

ORDINANCE

An Ordinance to create Section 14.005 of the Manitowoc Municipal Code regulating Offenses Against Public Policy, Safety, Morals and Peace.

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

Section 1. Section 14.005 is created to read as follows:

“14.005 Enhanced Penalties.”

(1) Purpose. The purpose of this section is to establish when an offense shall be treated as a second or subsequent offense for purposes of applying enhanced penalties under this Chapter.

(2) Definitions. For purposes of this section:

(a) “Conviction” means a finding of guilt by a court of competent jurisdiction, whether upon a plea of guilty, no contest, default judgement or after trial.

(b) “Contemporaneous conviction” means a conviction entered on the same date as the conviction for the present offense, where the underlying violation(s) arose from separate acts.

(3) Applicability of Enhancement.

(a) A violation of any provision of this Code for which an enhanced penalty is authorized upon a second or subsequent offense shall be subject to such enhanced penalty if the defendant has been previously convicted of the same or a substantially similar offense.

(b) For purposes of determining whether an offense is a second or subsequent offense:

1. Each conviction shall be counted separately, regardless of whether the offenses arose from the same incident or occurrence, provided the offenses are based upon separate acts.

2. A prior conviction shall be counted if judgment was entered before final sentencing on the present offense.

3. A contemporaneous conviction shall be counted as a prior conviction if the conviction is entered before or at the same time as sentencing for the present offense, and the underlying offense occurred before the present offense.

(c) The order in which convictions are entered shall not be determinative if multiple offenses are adjudicated on the same date. The court may treat each qualifying offense as a prior conviction for purposes of enhancement, provided the offenses arose from separate and distinct acts.

(4) Proof of Prior Conviction. The existence of a prior or contemporaneous conviction shall be established by competent evidence, including a certified court record, and shall be determined by the court at the time of sentencing.

(5) Construction. This section shall be liberally construed to effectuate the intent of the Common Council that repeat offenders be subject to enhanced penalties as authorized by this Chapter.”

(6) Conflict. In the event that any provision of this section is in conflict with any other provision of this Chapter, the provisions of this section shall govern.

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

INTRODUCED _____ ADOPTED _____

APPROVED _____
Justin M. Nickels, Mayor

Fiscal Impact:	Anticipate no more than \$300 for ordinance publication and code update expenses. Expenses are appropriated in the 2026 adopted budget. No additional tax levy or 2026 budget amendments needed.
Funding Source:	General Fund – Clerks – Pub of Legal Notices (1100-13100-532100)
Finance Director Approval:	/SMA
Approved as to form:	/EGN

This Ordinance was drafted by Eric G. Nycz, City Attorney