



CITY OF MANITOWOC

WISCONSIN, USA

www.manitowoc.org

September 5, 2023

TO: Members of the Public Safety Committee

FROM: Eric Nycz, Interim City Attorney

Re: Update to MMC 16.150

Manitowoc Municipal Code 16.150 does a lot of work for one ordinance. While it is titled “Minimum Property Maintenance Standards,” it contains multitudes. Staff is recommending changes that will impact two general areas of property maintenance. The first is a change to help clarify and tighten up our restrictions on temporary housing. Generally, I read our code as allowing a tent on an empty lot to serve as a residence for up to 30 days (in a 12-month period). Staff would like to better define that as all temporary housing (as defined by the code) and reduce the number of days to 10 (in a 12-month period) due to the number of complaints (see attached, prepared by Inspector Scott Keil), increase in activity, and the general safety concerns of temporary housing.

The second change is to close a loophole that allows residential property owners who rent single units or single homes to avoid a requirement that they provide garbage and disposal services to their tenants. This was addressed several years ago for multi-unit residences but single-unit rentals were not accounted for at the time. Staff has seen an increase in garbage piling up at these units, causing staff hours to be spent picking up garbage.

Should you have any questions regarding these proposed changes, please do not hesitate to reach out to this Office. Further, Inspector Supervisor Bill Nichols will be available for questions during the September 11, 2023 Public Safety Committee Meeting.

Thank you for your consideration.

INTERIM CITY ATTORNEY ERIC NYCZ

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03/09/2023 - Complaint of people living in a camper south of 105 N 41st St.

05/26/2023 - Complaint of people living in a shed at 3914 Ellis St.

05/30/2023 - Complaint of a male living in a shed at 827 N 9th St.

06/09/2023 - Complaint of people living in a garage at 1912 Madison St.

06/15/2023 - Complaint of people living in a shed at 3914 Ellis St.

06/21/2023 - Complaint of people living in a garage at 1912 Madison St.

06/30/2023 - Complaint of a male living in a camper at 4010 Archer St.

07/03/2023 - Complaint of people living in a garage at 1912 Madison St.

08/06/2023 - Complaint of people living in a garage at 1912 Madison St.

08/23/2023 - Complaint of people living in tents at First Presbyterian Church.

08/23/2023 - Complaint of people living in tents at 702 Chicago St.

08/28/2023 - Complaint of people living in tents at 702 Chicago St.

08/29/2023 - Complaint of a male living in a vehicle at 2201 Clark St.

ORDINANCE

An Ordinance to amend Section 16.150 of the Manitowoc Municipal Code regulating Minimum Property Maintenance Standards.

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

Section 1. Section 16.150 is amended to read as follows:

...

(2) Definitions. The following definitions shall only apply in the interpretation and enforcement of this chapter. Wisconsin Statutes shall be incorporated without specific reference where terms require further interpretation.

...

Accessory Dwelling Unit shall mean a residential living unit on the same parcel on which a principal building used as a single-family dwelling is present or may be constructed. It provides complete independent living facilities for one or more persons and meets the Wisconsin Uniform Building Code and Wisconsin Uniform Dwelling Code.

...

Dwelling shall mean any building or structure, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants and includes any appurtenances attached thereto.

Dwelling unit shall mean any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating of meals.

...

Recreational vehicle shall mean a vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled homes.

...

Temporary housing shall mean any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than **10** ~~30~~ days in a 12-month period.

...

(3) Inspection by Code Enforcement Officer.

...

(b) Dwellings not permitted. With the exception of an accessory dwelling unit, in no instance shall an accessory structure, tent, vehicle, shed, garage, or recreational vehicle be used as a dwelling or permanent residence. Temporary housing in a tent or recreational vehicle is permitted but not to exceed 10 days in any 12-month period unless such housing is located on a state licensed campground.

(b c) Access by Owner or Operator. Every occupant of a dwelling...

...

(6) Minimum Standards for Exterior Property Areas. No person shall own or occupy a property that is not in a sanitary and safe condition and that does not comply with the requirements of this section.

...

(d) Garbage and Recycling. The owner of any dwelling or dwelling unit shall supply the occupant(s) of the dwelling or dwelling unit with adequate garbage facilities or approved

garbage storage containers whose type and location are available for the occupant's **or occupants'** use. Every occupant and/or owner shall dispose of all garbage, recycling, and other organic waste which might provide food for rodents in a clean and sanitary manner by placing it in approved garbage storage containers. Garbage and recycling receptacles, when stored outside, shall be leakproof, secure against rodents and have permanent, tight fitting covers. Garbage and recycling receptacles shall be stored in an unobtrusive area and shall be screened from off-premises view, except that they may be placed at the street for collection within 24 hours preceding and following the time for pickup. The ~~occupant and/or~~ owner shall remove all garbage, rubbish and recyclables or have such waste removed by a licensed hauler at least once a week.

...”

Section 2. This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____

JUSTIN M. NICKELS, Mayor

Fiscal Impact:
Funding Source:
Finance Director Approval: /
Approved as to form: /

This ordinance was drafted by Eric G. Nycz, Interim City Attorney