includes internet postings for escort services on sites including but not limited to Craigslist, Facebook, and other similar websites.
- e. Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct. The operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

**(12) Violations and Penalties.**

- a. Any person found to have violated subsection (11) of this chapter shall forfeit not less than \$2,000 and not exceeding \$5,000 and a court shall revoke any license issued to the person under this chapter.
- b. Any person found to have violated any other section of this chapter shall forfeit not more than \$5,000 and a court shall revoke any license issued to the person under this chapter.
- c. Separate Offense. Each violation of this ordinance shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

**(13) Chapter 68, Wisconsin Statutes, shall not apply to the administrative process outlined above.**

**(14) Severability. If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions of same."**

**Section 2.** Section 14.180 is repealed.

**Vagrancy.**

~~Any of the following are vagrants and are guilty of violating this section:~~

- ~~(1) A person, with the physical ability to work, who is without lawful means of support and does not seek employment; or~~
- ~~(2) A prostitute who loiters on the streets or in a place where intoxicating liquors are sold, or a person who, in public, solicits another to commit a crime against sexual morality.~~

**Section 3.** Section 14.240 is amended to read as follows:

~~Making or Exhibiting Lewd, Obscene or Indecent Drawings.~~

~~Repealed November 21, 1988.~~

**Crimes Against Sexual Morality**

**(1) Prostitution.**

- a. It shall be unlawful for any person to commit any of the following:
  - i. Have, offer to have or request or agree to have nonmarital sexual intercourse for anything of value.
  - ii. Commit, offer to commit or request to commit an act of sexual gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another person for anything of value.
  - iii. Masturbate a person, offer to masturbate a person or request to be masturbated by a person for anything of value.
  - iv. Commit, offer to commit or request to commit an act of sexual contact for anything of value.
  - v. Enter or remain in any place of prostitution with intent to have nonmarital sexual intercourse or to commit an act of sexual gratification, in public or in private, involving any of the acts listed in pars. a to d.
  - vi. Solicit another to commit any of the acts listed in pars. a to d.
  - vii. Direct or transport another person to a prostitute, or direct or transport a prostitute to another person, with intent to facilitate the other person in having non-marital intercourse or committing an act of sexual gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another, masturbation or sexual contact with a prostitute.
- b. **Evidence of Violation.** Circumstances which may be considered in determining whether a violation of this section has occurred include, but are not limited to:
  - i. Attempting to determine the presence of a police officer by exposing or touching, of seeking to expose or touch, an intimate body part of another or of one's self, or asking, soliciting, encouraging or attempting to procure another to do the same.
  - ii. Inquiring in any manner as to whether another person is a police officer.
- c. **Penalty.** Any person who violates any provision of this section shall, upon conviction, be fined not less than \$500 nor more than \$5,000, together with the costs of prosecution, and in default of payment shall be imprisoned as provided by law.

**(2) Soliciting Prostitution.**

- a. **Definitions.** In this section:
  - i. "Known area of prostitution" means a public place where within 3 years previous to the date of arrest for violation of this section, and within the knowledge of the arresting officer, a person had been arrested for a violation which led to a conviction in Manitowoc municipal court or Manitowoc County circuit court of an offense involving prostitution.
  - ii. "Known prostitute" means a person who, within 3 years previous to the date of arrest for violation of this section, had within the knowledge of the arresting officer been convicted in Manitowoc municipal court or Manitowoc County circuit court of an offense involving prostitution
  - iii. "Public place" means an area generally visible to public view and includes, but is not limited to, streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots and buildings open to the general public including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds surrounding them.
- b. Any person who loiters or drives in any public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution shall forfeit not less than \$500 nor more than \$5,000.
- c. Any person who enters or remains in any place of prostitution with intent to have nonmarital sexual intercourse or to commit an act of sexual gratification, in

public or in private, involving the sex organ of one person and the mouth or anus of another, masturbation or sexual contact with a prostitute shall forfeit not less than \$500 nor more than \$5,000.

- d. Among the circumstances which may be considered in determining whether such purpose is manifested are the following: that the person frequents, either on foot or in a motor vehicle, a known area of prostitution; repeatedly beckons to stop or attempts to stop, or engages known prostitutes in conversation; or stops the motor vehicle the person is the operator of and picks up or attempts to pick up a known prostitute. The violator's conduct must be such as to demonstrate a specific intent to induce, entice, solicit or procure another to commit an act of prostitution. No arrest may be made for a violation of this section unless the arresting officer first affords the person an opportunity to explain the person's conduct, and no one shall be convicted of violating this section if it appears at trial that the explanation given was true and disclosed a lawful purpose.

**(3) Pandering.**

- a. Whoever solicits another to have nonmarital sexual intercourse or to commit an act of sexual gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another, masturbation or sexual contact with a person the solicitor knows is a prostitute shall forfeit not less than \$500 nor more than \$5,000.
- b. Whoever directs or transports a person to a prostitute or directs or transports a prostitute to the person with the intent to facilitate the person in having nonmarital intercourse or committing an act of sexual gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another, masturbation or sexual contact with a prostitute shall forfeit not less than \$500 nor more than \$5,000.

**(4) Places of Prostitution.** Every person or persons who shall keep a place of prostitution or who grants the use or allows the continued use of a place of prostitution shall be fined not less than \$100 and not more than \$500, and any person who enters or remains in any place of prostitution with intent to have nonmarital sexual intercourse or to commit an act of sexual perversion as defined by ch. 944, Wis. Stats., and any acts amendatory thereof and supplementary thereto shall be fined not more than \$100.

**(5) Leasing Building for Prostitution.** All persons are prohibited from leasing or letting, either as landlord or agent of the landlord, or agent of the tenant, or as landlord through any agent or subagent, any house, room or other premises in the city to be used for the purpose of prostitution or lewdness. Any person violating this section shall upon conviction thereof be fined not less than \$50 nor more than \$500.

**(6) Mashing Prohibited.** Any person who shall improperly accost, ogle, insult, follow, pursue, lay hands on or otherwise molest another person theretofore to him or her unacquainted, shall upon conviction forfeit no more than \$500.”

**Section 5.** Section 14.550 is repealed.

~~**Houses of Ill Fame—Inmates—Solicitation—Common Prostitutes—Penalties.**~~

~~(1) Keeper—Lessor—Penalty. Any person who shall keep a disorderly house or a gaming house, or a house of ill fame, resorted to for the purpose of prostitution or lewdness, or shall set up or keep a common bawdy house or brothel, or who shall set up, maintain or operate any place, structure, building or conveyance for the purpose of prostitution, lewdness or assignation, or who shall knowingly lease or let to another any place, conveyance, structure, house or other building or any room in any house or building for the purpose of being used as a house of ill fame, bawdy house or brothel, or for the purposes of prostitution, lewdness or assignation or knowing that it will be so used, or who shall receive, or offer or agree to receive, any person into any place, structure, building or conveyance for the purpose of prostitution, lewdness or assignation, or shall permit any person to remain there for such purpose in the City of Manitowoc, shall be punished by a fine not less than \$25.00 nor more than \$500.00.~~

~~(2) Inmate—Frequenter—Penalty. Any person who shall resort to, frequent or become an inmate of or be found in any of the places described or referred to in subsection (1) of this section, in the City of Manitowoc, shall be punished by a fine of not more than \$100.00 nor less than \$10.00.~~

~~(3) Solicitation—Penalty. Any person who shall solicit or procure another to visit or become an inmate of a house of ill fame, common bawdy house or brothel, for the purpose of~~

~~prostitution or lewdness in the City of Manitowoc, shall be punished by a fine not exceeding \$200.00.~~

~~(4) Common Prostitute—Penalty. Any common prostitute who shall ply his/her trade in any public place or be in any public place for the purpose of plying his/her trade shall be punished by a fine not exceeding \$200.00.~~

**Section 6.** Section 14.580 is repealed.

~~**Leasing Building for Prostitution—Penalty.**~~

~~All persons are hereby prohibited from leasing or letting, either as landlord or agent of the tenant, or as landlord through any agent or sub-agent, any house, room or other enclosure, structure or premises in the City of Manitowoc to be used for the purpose of prostitution or lewdness. Any person violating any of the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than \$50.00 nor more than \$500.00.~~

**Section 7.** Section 14.590 is repealed.

~~**Gambling House—Penalty.**~~

~~Every person who as lessee or otherwise shall open, keep or manage a gambling house, or who shall procure or permit any person to frequent, or any person to go into, any building, room, structure, conveyance, booth, yard, tent, garden, boat, raft, float, vessel, or any other place within the City of Manitowoc, to play for money, or any other valuable thing, at any game, or to bet upon any game, race, or play on any unknown or contingent event, or who shall set up, use or keep for use, or permit to be used for gambling purposes within the limits of the City of Manitowoc any gaming table or gaming device, cards, dice, apparatus, machine or implement such as is usually used for the purpose of playing at any game for money, or any other valuable thing, shall upon conviction thereof be punished by a fine of not less than \$100.00 nor more than \$500.00.~~

**Section 8.** Section 14.660 is repealed.

~~**Gambling—Inmates—Penalty.**~~

~~Every person who shall frequent, or be an inmate of or be found within any building, room, booth, yard, tent, garden, boat, raft, float, vessel or other place within the City of Manitowoc where gambling is carried on shall upon conviction thereof be punished for the first offense by a fine of not more than \$50.00; for a second offense by a fine of not more than \$100.00; and for a third offense by a fine of not more than \$500.00.~~

**Section 9.** Section 14.670 is repealed.

~~**Seizure of Gambling Instruments—Arrest.**~~

~~It shall be lawful and the duty of any police officer of the City of Manitowoc, with or without warrant, to seize and remove any article, device or implement, of whatsoever name or nature the same may be, used or intended to be used for gambling purposes, whenever and wherever found, and to arrest, with or without warrant, any person violating any of the provisions of the Municipal Code relating to gambling in any form.~~

**Section 10.** Section 14.680 is repealed.

~~**Seizure of Gambling Instruments—Destruction—Resisting Officer—Penalty.**~~

~~It is hereby made the duty of every member of the Police Department to seize any table, wheel, instrument, device or thing kept for use, or used, for the purpose of gambling for money or other valuable thing, and all such tables, instruments, devices and things when so seized shall be destroyed after a judicial determination of the character or use. Any person obstructing or resisting any member of the Police Department in the performance of any act authorized in this section shall be punished by a fine of not less than \$25.00 nor more than \$500.00.~~



**Section 11.** Section 14.690 is repealed.

~~**Slot Machines, etc.—Penalty.**~~

~~No person shall possess, keep, own, operate, use or cause to be kept, operated or used in any room, tent, booth, shed, tavern, building, boat, raft, float, vessel, conveyance, structure or enclosure or upon any premises or any part thereof, or in any place within the City of Manitowoc, any clock, joker, tape, or slot machine, or other device of any kind or nature whatsoever, upon, in, by or through which money is or may be staked or hazarded, or into which money is or may be played or paid upon chance, or upon the result of the action of such clock, joker, tape, or slot machine, or other device, money or other valuable thing is or may be staked, bet, hazarded, won or lost.~~

~~Penalty. Any person violating any of the provisions of this section shall be punished by a fine of not less than \$10.00 nor more than \$100.00; and each and every day on which any person shall operate, keep, own or have in his possession or under his control any such clock, tape, or slot machine, or other device in violation of the provisions of this section shall be deemed a separate and distinct offense.~~

**Section 12.** Section 14.700 is repealed.

~~**Pool Selling—Use of Premises, etc.—Penalty.**~~

~~It shall be unlawful for any person, company or corporation to engage in pool selling or bookmaking, or to occupy any room, shed, tenement, tent or building, or any part thereof, or any place upon any public or private grounds within the limits of the City of Manitowoc, with books, apparatus or paraphernalia for the purpose of recording or registering bets or wagers or selling pools, or to record or register bets or wagers or sell pools upon the result of any trial or contest of skill, speed or power of endurance of man or beast, or upon the result of any political nomination, appointment or election, or upon any other uncertain event or occurrence, or, being the owner or lessee or occupant of any room, tent, tenement, shed, booth or building, or any part thereof, to knowingly permit the same to be used or occupied for any of the above enumerated purposes, or therein to keep, exhibit or employ any device or apparatus designed or kept for the purpose of recording or registering such bets or wagers, or the selling of such pools, or to become the custodian or depository for gain, hire or reward of any money, property or thing of value staked, wagered or pledged, or to be staked, wagered or pledged upon any such result or to receive, register, or record, forward or purport or pretend to forward to or for any race course, any money, thing or consideration of value, bet or wager, or money, thing or consideration offered for the purpose of being bet or wagered upon the speed or endurance of any man or beast, or upon any other future event or occurrence or to occupy any place or building, or part thereof, with books, papers, apparatus or paraphernalia for the purpose of receiving or pretending to receive, or for recording or registering, or for forwarding or pretending or attempting to forward, in any manner whatever, any money, thing or consideration of value bet or wagered, or to be bet or wagered for any other person, or to receive or offer to receive any money, thing or consideration of value bet or to be bet at any race track, or to assist or abet in any manner in any of the acts or things forbidden by this section.~~

~~Penalty. Any person or the officer or agent of any company or corporation who shall violate any of the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than \$100.00 and not exceeding \$500.00.~~

**Section 13.** Section 14.720 is repealed.

~~**Vagrants—Beggars—Organ Grinders—Street Musicians—Prostitutes—Gamblers—Penalty—Definition of Vagrancy.**~~

~~Every person being a gambler, common prostitute, vagrant, mendicant, street beggar, and every organ grinder or street musician playing on any instrument unsolicited and for the purpose of begging in this City shall, upon conviction, be punished by a fine of not more than \$200.00.~~

~~All persons of the classes enumerated as vagrants in Wis. Stat. § 947.02 (1961) shall be deemed vagrants within the meaning of this section, with the same force and effect as if said Wis. Stat. § 947.02 were set out here in full verbatim.~~

**Section 14.** Section 14.740 is repealed.

~~**14.740 Marathons and Other Physical Endurance Contests—Penalty.**~~

~~The holding, showing, exhibiting or advertising, in any manner whatsoever, of dance marathons, walkathons or other similar exhibition of physical endurance is hereby prohibited within the corporate limits of the City of Manitowoc.~~

~~Penalty. Any person, firm, association or corporation holding, showing or exhibiting a dance marathon, walkathon or other similar exhibition of physical endurance, or any person, firm, association or corporation advertising in any manner the holding, showing or exhibiting of any such dance marathon, walkathon or other similar exhibition of physical endurance, shall upon conviction thereof be punished by a fine not exceeding \$500.00 and each day of such holding, showing, exhibiting or advertising shall constitute a separate offense.~~

**Section 15.** Section 14.750 is repealed.

~~**Confectionery Stores, Ice Cream Parlors, Closing Hours—Penalty.**~~

~~Every person owning, operating or conducting any confectionery store or ice cream parlor in the City of Manitowoc, and every employee and agent of such person in charge of any such place shall at the hour of 12:00 midnight of each and every day close all parts of said premises which are habitually used in any degree for the aforesaid purposes so as to absolutely prevent entrance thereto for the public and shall at said hour require all guests, customers and other persons to depart therefrom and shall continuously from said hour until a half hour after 5:00 in the forenoon next following keep said parts of said premises so closed and all persons excluded therefrom, excepting only the owners, proprietors and employees necessarily there for the proper maintenance of the place.~~

~~Penalty. Any person convicted of violating any provision of this section shall be punished by a fine not exceeding \$100.00.~~

**Section 16.** This ordinance shall take effect the day after publication.

Introduced \_\_\_\_\_

Adopted \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Justin M. Nickels, Mayor

**Fiscal Impact:** none  
**Funding Source:** not applicable  
**Finance Director Approval:** /sc  
**Approved as to form:** /kmm

Drafted by Elizabeth Majerus, Staff Attorney