



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 14.140

On occasion, the Manitowoc Police Department is called to respond to multiple noise complaints in the same evening at the same address. Common practice of the Department has been to investigate whether a violation of MMC 14.140 has occurred and, if so, issue a forfeiture. If there is a subsequent offense, the bond schedule calls for an increase in the fine amount and a ticket is issued based on the increase in the schedule.

Recently, Municipal Judge Steven Olson correctly opined that the best practice, legally, would require officers to determine if the suspect has been convicted of a prior occurrence before issuing a 2nd (or subsequent) citation for increased penalties. In order to follow this guidance, Officers would have to investigate the complaint, determine whether the suspect was in violation of the ordinance, then return to the station to manually check prior convictions for the offense, and then return to the location of the violation to issue the citation. (Officers cannot determine this information remotely, per Chief Nick Reimer).

Staff suggests a simple solution: mirror the language found in MMC 14.170 for Alarm Systems, which proscribes the forfeiture amount for each violation (not conviction). This will allow Officers to write tickets contemporaneously with this visit while also allowing them to increase the forfeiture amount for each subsequent violation. That will better serve the intent of the law, which is deter future violations. Officers report that they occasionally see repeat offenders, but that they rarely, if ever, see three-time offenders, likely due to the escalating penalties.

This change is cosmetic and procedural, as the forfeiture amounts will all remain the same. But it will make things easier on the Police Department, particularly the City's third shift, when investigating and writing forfeitures for these violations.

Thank you for your consideration.

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ORDINANCE

An Ordinance to amend Section 14.140 of the Manitowoc Municipal Code regulating Loud Noise.

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

Section 1. 14.140 Loud Noise.

Whoever in a public or private place engages in or permits on premises owned or rented by such person or under the control of such person unreasonably loud noise under circumstances in which such noise tends to cause or provoke a disturbance shall be guilty of violating this section.

The penalty for violating this section shall be as follows:

Offense	Forfeiture	
	Juvenile	Adult
1 st cited offense	\$50	\$110
2 nd cited offense	\$100	\$200
3 rd cited offense	\$150	\$300
4 th and subsequent cited offense(s)	\$200	\$500

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

INTRODUCED _____ ADOPTED _____

Justin M. Nickels, Mayor

APPROVED _____

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

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