

MARINE COMMISSION MEETING
Monday, April 11, 2022 – 9:30 a.m.
Council Chambers, City Hall, Vero Beach, Florida

AGENDA

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES**
 - A) January 10, 2022**
- 3. PUBLIC COMMENT**
- 4. OLD BUSINESS**
 - A) Review Draft Welcome Letter for Anchored Vessels – Mr. Clinton Lanier**
 - B) Vessel Enforcement Update – Mr. Keith Drewett**
- 5. NEW BUSINESS**
 - A) Anchoring Vessels and At Risk Vessels – Mr. Keith Drewett**
- 6. MARINA DIRECTOR’S MATTERS**
 - A) Update on Design Plans for the South Complex**
- 7. CHAIRMAN’S MATTERS**
 - A) Commission Ethics and Conflict of Interest – Mr. Ben Trautman and Ms. Jenny Flanigan**
- 8. MEMBER’S MATTERS**
- 9. NEXT MEETING DATE**
 - A) Set the Date for the Next Marine Commission Meeting**
- 10. ADJOURNMENT**

This is a Public Meeting. Should any interested party seek to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and that, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone who needs a special accommodation for this meeting may contact the Americans with Disabilities Act (ADA) Coordinator at 978-4920 at least 48 hours in advance of the meeting.

MARINE COMMISSION MINUTES
Monday, January 10, 2022 – 9:30 a.m.
Training Room, 2nd Floor, City Hall, Vero Beach, Florida

PRESENT: Chairman, Ben Trautman; Vice Chairman, Keith Drewett; Members: Clinton Lanier, and Alternate Member, Robert Snyder **Also Present:** Marina Director, Sean Collins (arrived at 9:47 a.m.); Assistant City Attorney, Jenny Flanigan; Director of Planning and Development, Jason Jeffries; and Senior Administrative Assistant, Rita Chartier

Excused Absences: Bill Johnson and Brian Cunningham

1. CALL TO ORDER

Chairman Trautman called the meeting to order at 9:31 a.m.

2. APPROVAL OF MINUTES

A) September 27, 2021

Mr. Drewett stated that on page 3, Mr. Bob Jones might have misspoken because the Vero Beach Yacht Club is a 501(c)(7) nonprofit club, not a 501(c)(3).

Mr. Lanier made a motion to approve the September 27, 2021 Marine Commission minutes with the one (1) correction made. Mr. Drewett seconded the motion and it passed unanimously.

3. PUBLIC COMMENT

None

4. OLD BUSINESS

This item was discussed after item 4-B).

A) Update on the Three Corners Project – Mr. Jason Jeffries, Director of Planning and Development

Mr. Jason Jeffries, Director of Planning and Development, said he was requested to provide this Commission with an update on the Three Corners Project. He said he provided them with a copy of the Master Plan that has been recommended by the Three Corners Steering Committee and the Planning and Zoning Board (on file in the City Clerk's office). They both found it to be consistent with the City's Comprehensive Plan, so it will be presented to City Council on January 18, 2022. He provided them with the background on how the planning process started and how it got to where it is today. He explained that while all the planning was taking place, the City was in the middle of updating the City's Comprehensive Plan, which was adopted in May, 2018. The City hired a professional firm, DPZ CoDesign, which is a well-known urban design firm. They are known for creating mixed use sites like the illustration on the cover of the proposed plan. He said a lot of the early ideas from this Commission, the Recreation Commission and the Chamber Taskforce have made their way

into this plan. There was an extensive outreach to the community through radio, media, charrettes, and a website called Speak Up Vero Beach where people could leave their comments and suggestions. The consultant presented numerous scenarios to the City, both before and after the pandemic. In January, 2021 the consultants came back with their final plan recommendation and it was called the Community Plan. After the Community Plan was accepted, City Council directed City staff to have an economic feasibility study done on the plan. The study came back indicating it was feasible and well-conceived. He continued by going through the Master Plan and explaining the different uses proposed for the property.

Mr. Trautman said for this update, maybe he could just focus on the Marina portion of the plan so they do not take up too much of his time.

Mr. Jeffries replied that is fine. He said he will cover the Waterfront Village. He explained that along the waterfront is a walking promenade. The adjacent marina started off more as day docks, but now some of the docks might be leased to the hotel for overnight stays. The marina presented in the plan is now more than just day docking, but it is not a full service marina either. He explained that the Wastewater Plant property has been mothballed for now, but in the interim it could be used for an event field. He explained that the City entered into a Memorandum of Understanding (MOU) with the Youth Sailing Foundation for them to be able to develop a portion of the site once the Wastewater Plant is decommissioned.

Mr. Snyder asked if there is definitely a hotel planned for the site.

Mr. Jefferies replied if it is feasible, the preference is to redevelop "Big Blue" Power Plant building into a hotel with a conference center.

Mr. Snyder explained that the Vero Beach Rowing Club is growing rapidly and when college teams come to Vero Beach to train they are always looking for places to stay. This location would be very convenient.

Mr. Jefferies stated that the Financial Analyst reported that there is potential for a three (3) to five (5) star hotel, so it will be more of a destination resort. There were also some comments that someone might develop the site with a variety of hotel types and with a range of pricing. He will still need to update the Comprehensive Plan, do future land use amendments, and update the specific zoning codes for this site. He explained that both the Power Plant and the Wastewater Plant sites are protected under the City Charter, which means the City cannot sell or lease them for commercial purposes. The City can lease them for recreational or civic purposes, so in order to develop the properties as presented they will need to put it to a vote by the public to change the City Charter.

Mr. Trautman asked if there will be any issues with dredging or preparing this land because of seagrass beds.

Mr. Collins replied that no matter what, surveys will still have to be done down the line. He said based on the depth and the clarity of the water it is very similar to the area around the City Marina, so he believes there will not be any seagrass there.

Mr. Drewett asked Mr. Collins if he has any concerns about conflicts with the City Marina and the commercial viability of the development.

Mr. Collins replied that he has always been in favor of some sort of day docks and it is evolving, but there is a long way to go.

Mr. Trautman asked if there is a timeframe for decommissioning the Wastewater Plant.

Mr. Jefferies replied that it will be a five (5) year process. He believes the demolition of the Wastewater Plant will be taking place at the same time the Power Plant site is being developed.

Mr. Snyder made a motion that the Marine Commission is in favor of this plan and that they want to stay involved with this project. Mr. Trautman seconded the motion and it passed unanimously.

B) Vessel Enforcement Update – Mr. Keith Drewett

This item was discussed prior to item 4-A).

Mr. Drewett stated that he asked Police Chief, David Currey for an update on the derelict vessels, but he offered to send Captain Matt Monaco to their meeting to give them a report.

Captain Matt Monaco explained that they are still waiting on the delivery of the new police boat. The hull has been shipped, but they are having trouble obtaining a motor. He said there were a few vessels near Fritz Island that were brought to their attention, so they went out on January 6, 2022 utilizing their old boat to check them out. There were no vessels on the south or west sides of Fritz Island, but there were a few boats north of Fritz Island. One (1) was identified as being in the City limits and it is not a derelict or at risk boat. However, it was close enough to the mangroves that they will try to relocate it. There were three (3) other vessels further north, but they are in the jurisdiction of the Sheriff's Department. They can definitely say that one (1) is absolutely at risk if not a derelict boat. It has an open hull with some water intrusion, so they brought that to the attention of the Sheriff's Department and the Florida Fish and Wild Life Conservation Commission (FWC). The other two (2) vessels are sea worthy. They might be unsightly, but they are not derelict boats.

Mr. Trautman asked how will they be utilizing the new boat and how often will it be manned.

Captain Monaco replied that their first priority is patrol, but they would certainly like to have someone out there full time. Right now they have several officers out with COVID, but when the new police boat comes in they will continue their efforts and have an officer out there more often than not.

Mr. Trautman asked how are they determining at risk vessels. Are they basing it on a visual from the outside, or are they boarding the boat and doing a safety inspection.

Captain Monaco replied that with this particular vessel they drove by and they could clearly see the open hull and the water intrusion, so it was easy to determine it was at risk or derelict. There is some other criteria they use that helps them determine that as well.

Mr. Drewett stated that the FWC has a list of six (6) criteria that help them determine if a vessel is at risk of becoming a derelict boat.

1. **Vessels in the City of Vero Beach Waters**
2. **All Vessels in Indian River County South of Grand Harbor**

Mr. Drewett went through the photos of the vessels that are in the City and the County and he provided some information on each of them (on file in the City Clerk's office). He said he agrees with Captain Monaco that many of these vessels do not meet the FWC's technical standards for being derelict, but they are of concern. He would encourage City Council to think about how they can handle this. The City Code could be applied and the City Code can be amended with a vote by City Council. He continued discussing and sharing information on some of the vessels from the photos.

Mr. Trautman recommended they refocus on what they can do and discuss it among the Commission members. If they feel it is something they need to move forward on then they can make a recommendation to City Council. He said some of the boats are a concern and others may not be. They might have their own opinions on the condition of them, but they might still be operating under the requirements of the FWC. They will want to consider that before they bring this up to City Council.

Mr. Lanier asked if they have the ability to identify and contact the owners.

Captain Monaco replied yes they have that ability. If it is an abandoned boat it makes it more difficult, but they have other resources available to help identify the owner.

Mr. Lanier asked if a vessel is only documented and it does not have any Florida or State numbers on the hull how can it be identified.

Mr. Trautman said he believes that the name of the vessel can be registered and he is not sure if they even need to display a hull number.

Captain Monaco explained that in most cases if a vessel has a motor it has to have a hull number. It is very rare that they come across a boat without some sort of hull number or vessel number.

Mr. Lanier said if they can identify the owners would it be possible to draft a letter from the City to initiate contact with them. They can ask the owner what their intentions are for the boat.

Mr. Drewett said that process has been recently updated and sending a letter is part of the process per the Florida Statutes.

Ms. Jenny Flanigan, Assistant City Attorney, replied that the Florida Statute has always had due process notice requirements that the City and the State have to follow. The Statute is very specific on what notice has to be given and what it needs to state, but that applies when the law enforcement agency has determined there is an at risk or derelict vessel. It sounds like Mr. Lanier is asking for letter to be sent before that determination is made.

Mr. Lanier replied yes. It would be a letter to welcome them and let the owner know the City acknowledges their vessel and they are interested in the status of it.

Mr. Drewett said that one (1) of the requirements is that the vessel needs to be moved under its own power within 72 hours.

Ms. Flanigan replied that is just one (1) of the criteria under the Statue, but there are many.

Mr. Lanier said the letter would be sent to the owners of boats that have been anchored for quite some time or are in the mangroves and not the ones utilizing the mooring field. He has found that many problems can be avoided by establishing a basic line of communication.

Mr. Trautman asked what triggers a letter to be sent to the owner.

Ms. Flanigan explained that under the new Legislation there are three (3) categories. There are derelict vessels, at risk of becoming derelict, and somewhere in between are nuisance vessels and that notice is triggered when law enforcement has determined a vessel is at risk of becoming derelict.

Mr. Lanier said his thought was to send a friendly letter to establish a reliable line of communication with the owner and to let them know the City is here to assist them as well. It would have nothing to do with enforcement, but more about finding a way to contact them if a problem or concern should arise with their vessel.

Mr. Snyder said that Florida has a lot of coastline and he is sure other cities are dealing with this issue. He would like to know how other cities are handling it.

Ms. Flanigan explained that she is researching how other larger cities are handling their derelict vessels and she found that they utilize their Code Enforcement Boards. That might be an option for the City in the future once there is a vessel for patrolling, but right now that is a few months away. She explained that the City would have to update the City Code if they want to go that route.

Mr. Trautman asked the Commission members if they want to move forward with this and make a recommendation.

Mr. Lanier replied yes. He thinks it would be good to send out a friendly letter to establish communication between the anchored vessels and the City.

Mr. Sean Collins, Marina Director, said it would sort of be like a registration with the owners address as well as a phone number and maybe an email address as a way to communicate with them.

Ms. Flanigan said she will do some research and see if any other cities have creatively handled this.

Mr. Lanier volunteered to draft a letter for the City Attorney's office to review. He said they might not be able to identify every vessel but it would be nice to build a data base on the ones they do make contact with.

Ms. Flanigan said she will work with the Police Department on the suggestion of a data base and how that would work and report back to their Commission at their next meeting. She asked if they wanted to take a vote to make sure there is a consensus with this request.

Mr. Trautman said that he would entertain a motion to move forward with beginning the process of drafting a letter.

Mr. Collins said that a few years ago there was an article in the newspaper about the town of Jupiter trying to come up with some sort of registry where the vessels would have to register with the Police Department. He is not sure if they got it approved, but that is the most recent thing he has heard about any city trying to do something like this.

Ms. Flanigan said she does not think they could have a mandatory registration, but it would be more of a voluntary friendly process.

Captain Monaco explained that the Police Department can be held accountable if they are not handling the vessel registration database correctly, so they need to have a reason to run a vessel through the system. He stated once the patrol boat is up and running and they are fully staffed again maybe they could start doing vessel checks like they do on houses just to make sure the vessel has not been broken into.

Mr. Don Chambers, City resident, said he is not a boat owner, but he likes the idea of the letter because it lets the owner know they are welcome and that they have been seen. He said up until recently the County had a volunteer boat patrol. He thought if the City cannot get an officer out on the water, they could potentially consider having volunteers who could go out in a police marked vessel. There will be some liability involved and the cost for fuel, but just to have something that looks like enforcement on the water can be an amazing thing and it is rather inexpensive.

Mr. Trautman said that is a great idea and he supports volunteering, but he recommends they table it until they get the police boat and everything settles down with COVID. He said he would like to wrap up their discussion on the welcome letter for the boaters.

Mr. Drewett made a motion to move forward with the proposed welcome letter. Mr. Lanier seconded the motion and it passed unanimously.

5. NEW BUSINESS

Mr. Trautman stated that Mr. Drewett has some new business pertaining to an anchoring issue, but he asked to table this item until their next meeting.

6. MARINA DIRECTOR'S MATTERS

A) Update on the Status for the South Complex Rebuild

Mr. Collins explained that an Architect with Coastal Tech started putting some drawings together of dry storage buildings and he will be meeting with him on Wednesday. They will probably narrow it down to three (3) building options, a basic, mid-size, and a deluxe version. They will work out some figures and dial in on it as they work with the Planning and Zoning

Board. They still plan on trying to get the docks put in this summer. As of right now, with all the boats that typically leave for the summer he will have enough space for the remaining boats to move up to the main complex. That will save them about \$10,000 in revenue and they will not have to ask anyone to leave.

Mr. Trautman asked what capacity is the Marina at.

Mr. Collins replied that they are at 100 percent capacity.

7. CHAIRMAN'S MATTERS

None

8. MEMBER'S MATTERS

Mr. Snyder said the new Director of the Rowing Club reported that the youth rowing program has tripled in size from last year. Collages and people are finding out about the Vero Beach Rowing Club.

Mr. Trautman said that he is a big supporter of the Rowing Club and the Youth Sailing Foundation because they are huge assets to the City and they keep the youth active.

Mr. Lanier asked if the water quality was clean and safe enough for all these water activities.

Mr. Collins said when he first came to Vero Beach there was a big concern about the increase in boats and an increase in illegal dumping. However, the pump out boat is being utilized and boats are coming in for pump outs and that number has been consistently high all season.

9. NEXT MEETING DATE

A) Set the Date for the Next Marine Commission Meeting

The next Marine Commission meeting was tentatively scheduled for April 11, 2022 at 9:30 a.m. at the Vero Beach City Marina.

10. ADJOURNMENT

The Marine Commission adjourned today's meeting at 10:58 a.m.

/rc

5-A)

Select Year: 2021 ▾ Go

The 2021 Florida Statutes

Title XXIV
VESSELS

Chapter 327
VESSEL SAFETY

[View Entire Chapter](#)

327.4108 Anchoring of vessels in anchoring limitation areas.—

(1)a The following densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant recreational boating traffic, are designated as and shall be considered to be grandfathered-in anchoring limitation areas, within which a person may not anchor a vessel at any time during the period between one-half hour after sunset and one-half hour before sunrise, except as provided in ¹subsections (4) and (5):

(a)a The section of Middle River lying between Northeast 21st Court and the Intracoastal Waterway in a Broward County.

(b)a Sunset Lake in Miami-Dade County.a

(c)a The sections of Biscayne Bay in Miami-Dade County lying between:a

1.a Rivo Alto Island and Di Lido Island.a

2.a San Marino Island and San Marco Island.a

3.a San Marco Island and Biscayne Island.a

(2)(a) Notwithstanding s. 327.60(2)(f), a county, except for Monroe County, may establish, in accordance with this subsection, an anchoring limitation area adjacent to urban areas that have residential docking facilities and significant recreational boating traffic. The aggregate total of anchoring limitation areas in a county may not exceed 10 percent of the county's delineated navigable-in-fact waterways. As used in this subsection, the term "navigable-in-fact waterways" means waterways that are navigable in their natural or unimproved condition over which useful commerce or public recreation of a substantial and permanent character is or may be conducted in the customary mode of trade and travel on water. The term does not include lakes or streams that are theoretically navigable; have a potential for navigability; or are temporary, precarious, and unprofitable, but the term does include lakes or streams that have practical usefulness to the public as highways for transportation. Each anchoring limitation area must meet all of the following requirements:

1.a Be less than 100 acres in size. For purposes of this subsection, the calculated size of the anchoring limitation area does not include any portion of the marked channel of the Florida Intracoastal Waterway contiguous to the anchoring limitation area;

2.a Not include any mooring field or marina; and a

3. Be clearly marked with all of the following:

a.a Signs that provide reasonable notice to boaters identifying the duration of time beyond which anchoring is limited and identifying the county ordinance by which the anchoring limitation area was created.

b.a Buoys. The county that has created an anchoring limitation area shall install and maintain buoys marking the boundary of the anchoring limitation area.

The signs and buoys must be permitted and installed in accordance with ss. 327.40 and 327.41 and commission rule.

(b)a Except as provided in subsections (4) and (5), a person may not anchor a vessel for more than 45a

consecutive days in any 6-month period in an anchoring limitation area established pursuant to this subsection.

(c)e A county proposing establishment of an anchoring limitation area in accordance with this subsection shall provide notice to the commission at least 30 days before introducing an ordinance to establish the anchoring limitation area. The commission shall publish notice of the proposed ordinance on its website and distribute such notice through the commission's Boating and Waterways Section e-mail distribution list for ordinances.

(3)(a) Monroe County is designated as an anchoring limitation area within which a vessel on waters of the state may only be anchored in the same location for a maximum of 90 days. The commission shall adopt rules to implement this subsection.

(b)e The anchoring limitations in this subsection do not apply to approved and permitted moorings or mooring fields.

(c)e Notwithstanding the commission rules adopted pursuant to this ²section, this section is not effective for Monroe County until the county approves, permits, and opens new moorings for public use, including at least 250 moorings within 1 mile of the Key West Bight City Dock and at least 50 moorings within the Key West Garrison Bight Mooring Field. Until such time, the commission shall designate the area within 1 mile of the Key West Bight City Dock as a priority for the investigation and removal of derelict vessels.

(4)e Notwithstanding subsections (1), (2), and (3), a person may anchor a vessel in an anchoring limitation area during a time that would otherwise be unlawful:

(a)e If the vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or three persons onboard unless the vessel anchors. The vessel may anchor for 3 business days or until the vessel is repaired, whichever occurs first.

(b)e If imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors. The vessel may anchor until weather conditions no longer pose such risk. During a hurricane or tropical storm, weather conditions are deemed to no longer pose an unreasonable risk of harm when the hurricane or tropical storm warning affecting the area has expired.

(c)e During events described in s. 327.48 or other special events, including, but not limited to, public music performances, local government waterfront activities, or fireworks displays. A vessel may anchor for the lesser of the duration of the special event or 3 days.

(5)e This section does not apply to:

(a)e Vessels owned or operated by a governmental entity for law enforcement, firefighting, military, or rescue purposes.

(b) Construction or dredging vessels on an active job site.

(c)e Vessels actively engaged in commercial fishing.

(d)e Vessels engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.

(6)(a) As used in this subsection, the term "law enforcement officer or agency" means an officer or agency authorized to enforce this section pursuant to s. 327.70.

(b)1. For a vessel in an anchoring limitation area established pursuant to subsection (2), upon an inquiry by a law enforcement officer or agency, a vessel owner or operator must be given an opportunity to provide proof that the vessel has not exceeded the limitations described in subsection (2). Such proof may include any of the following:

a.e Documentation showing that the vessel was in another location at least 1 mile away within a period of less than 45 days before the inquiry.

b.e Electronic evidence, including, but not limited to, navigational devices or tracking devices that show the vessel was in another location at least 1 mile away within a period of less than 45 days before the inquiry.

2.e If a vessel owner or operator fails or refuses to provide proof that the vessel has not exceeded the limitations described in subsection (2), the law enforcement officer or agency may issue a citation for a violation of this section.

(c) A law enforcement officer or agency may remove a vessel from an anchoring limitation area and impound the vessel for up to 48 hours, or cause such removal and impoundment, if the vessel operator, after being issued a citation for a violation of this section:

1.r Anchors the vessel in violation of this section within 12 hours after being issued the citation; or

2.r Refuses to leave the anchoring limitation area after being directed to do so by a law enforcement officer or agency.

(d) A vessel that is the subject of more than three violations within 12 months which result in dispositions other than acquittal or dismissal shall be declared to be a public nuisance and subject to s. 705.103 or, for a derelict vessel, subject to s. 823.11.

(e) A law enforcement officer or agency acting under this subsection to remove or impound a vessel, or to cause such removal or impoundment, shall be held harmless for any damage to the vessel resulting from such removal or impoundment unless the damage results from gross negligence or willful misconduct.

(f)r A contractor performing removal or impoundment services at the direction of a law enforcement officer or agency pursuant to this subsection must:

1.r Be licensed in accordance with United States Coast Guard regulations, as applicable.r

2.r Obtain and carry a current policy issued by a licensed insurance carrier in this state to insure against anyr accident, loss, injury, property damage, or other casualty caused by or resulting from the contractor's actions.

3.r Be properly equipped to perform such services.r

(g)r In addition to the civil penalty imposed under s. 327.73(1)(z), the operator of a vessel that is removedr and impounded pursuant to paragraph (c) must pay all removal and storage fees before the vessel is released. A vessel removed pursuant to paragraph (c) may not be impounded for longer than 48 hours.

(7) A violation of this section is punishable as provided in s. 327.73(1)(z).

History.—s. 1, ch. 2016-96; s. 5, ch. 2017-163; s. 13, ch. 2021-184; s. 1, ch. 2021-192.

¹Note.—Substituted by the editors for a reference to subsections (3) and (4), as added by s. 13, ch. 2021-184, to conform to their redesignation of subsections by s. 1, ch. 2021-192.

²Note.—As amended by s. 13, ch. 2021-184. The amendment by s. 1, ch. 2021-192, uses the word "subsection" instead of the word "section."



Derelict, Abandoned & At Risk Vessels

At Risk Vessels

AT RISK Vessels are a concern for the boating public in the state of Florida. Presently, State, County, and Local Law Enforcement Officers are keeping their eyes on these vessels.

At-Risk vessels are defined in Florida Statute 327.4107, This act shall take effect July 1, 2016

An officer of the commission or of a law enforcement agency specified in s. 327.70 may determine that a vessel is at risk of becoming derelict if any of the following conditions exist:

1. The vessel is taking on or has taken on water without an effective means to dewater.
2. Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time.
3. The vessel has broken loose or is in danger of breaking loose from its anchor.
4. The vessel is left or stored aground unattended in such a state that would prevent the vessel from getting underway, is listing due to water intrusion, or is sunk or partially sunk.
5. The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives telephonic or written notice, which may be provided by facsimile, electronic mail, or other electronic means, stating such from an officer, and the vessel owner or operator is unable to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for vessel repair.

A person who anchors or moors a vessel at risk of becoming derelict on the waters of this state or allows such a vessel to occupy such waters commits a noncriminal infraction, punishable as provided in s. 327.73.