

# INSTRUCTION SHEET ADDITIONS TO MILWAUKEE CITY CHARTER

## SUMMARY

This supplement incorporates changes to the Milwaukee City Charter enacted by the following Common Council files:

- 160124      A substitute charter ordinance relating to benefits for non-represented sworn policemen.
  
- 160315      A charter ordinance relating to the commissioner of building inspection
  
- 160453      A substitute charter ordinance relating to residency requirements for city law enforcement, fire and emergency employees and officers.

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<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
<b>Remove <u>old</u> MEMO (Suppl. #179)</b>				v-vi	v-vi
5-02-1	rc	160453	10/11/2016	25-30b	25-30
5-02-2	am	160453	10/11/2016	“	“
5-02-3	am	160453	10/11/2016	“	“
5-02-4	rp	160453	10/11/2016	“	“
5-02-5	ra to 5-02-4	160453	10/11/2016	“	“
5-02-6	ra to 5-02-5	160453	10/11/2016	“	“
5-02-6-a	am	160453	10/11/2016	“	“
5-02-6-b-0	am	160453	10/11/2016	“	“
5-02-6-b-1	am	160453	10/11/2016	“	“
5-02-6-b-2	am	160453	10/11/2016	“	“
5-02-6-b-5	am	160453	10/11/2016	“	“
5-02-7	rn to 5-02-6	160453	10/11/2016	“	“
5-02-8	rp	160453	10/11/2016	“	“
5-02-9	rp	160453	10/11/2016	“	“
5-02-10	ra to 5-02-7	160453	10/11/2016	“	“
8-01	am	160315	9/21/2016	49-50	49-50

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
36-05-1-f	am	160124	10/11/2016	313-314	313-314
36-08-7-b	am	160124	10/11/2016	347-348	347-348

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Abbreviations:

am=amended  
cr=created

ra=renumbered and amended  
rc=recreated

rn=renumbered  
rp=repealed

Revised 7/26/2016  
Suppl. #180

## **MEMO**

If all supplements have been properly inserted, this book contains all actions of the Common Council through July 26, 2016.

Revised 7/26/2016  
Suppl. #180



CHAPTER 5  
CITY EMPLOYES AND OFFICERS

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**5-01. City Service; Offices Excepted.** Officers of the city of Milwaukee who are elected by the people, or who by the statutes are required to be elected by the city council, inspectors and clerks of election, one deputy in each department whose office was created or exists by reason of statute, heads of any principal departments of the city, all members of the fire and police departments and all other employes of the fire and police departments, one private secretary of the mayor and any other officers, clerks or employes in the service of the city whose positions in the judgment of the city service commissioners cannot for the time being be subjected, with advantage to the public service, to the general rules prepared under the civil service law, shall not be affected as to their election, selection or appointment by such rules made by said commissioners.

*(HISTORY: Section 5-01, am., Ch. Ord. 310, File #64-4089, April 6, 1965.)*

**5-02. Residency Requirements. 1. RESIDENCY REQUIRED.** Every law enforcement, fire and emergency employe shall establish and maintain his or her actual residence within 15 miles of the jurisdictional boundaries of the city of Milwaukee. Any such employe who does not reside within the prescribed distance from the city shall be ineligible for employment by the city, and he or she shall be separated from service under this section and the applicable rules of the city service commission or the fire and police commission. These commissions shall be vested with the responsibility for the administration, interpretation and enforcement of the residency

requirement, including the designation of emergency personnel.

**2. DEFINITION.** The term "residence" employed in this section shall be construed to mean the actual living quarters which must be maintained by an employe specified in sub. 1. Neither where an employe votes nor the payment of taxes of any kind by itself by an employe shall be deemed adequate to satisfy the requirements of this section, nor shall the provisions of this section be satisfied by the maintaining of a rented room or rooms by an employe solely for the purpose of establishing residence within 15 miles of the jurisdictional boundaries of the city when it appears that his or her residence is outside of the prescribed distance from the city. Ownership of real property within the city, when not coupled with maintaining of actual living quarters within the prescribed distance from the city as herein required, shall be deemed insufficient to meet the requirements of this section. The city service commission or the fire and police commission is authorized to investigate complaints made to either commission with respect to the residence of employes of the city and may initiate any such investigation on its own motion. Whenever such investigation shall be made, the city service commission or the fire and police commission shall make a finding with respect to whether or not such an employe is or is not actually residing within the prescribed distance from the city in accordance with the requirements set forth herein and their accompanying rules. No consideration shall be given by the city service commission or the fire and police commission to the fact that such employe intends to maintain a residence within 15 miles of the jurisdictional boundaries of the city if the employe actually does not maintain such a residence as herein provided for.

**3. DUAL RESIDENCE.** In cases in which dual or multiple residences are rented, owned or maintained by an employe, it is not sufficient for the employe to claim that he or she meets the residency requirement because of rental, ownership or maintenance of a residence within the prescribed distance from the city if the employe's actual living quarters are not within 15 miles of the jurisdictional boundaries of the city. The city service commission or the fire and police commission shall make a final determination in dual or multiple residence cases

## 5-02-4 City Employes And Officers

as to which location constitutes an employe's actual living quarters, and it shall be the location which will be considered in establishing whether an employe complies with the intent of this section and appropriate rules relating to residency. Decisions involving dual or multiple residency shall be based upon the totality of circumstances present in each case. The decision of the city service commission or the fire and police commission shall be final in respect to whether or not such employe's residence satisfies the provisions and requirements of this section.

**4. ACTION BY DEPARTMENT HEAD.** Whenever a department head finds that an employe does not reside within the prescribed distance from the city, the department head shall immediately file a written complaint against that employe to effectuate the separation of that employe from the service.

**5. EXTENSION.** Whenever it shall appear to the city service commission or the fire and police commission that good cause exists for granting extensions of time to employes of the city to obtain residences within 15 miles of the jurisdictional boundaries of the city, or if it shall appear to the city service commission or the fire and police commission that a new or prospective employe of the city would require a reasonable period of time in order to establish a residence within the prescribed distance from the city so as to meet the requirements of this section, the city service commission or the fire and police commission may allow such employe a period of not to exceed 6 months in which to satisfy the requirements of this section.

**6. HARDSHIP EXCEPTIONS.**

a. Whenever it shall appear to the city service commission or the fire and police commission, considering standards enumerated in the commission's rules, that an employe should be granted temporary exception from the requirements of this section, the city service commission or the fire and police commission shall make a finding based upon the evidence presented.

b. If a city employe weds an employe of another jurisdiction which also has a residency requirement, mandating that its employe reside within 15 miles of that jurisdiction's boundaries, and if that employment is in effect at the time of the marriage, the city service commission or the fire and police commission may grant the city employe an exemption from the city's residency requirements, provided that the following conditions are and remain in effect:

b-1. That the other jurisdiction is willing to enter into an appropriate reciprocity agreement with the city service commission or fire and police commission concerning such transactions.

b-2. That the city employe actually resides with his or her spouse within 15 miles of the jurisdictional boundaries of the spouse's jurisdiction.

b-3. That both employing jurisdictions retain their respective residency policies.

b-4. That the response time required for the exempted employe to arrive at work in emergency situations be reasonable as determined by the commission.

b-5. That the residency requirements of the other jurisdiction would preclude the married couple from living within 15 miles of the jurisdictional boundaries of the city of Milwaukee.

**7. COMPLIANCE.** In construing and applying the provisions of this section, the provisions of any section inconsistent herewith shall be deemed amended so as to be in all respects consistent with the provisions of this section.

*(HISTORY: Section 5-02 rc. Ch. Ord. 226, File #56-1775-a, Sept. 18, 1956.*

*5-02-1 rc., File #160453, July 26, 2016; eff. Oct. 11, 2016.*

*5-02-2 am., File #971321, Mar. 20, 1998; eff. June 4, 1998.*

*5-02-2 am., File #160453, July 26, 2016; eff. Oct. 11, 2016.*

*5-02-3 am. Ch. Ord. 253, File #59-395-a, June 9, 1959.*

*5-02-3 rn., File #971321, Mar. 20, 1998; eff. June 4, 1998.*

*5-02-3 cr., File #971321, Mar. 20, 1998; eff. June 4, 1998.*

*5-02-3 am., File #160453, July 26, 2016; eff. Oct. 11, 2016.*

*5-02-4 rc., File #941973, Dec. 17, 1996; eff. Mar. 10, 1997.*

*5-02-4 rn., File #971321, Mar. 20, 1998; eff. June 4, 1998.*

*5-02-4 rp., File #160453, July 26, 2016; eff. Oct. 11, 2016.*

*5-02-5 rn., File #971321, Mar. 20, 1998; eff. June 4, 1998.*

*5-02-5 ra., File #160453, July 26, 2016; eff. Oct. 11, 2016.*

*5-02-6 rc., Ch. Ord. 427, File #73-2118-a, Nov. 11, 1975.*

*5-02-6 am., File #941973, Dec. 17, 1996; eff. Mar. 10, 1997.*

*5-02-6 rn., File #971321, Mar. 20, 1998; eff. June 4, 1998.*

5-02-6 ra., File #160453, July 26, 2016; eff. Oct. 11, 2016.

5-02-6-a am., File #160453, July 26, 2016; eff. Oct. 11, 2016.

5-02-6-b-0 am., File #160453, July 26, 2016; eff. Oct. 11, 2016.

5-02-6-b-1 am., File #160453, July 26, 2016; eff. Oct. 11, 2016.

5-02-6-b-2 am., File #160453, July 26, 2016; eff. Oct. 11, 2016.

5-02-6-b-5 am., File #160453, July 26, 2016; eff. Oct. 11, 2016.

5-02-7 rc., Ch. Ord. 427, File #73-2118-a, Nov. 11, 1975.

5-02-7 rn., File #971321, Mar. 20, 1998; eff. June 4, 1998.

5-02-7 rn., File #160453, July 26, 2016; eff. Oct. 11, 2016.

5-02-8 rn., File #971321, Mar. 20, 1998; eff. June 4, 1998.

5-02-8 rp., File #160453, July 26, 2016; eff. Oct. 11, 2016.

5-02-9 rn., File #971321, Mar. 20, 1998; eff. June 4, 1998.

5-02-9 rp., File #160453, July 26, 2016; eff. Oct. 11, 2016.

5-02-10 rn., File #160453, July 26, 2016; eff. Oct. 11, 2016.)

**5-03. Examination Notice. 1. TO BE POSTED.** Notice of each examination to be held by the board of city service commissioners of the city of Milwaukee shall be given by posting such notice in or immediately adjacent to the office of the said board at least 10 days prior to the last day announced for receipt of applications, and said posting shall be such as to make the said notice readily accessible to public view. Nothing herein shall prohibit or restrain the said board or its chief examiner from giving such further publicity as it or he may deem to be useful.

**2. APPLICATION FORM.** Every application for examination by the board of city service commissioners, in order to entitle the applicant to be examined, must be on a form prescribed by the said board, and shall include such facts regarding age, residence, citizenship, education, experience and other subjects as are customarily called for in civil service application blanks. Such other information shall be furnished by the applicant as may reasonably be required regarding the applicant's fitness for the public service.

(HISTORY: Section 5-03 am. Ch. Ord. 120, File #74714-a, July 13, 1942.

5-03 am. Ch. Ord. 149, File #48-2837-a, March 28, 1949.)

**5-05. Compensation for Services.** No officer or employe receiving a salary from any city whether organized under general or special law, shall receive for service of any kind or nature rendered such city any compensation therefor other than the salary fixed and provided for such office, except as provided in the salary ordinance. This section shall apply to all officials now serving or hereafter elected or appointed to public place. Provided, that for the purposes of this section moneys or funds held by any such city as pension funds shall not be considered or construed to be city money or funds, and that the payment to or receipt by any person of any money from any such funds shall not be construed as the payment or receipt of money or compensation from such city. Provided further, that this section shall not apply to nor be construed to prohibit the employment of any such official or employe by any school board of such city for the purpose of supervision, teaching or other duties in any evening or night school, social center, summer school, or other extension activity, and that the payment to or receipt by any such person of any money for such service shall not be construed to be in conflict with this section.

(HISTORY: Section 5-05 am. Ch. Ord. 500, File #80-1709, Jan. 20, 1981.

5-05 am. File #071050, Feb. 5, 2008; eff. Apr. 22, 2008.)

**5-06. Bi-weekly Payment of Salary. 1.** Officers and employes of the city of Milwaukee shall be paid bi-weekly.

**2.** Deductions for time off for which officers and employes employed on a 40 hour week basis are not entitled to pay shall be 1/10 of the bi-weekly rate of pay for each day missed.

**3.** The comptroller is directed to devise and enforce methods of calculating pay deductions for time worked and time off for employes compensated on other than a 40 hour week or on an irregular time basis and for employes on a 2000 hour per year basis.

(HISTORY: Section 5-06 am. Ch. Ord. 323, File #62-2554-d, Oct. 21, 1966.

5-06-1 am. Ch. Ord. 391, File #72-723, July 28, 1972.)

## 5-09 City Employes And Officers

**5-09. Interest in Contracts.** No person interested, directly or indirectly as principal or surety, in any contract or agreement written or verbal, to which the said city shall be a party in interest, or to which any officer or board under this act (ch. 184, L. 1874 as amended) shall officially be a party, for the construction of any sewer, pavement or building, or the performance of any public work whatever, or involving the expenditure, receipt or disposition of money or property of the said city, or by any officer or board under this act, shall be eligible to any office or appointment in said city that will in any manner give him official cognizance or authority over the subject matter of such interest; and if any person thus interested shall be elected or appointed to office, his election or appointment shall be void, and such office shall be deemed vacant. *(Section 5-09 am. Ch. Ord. 323, File #62-2554-d, Oct. 21, 1966.)*

**5-10. Pecuniary Interest in Public Service Contracts.** No person shall be eligible to any city office who directly or indirectly has any pecuniary interest in any contract for furnishing heat, light, water, power, or other public service to or for such city, or who is a stockholder in any corporation which has any such contract. Any such office shall become vacant upon the acquiring of any such interest by the person holding such office. *(S. 961 Stats. 1919.)*

**5-11. Conflicts of Interest.** If any member of the common council, or other officer of the corporation, after his election or appointment, or while in office shall become or cause himself to become interested, directly or indirectly, in any contract or agreement, whether written or verbal, to which the corporation shall be a party in interest, or to which any officer or board under this act (ch. 184, L. 1874) shall officially be a party, or in any question, subject or proceeding pending before the common council or on which such officer may be called upon to act officially, with intent to gain, directly or indirectly, any benefit, profit, or pecuniary advantage, or if an attorney of any court of record shall, while a member of the common council, prosecute or be interested in the prosecution of any action against said city of Milwaukee, or any of its officers, he shall be removed from his office, and the same shall be declared vacant by the common council; and he shall be deemed guilty of felony, and on conviction thereof shall be punished by imprisonment in the state prison for not more than one year, or by fine of not more

than \$5,000 nor less than \$500, or by both such fine and imprisonment, in the discretion of the court; provided, however, that the provisions of this section shall not be considered as applying to purchases in open market, nor to the performance of any work for the city the cost of which shall not exceed the sum of \$200.

*(HISTORY: Section 5-11 am., Ch. Ord. 323, File #62-2554-d, Oct. 21, 1966.)*

**5-12. False Certification of Work.** If any member of the common council, or other officer or agent of the city government, or any person employed, appointed or confirmed by the common council or appointed by any department of the city government, shall knowingly certify that any work has been done for said city, or any contract with said city has been completed in compliance with the terms thereof when in fact such work had not been done, or said contract had not been completed, such member of the common council, officer or agent, shall be removed from office, and his office declared vacant, and no such officer, agent or employe, shall again be elected, appointed or employed by, or for the city of Milwaukee, to any office, place or position whatever. *(S. 45, Ch. 144, L. 1875.)*

**5-13. Prohibited Practices.** If any member of the common council, or other officer or agent of the city government, shall, directly or indirectly, accept or agree to accept or receive, any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange, draft, order or certificate, or any security for the payment of money or goods or chattels, or any deed of writing containing a conveyance of land or conveying or transferring an interest in real estate, or any valuable contract in force, or any other property or reward whatever, in consideration that such member of the common council, or other officer or agent, will vote affirmatively or negatively, or that he will not vote, or that he will use his interest and influence, on any question, ordinance, resolution, contract, or other matter or proceeding, pending before the common council, or on which such officer or agent may be called upon to decide or act in any particular manner, such member of the common council, officer, or agent, shall be removed from office and his office declared vacant by the common council; and both he and the person or persons offering or paying such consideration, directly or indirectly, shall be deemed guilty of felony, and, on conviction thereof, shall be punished by imprisonment in

the state prison for not more than three years nor less than one year, or by fine not exceeding five thousand dollars nor less than five hundred dollars, or by both such fine and imprisonment at the discretion of the court. (S. 6, Subch. 19, Ch. 184, L. 1874.)

**5-50. Deferred Compensation Plan.**

1. ESTABLISHED. There is established a deferred compensation plan for employes of the city. Such plan shall be an eligible deferred compensation plan under s. 457 of the Internal Revenue Code and shall be by specific written agreement between such employes and the city which shall provide for deferral of such amount of compensation from the employe's wages as requested by the employe. Payments to participating employes under the plan shall be made in accordance with agreements executed between the city and the employes.

2. ELIGIBILITY. Employes of the city who receive compensation in the form of wages and salaries shall be eligible for participation in the deferred compensation plan. In order to participate, employes must file a written election.

3. INVESTMENT OF FUNDS. All amounts of compensation deferred under the plan, all property and rights purchased with such amounts, and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of participants and beneficiaries as provided in s. 457 of the Internal Revenue Code. For purposes of this subsection, custodial accounts and contracts described in s. 457(g) of the Internal Revenue Code shall be treated as trusts. Such compensation, property, rights and income shall be invested at the discretion of the board in the manner authorized for deferred compensation funds under ss. 40.82(2) and 881.01, Wis. Stats. Such compensation, property, rights and income shall be held subject to the anti-alienation provisions contained in s. 62.63(4), Wis. Stats.

4. ADMINISTRATION. The common council may by ordinance establish a board to supervise the plan. The board shall serve as a fiduciary under s. 881.01, Wis. Stats., with respect to assets of the plan, provided however, the board shall not be deemed to have breached its fiduciary duties for permitting participants and

beneficiaries to exercise control over assets in their individual account; participants and beneficiaries shall not be deemed to be fiduciaries by reason of exercising control over the assets in their individual account; and no person who is otherwise a fiduciary shall be liable for loss, or by reason of any breach, which results from participants or beneficiaries exercising control over assets in their individual account. Participants or beneficiaries shall be deemed to exercise control over the assets in their account if the board offers them a range of investment alternatives sufficient to provide them with a reasonable opportunity to choose from at least 3 investment alternatives, each of which is diversified, each of which has materially different risk and return characteristics, which in the aggregate enable the participant or beneficiary choosing among them to achieve a portfolio with aggregate risk and return characteristics at any point within the range normally appropriate for the participant or beneficiary, and each of which when combined with investments in the other alternatives tends to minimize through diversification the overall risk of a participant=s or beneficiary=s portfolio. The board may promulgate such rules as may be necessary to supervise and direct such plan and to secure approval of the Internal Revenue Service so that amounts of compensation deferred by a participant will be includable in the income of the participant or his or her beneficiary only when such amounts are paid or otherwise made available. Proper city officers are authorized to execute on behalf of the city such agreements as are formulated by the board in the implementation of the plan. Deferred compensation held in the name of the city or the custodian for the exclusive benefit of the participants and beneficiaries in accordance with the plan shall be invested at the direction of the board in accordance with the requirements of law. The comptroller shall prescribe accounting procedures for the plan. Whenever the city shall so contract with other employers, the board shall jointly administer 2 or more separate deferred compensation plans.

5. COMPLIANCE. Common council resolution file No. 73-2160-a adopted Oct. 8, 1974, as amended by common council resolution file No. 73-2160-b adopted Dec. 23, 1974, and as further amended by common council resolution file No. 73-2160-c adopted July 29, 1975, the master agreement heretofore executed

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On behalf of the city on Dec. 16, 1975, joinder agreements heretofore executed between the city and participating employes and such other elements of the amended plan as have been finally approved by the Internal Revenue Service are approved, confirmed and ratified effective upon their respective dates as implementations of the deferred compensation plan authorized by this ordinance meeting the requirements established under this section.

*(HISTORY: Section 5-50 cr. Ch. Ord. 441, File #73-2160-g, Jan. 18, 1977.*

*5-50-1 am. File #912292, April 15, 1992; eff. July 6, 1992.*

*5-50-2 am., Ch. Ord. 492, File #80-277-a, July 29, 1990.*

*5-50-3 rc. File #912292, April 15, 1992; eff. July 6, 1992.*

*5-50-3 am File #980689, Sept. 23, 1998; eff. Dec. 9, 1998.*

*5-50-4 am., Ch. Ord. 476, File #73-2160-i, June 15, 1979.*

*5-50-4 am., Ch. Ord. 519, File #82-1295, Nov. 9, 1982.*

*5-50-4 am. File #971476, Jan. 20, 1998; eff. April 7, 1998*

*5-50-4 am. File #980689, Sept. 23, 1998; eff. Dec. 9, 1998.*

*5-50-3 am. File #020229, June 4, 2002; eff. August 20, 2002.*

*5-50-3 am. File #061049, Dec. 12, 2006; eff. Mar. 5, 2007.*

*5-50-4 am. File #061049, Dec. 12, 2006; eff. Mar. 5, 2007.)*

CHAPTER 8  
COMMISSIONER OF BUILDING INSPECTION AND  
CITY ENGINEER

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what buildings in the city are unsafe and dangerous to be occupied, arising either from conditions of the building or the manner in which it is used. The commissioner shall identify all cases of the violation of any laws of the state or of any ordinances of the city relating to buildings.

b. Authority. The commissioner of building inspection shall have full power and authority to provide and contract for the demolition of any building or structure or part thereof being razed pursuant to the Wisconsin statutes, or for the abatement of nuisances in accordance with applicable code provisions.

*(HISTORY: S. 3, Ch. 570, L. 1919.*

*8-02 am. Ch. Ord. 330, File #66-3437-a, June 23, 1967.*

*8-02 am. Ch. Ord. 351, File #65-2052-d, Apr. 15, 1969.*

*8-02 am. Ch. Ord. 498, File #79-1280, Jan. 20, 1981.*

*8-02 rc. File No. 130088, July 23, 2013; eff. Oct. 9, 2013.)*

**8-01. Commissioner of Building Inspection.** The commissioner of building inspection, or a member of the commissioner's executive leadership team, shall have had at least 5 years' experience as an architect, builder or in connection with supervision of building construction. The commissioner shall be covered by a bond as provided in s. 3-22.

*(HISTORY: Section 8-01 rc. File #880330, Feb. 14, 1989; eff. May 5, 1989.*

*8-01 am. File #160315, July 6, 2016; eff. Sept. 21, 2016.)*

**8-02. Duties, Authority of Commissioner.**

a. Duties. The duties of the commissioner of building inspection shall be to inspect the construction, alteration, repair, moving, demolition, use of building materials and equipment, plumbing, use and occupancy, housing facilities and the fire hazard condition of all buildings within the city and to ascertain whether such buildings meet the requirements of the laws of the state and the ordinances of the city. It shall also be the duty of the commissioner when he or she shall deem it necessary, to examine all accidents caused by the breaking or falling down of any building in the city, and also to ascertain

**8-025. Rules for Connections to Water and Sewer Systems.** The commissioner of building inspection with the approval of the common council, may also make rules and regulations for the proper ventilating and trapping of all drains, soilpipes and fixtures hereafter constructed to connect with or be used in connection with the sewerage or water supply of the city, and the common council may provide by ordinance for the enforcement of such rules and regulations, and may prescribe proper penalties and punishment for disobedience of the same. The commissioner of building inspection with the approval of the common council, may also make rules to regulate the use of vent, soil, drain, sewer and water pipes in all buildings in the city, which hereafter shall be proposed to be connected with the city water supply or sewerage, specifying the dimensions, strength and material of which the same shall be made, and which may prohibit the introduction into any building of any style of water fixture, trap or connection, the use of which shall have been determined to be dangerous to health or for any reason unfit to be used, and the commissioner shall require a rigid inspection by a skilled and

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competent inspector under the direction of the commissioner of all plumbing and draining work and water and sewer connections hereafter done or made in any building in the city, and unless the same are done or made, and made according to the rules of the commissioner and approved by the commissioner, no connection of the premises with the city sewerage or water supply shall be allowed.

*(HISTORY: S. 1, Ch. 463, L. 1887.*

*8-025 rn. from 14-25 and am. File #871181, Oct. 27, 1987.)*

**8-03. Admission to Buildings; Permit to Use Street for Deposit of Materials for Repair of Building.** Such commissioner of building inspection may demand, and shall have admission to any building within such city of the first class at any time, except any building used exclusively as a place of residence of not exceeding 2 private families, for the purpose of inspecting the same, and in the performance of the duties of his office; and if such admission be refused and he be unable to obtain such admission for any reason after properly demanding the same at a reasonable time, he may apply to the judge of the circuit court of the county in which any such city is situated for a writ of assistance, and if the judge of said court be satisfied that it is proper and necessary for such commissioner to gain admission to such building, and is unable to do so, he may issue a writ of assistance to the sheriff of the county in which such city is situated, commanding said sheriff to enter in and upon said building with said commissioner, with such force as may be necessary to enable such commissioner to perform his duties. The commissioner of public works of any such city of the first class shall issue no permit to anyone to use any street for the deposit of material for the construction or repair of any building in such city unless such person shall first file with said commissioner his written consent, authorizing said commissioner of building inspection, upon reasonable notice and demand to enter into and upon and inspect said buildings and repairs.

*(HISTORY: S. 4, ch. 570, L. 1919.*

*8-03 am. Ch. Ord. 498, File #79-1280, Jan. 20, 1981.)*

**8-04. Restraining Order When Work on Building Unsafe.** When in the opinion of the commissioner of building inspection the erection or construction of any building within the city limits of any such city or the making of alterations or repairs upon any building within the city limits of any such city is being done in a reckless, careless or unsafe manner, or in violation of the provisions of any law or of ordinances of such city relating thereto, he may make application upon his verified complaint to any court of record of civil jurisdiction in the county in which such city is situated for an order restraining the person or persons constructing, erecting or repairing such building or buildings, and upon such application the court may issue such order restraining such person or persons from erecting, constructing or repairing such building or buildings until sufficient cause shall be shown for the dissolution of such restraining order. Such restraining order may be dissolved upon sufficient cause being shown, or upon the certificate in writing of the said commissioner of building inspection that the person or persons restrained therein and thereby have agreed to construct or erect such buildings or to make such alterations or repairs according to law and in conformity with the directions of the said commissioner of building inspection. No cost shall be taxed against such city of the first class in any event upon the dissolution of any such restraining order.

*(HISTORY: S. 5, Ch. 570, L. 1919.*

*8-04 am. Ch. Ord. 498, File #79-1280, Jan. 20, 1981.)*

limitation shall not operate to diminish that portion of a policemen's retirement allowance attributable to creditable service earned through July 1, 1989 or a firemen's retirement allowance attributable to creditable service earned through March 1, 1989. (*Subd. 1 am. Ch. Ord. 552, File #85-118-a, July 16, 1985, eff. Sept. 30, 1985. Subd. 1 am. Ch. Ord. 554, File #85-845, Oct. 1, 1985, eff. Dec. 15, 1985. Subd. 1 am. File #872401, May 17, 1988, eff. Aug. 2, 1988. Subd. 1 rc. File #872396, Sept. 20, 1988, eff. Dec. 5, 1988. Subd. 1 am. File #881667, Dec. 20, 1988, eff. March 13, 1989. Subd. 1 am. File #890633, July 25, 1988, eff. Oct. 14, 1989. Subd. 1 am. File #890982, Sept. 19, 1989, eff. Dec. 6, 1989. Subd. 1 am. File #891650, Jan. 16, 1990, eff. Apr. 4, 1990. Subd. 1 am. File #892369, Apr. 9, 1990, eff. June 26, 1990. Subd. 1 am. File #911154, Oct. 15, 1991, eff. Dec. 31, 1991. Subd. 1 am. File #911820, Feb. 11, 1992; eff. Apr. 13, 1992. Subd. 1 am. File #901684, July 28, 1992, eff. Sept. 30, 1992. Subd. 1 am. File #940423, July 15, 1994; eff. Sept. 28, 1994. Subd. 1 am. File #950521, July 28, 1995; eff. Oct. 3, 1995. Subd. 1 am. File #950597, Sept. 27, 1995; eff. Dec. 13, 1995.*)

e-2. A fireman or policeman shall receive a pro rata retirement allowance based upon the above formula for service for any period less than a full year. (*Subd. 2 rc. Ch. Ord. 344, File #68-726, Nov. 18, 1968.*)

f. Firemen or Policemen. A fireman or policeman who has attained the age of 52 years and has completed 25 years of creditable service in the employees' retirement system in that capacity will be eligible for a service retirement allowance as computed under par. e. A fireman represented by Local 215, IAFF, in active service on or after January 1, 1998, or a fireman who is not represented by Local 215, IAFF, in active service on or after January 1, 2000 shall be eligible for a service retirement allowance as calculated under par. e. if he or she participates in the combined fund and attains the age of 49 years and completes 22 years of creditable service as a fireman or policeman. A policeman represented by the MPA, in active service on or after January 1, 1998, a policeman represented by MPSO, in active service on or after January 1, 1999, or a policeman who is not represented by the MPA or MPSO in active service on or after January 1, 2000 shall be eligible for a service retirement allowance as calculated under par. e if he or she participates in the combined fund and completes 25 years of creditable service as a policeman or fireman. A fireman, including a person who was a fireman prior to June 1, 1989, shall have all

service in a position whose duty it is to provide emergency medical service included in the computation of creditable service for purposes of determining eligibility for a service retirement allowance under this paragraph and for purposes of computing creditable service under subs. 6-e and 7-b-4. Notwithstanding the foregoing, a policeman who is first enrolled in the retirement system on or after December 20, 2015 will be eligible for a service retirement allowance calculated under par. e if he or she participates in the combined fund and has attained the age of 50 years and has also completed 25 years of creditable service as a policeman in the retirement system. (*Par. f am. File #900682, Sept. 25, 1990; eff. Dec. 11, 1990. Par. f am. File #991585, April 11, 2000; eff. Jan. 19, 2001. Par. f am. File #151274, Feb. 9, 2016; eff. April 26, 2016. Par. f am. File #151451, Feb. 9, 2016; eff. April 26, 2016. Par. f am. File #160124, July 26, 2016; eff. Oct. 11, 2016.*)

g. Elected Officials. The annual service retirement allowance for elected officials elected to office by vote of the people, except the mayor, shall equal 2.6% of the member's final average salary times the number of years of creditable service accrued as an elected official for years of service prior to 1996 and 2.5% of the member's final average salary times the number of years of creditable service accrued as an elected official for years of service on or after January 1, 1996. The annual service retirement for the mayor shall equal 2.6% of the mayor's final average salary times the number of years of creditable service accrued for years of service prior to 1996, and 2% of the mayor's final average salary times the number of years of creditable service accrued for years of service on or after January 1, 1996. Notwithstanding the foregoing, the annual service retirement allowance for an elected official who enrolls as a member in the retirement system on or after January 1, 2014, shall equal 1.6% of the member's final average salary times the number of years of creditable service accrued as an elected official. Service before or after service for elected officials shall be credited at the rate applicable to such service. (*Par. g am. File #920411, July 7, 1992; eff. Sept. 22, 1992. Par. g am. File #931035, Nov. 9, 1993; eff. Jan. 29, 1994. Par. g am. File #950766, October 17, 1995; eff. January 2, 1996. Par. g am. File #951082, Nov. 28, 1995; eff. Feb. 13, 1996. Par. g am. File #121701, May 21, 2013; eff. Aug. 10, 2013.*)

### 36-05-1-h Employees' Retirement System

h. Escalator. h-1. Firemen who retire on a service retirement allowance under subs. 1-b or f or 3-c-3 between March 1, 1990 and December 31, 1992, policemen who retire on a service retirement allowance under subs. 1-b or f or 3-c-3 between January 1, 1990 and December 31, 1992, and firemen or policemen represented by the Milwaukee Police Association, with 25 years of creditable service as a fireman or policeman who separate from service between January 1, 1993 and December 31, 1994 and elect a deferred retirement under sub. 6-e, shall be eligible for a pension escalator in the amount of \$50 per month on the 4th annual anniversary of service retirement, an additional escalator of \$50 per month on the 7th annual anniversary after service retirement and an additional \$50 per month on the 10th annual anniversary after service retirement.

h-3. An escalator under subd. 1 included in a fireman's or policeman's service retirement allowance at the date of death shall be included for purposes of determining a spouse's survivor allowance upon death of such fireman or policeman under Options 2 and 3 and such spouse's survivor allowance under Option 2 shall be escalated in the amount of \$50 per month and under Option 3 in the amount of \$25 per month at such times as such fireman's or policeman's pension would have been escalated under subd. 1 had the fireman or policeman continued to live. If a fireman or policeman elects Option 4 and selects a reduced service retirement allowance payable in equal installments during the fireman's or policeman's life with the provision that after the fireman's or policeman's death the surviving spouse shall receive an allowance payable in equal installments during the spouse's life which is a proportionate share of the member's reduced service retirement allowance, the escalator under subd. 1 included in the fireman's or policeman's service retirement allowance at the date of death shall be included for purposes of determining the proportionate share of the spouse's survivor allowance upon death of such fireman or policeman and the spouse's survivor allowance shall be escalated by an amount computed by multiplying \$50 by the spouse's proportionate share at such times as the fireman's or policeman's service retirement allowance would have been escalated under subd. 1 had the fireman or policeman continued to live. If a fireman or policeman elects Option 4

and selects a reduced service retirement allowance with the provision that after the fireman's or policeman's death the surviving spouse shall receive an allowance but does not select a payout option referred to in this subdivision the escalator included in the fireman's or policeman's service retirement allowance at the date of death shall not be included in determining the spouse's survivor allowance upon death of such fireman or policeman but such spouse's survivor allowance shall be escalated \$25 for each escalation the member received or would have been entitled to receive under subd. 1 if the member would have continued to live.

h-4. General city employes who retire on a service retirement allowance under sub. 1-b or 1-d-3, on or after January 1, 1993 (on or after August 16, 1994 for employes represented by the Milwaukee Building and Construction Trades Council, AFL-CIO), and retired general city employes receiving a duty disability retirement allowance, who have attained the minimum service retirement age and convert to service retirement allowance on or after January 1, 1993 (on or after August 16, 1994 for employes represented by the Milwaukee Building and Construction Trades Council, AFL-CIO), shall be eligible for a pension escalator of 2% effective with the installment next following the 8th annual anniversary of service retirement and an additional 2% pension escalator in each successive year effective on each subsequent anniversary of the first adjustment. Each successive adjustment shall be computed on the service retirement allowance as previously adjusted. General city employes receiving retirement benefits under sub. 6-b-2 and 3, 6-c or 6-d-2 shall not be eligible for a pension escalator under this subdivision. If a member who is eligible for an adjustment under this subd. dies without receiving an adjustment prior to death, a beneficiary who is eligible for a spouse survivor allowance under sub. 7-b-2 shall be eligible for a pension escalator in the amount of 2% effective with the installment in which the member would have received an adjustment had the member lived. If the member has received an adjustment under this subd. prior to death, a beneficiary who is eligible for a spouse survivor allowance under sub. 7-b-2 shall be eligible for a pension escalator in the amount of 2% effective with the installment in which the member next would have received an

mortality, separation, morbidity and retirement tables as have been adopted by the board. The normal contribution shall be determined by the actuary after each valuation. (*Subd. 1 am Ch. Ord. 489, File #80-225, June 17, 1980. Subd. 1 am. File #921978, Apr. 8, 1993; eff. June 16, 1993. Par. a rc. File #991585, April 11, 2000; eff. Jan. 19, 2001. Par. a-1 am. File #991585, April 11, 2000; eff. Jan. 19, 2001.*)

a-2. Any difference between the actuarial accrued liability as defined in subd. 1, and the sum of the actuarially determined value of the assets of the retirement fund plus any unamortized bases established under this par. in prior valuations, shall be amortized over a period which will not exceed 30 years from the valuation date on which such difference is established; provided that as part of the valuation next following a fiscal year in which the city and city agency contributions are zero due to application of the 100% funded status limitation of this par. the actuary may eliminate any previously established amortization schedules and bases and shall recalculate a new "fresh-start" amortization schedule. Future payroll growth may be taken into account in the amortization process. (*Subd. 2 rc. File #942017, July 14, 1995; eff. Sept. 27, 1995. Subd. 2 rc. File #991585, April 11, 2000; eff. Jan. 19, 2001.*)

b. Firemen and Policemen's Survivorship Fund. There shall be paid annually into the firemen and policemen's survivorship fund the amount required under s. 36-05-8-d. Notwithstanding the foregoing, effective January 1, 2000 no contributions shall be made to the firemen and policemen's survivorship fund by or on behalf of participants in the combined fund. (*Par. b am. File #991585, April 11, 2000; eff. Jan. 19, 2001. Par c rp. File # 991585, April 11, 2000; eff. Jan. 19, 2001. Par. d cr. File #942017, July 14, 1995; eff. Sept. 27, 1995.) Pars. c and d rp. File #991585, April 11, 2000; eff. Jan. 19, 2001.*)

e. On or before September 1 in each year, the board shall certify to the common council or other governing body, and city agencies, the amounts which will become due and payable during the year next following to each of the funds of the retirement system. The amount so ascertained shall be included by the common council or other governing body and city agencies in their budgets and shall be appropriated and paid to the retirement system by the city and city agencies in January of the fiscal year next following. (*Par. d rn. to e File #942017, July 14, 1995; eff. Sept. 27, 1995.*)

f. In order to meet the requirements of this act, the common council or other governing body or city agency is authorized to levy a tax annually, which tax shall be in addition to all other taxes such common council or other governing body or city agency has been authorized to levy upon all taxable property, real and personal. Such tax shall be levied and collected at the same time and in the same manner as other city or city agency taxes are levied and collected according to law. (*Par. e rn to f File #942017, July 14, 1995; eff. Sept. 27, 1995.*)

g. Such city agencies not authorized by law to levy a tax upon taxable property shall upon the direction of the board include the necessary amounts so needed in their respective budgets. (*Par. f rn. to g File #942017, July 14, 1995; eff. Sept. 27, 1995.*)

h. Combined Fund.

h-1. Beginning with the contribution due on January 31, 2014, on account of members, retired members, survivors and beneficiaries who are participants in the combined fund, the city and city agencies shall pay annually into the combined fund for the preceding year an amount equal to the product of the actuarial contribution rate applied to the sum of the covered compensation. The actuarial contribution shall be based on separately calculated rates for policemen, firemen, and general city employees and shall be applicable for a 5-year period. The actuary shall, consistent with actuarial standards of practice, set the actuarial contribution rate at a percentage sufficient to fund the entire amount of the employers' share of the normal cost, to amortize any unfunded past service liability and to maintain the solvency of the combined fund to meet benefit obligations for retired lives.

h-2. Commencing with the contribution due on January 31, 2019, the actuary shall reset the actuarial contribution rate every 5 years in conjunction with a 5-year experience review of the employees' retirement system. The actuary shall, consistent with standards of actuarial practice, base the reset rate on the current interest, mortality, separation, morbidity and retirement tables as adopted by the board.

h-3. The actuary shall submit the annual contribution amounts payable each year based on the actuarial contribution rate to the board no later than August 15. (*Par. h cr. File #991585, April 11, 2000; eff. Jan. 19, 2001. Par. h-2 am. File #091274, March 2, 2010; eff. May 18, 2010. Par. h rc File #121417, April 30, 2013; eff. July 16, 2013.*)

## 36-08-7 Employees' Retirement System

7. MEMBER CONTRIBUTIONS. Member contributions to the system shall be deposited in the member's account as follows:

a. Members who are not firemen, policemen or elected officials shall contribute or have contributed on their behalf, 5.5% of the members' earnable compensation. Subsequent to and commencing with the first pay period of 1970, the city shall contribute on behalf of a general city employe 5.5% of such member's earnable compensation. Members employed by city agencies participating in the system shall contribute 5.5% of their earnable compensation less any contribution made on their behalf as determined by the governing bodies of such agencies. Notwithstanding the foregoing, subsequent to and commencing with the first pay period following the effective date of this charter ordinance, all members who are not firemen, policemen or elected officials and were enrolled as members of the retirement system prior to January 1, 2014, shall contribute 5.5% of their earnable compensation. General city employes who enroll as members in the retirement system on or after January 1, 2014, shall contribute 4% of their earnable compensation. (*Par. a rc., Ch. Ord. 375, File #71-1754, Dec. 7, 1971. Par. a ra. to a-1, File #090613, Sept. 22, 2009; eff. Dec. 9, 2009. Par. a-1 am. File #121701, May 21, 2013; eff. Aug. 10, 2013; Par. a-1 am. File #110740, Nov. 7, 2014; eff. 1/26/2015.*)  
(*Par. a-2 cr, File #090613, Sept. 22, 2009; eff. Dec. 9, 2009. Par. a-2 am. File #090951 Dec. 1, 2009; eff. Feb. 16, 2010. Par. a-2 am. File #091068, Dec. 22, 2009; eff. March 10, 2010. Par. a-2 am. File #091214, Jan. 20, 2010; eff. April 5, 2010. Par. a-2 am. File #091308, March 2, 2010; eff. May 18, 2010. Par. a-2 am. File #091530, March 24, 2010; eff. June 1, 2010. Par. a-2 am. File #091609, May 25, 2010; eff. August 10, 2010. Par. a-2 am. File #100173, June 15, 2010; eff. August 25, 2010. Par. a-2 am. File #100241, July 7, 2010; eff. Sept. 22, 2010. Par. a-2 am. File #100574, Sept. 21, 2010; eff. Dec. 6, 2010. Par. a-2 am. File #101070, Jan. 19, 2011; eff. March 29, 2011. Par. a-2 am. File #101418, April 12, 2011; eff. June 28, 2011. Par. a-2 am. File #101246, July 26, 2011; eff. Oct. 11, 2011. Par. a-1 ra. File #110740, Nov. 7, 2014; eff. Jan. 26, 2015*)  
(*Par. a-3 cr. File #121701, May 21, 2013; eff. Aug. 10, 2013. Pars. a-2 & 3 rp. File #110740, Nov. 7, 2014; eff. Jan. 26, 2015.*)

b. Except for members of the system, who are initially employed as firemen or policemen on or after October 3, 2011, the employer shall have the obligation to contribute the percentages set forth in this section.

Members who are firemen shall have contributed for them by the employer 7% of such firemen's earnable compensation. Members who are policemen shall have contributed by the employer, commencing with the 1st pay period of 1971, 6% of such policemen's earnable compensation; policemen shall contribute 1% of their earnable compensation. Members who are policemen shall have contributed by the employer commencing with the first pay period of 1990, 7% less \$1 of such policemen's earnable compensation. Commencing in 1990, policemen, excluding sergeant of police, detective lieutenant and ranks above same, shall contribute \$1 of their longevity in rank pay, if any, payable at the close of the year. Notwithstanding the foregoing, commencing with the 1st pay period of 2016, policemen who were enrolled as members in the retirement system before October 3, 2011, shall contribute 7% of their earnable compensation. Members of the system who are initially employed as firemen or policemen on or after October 3, 2011, shall contribute 7% of their earnable compensation.

(*Par. b am. Ch. Ord. 556, File #85-769, Dec. 4, 1985; eff. Feb. 17, 1986. Par. b am. File #890633, July 25, 1989; eff. Oct. 14, 1989. Par. b, am. File #910901, Sept. 24, 1991; Dec. 10, 1991. Par. b am. File #110347, July 26, 2011; eff. Oct. 11, 2011. Par. b am. File #151113, Dec. 15, 2015; eff. Feb. 29, 2016. Par. b am. File #141569, May 24, 2016; eff. Aug. 10, 2016. Par. b am. File #160124, July 26, 2016; eff. Oct. 11, 2016.*)

c. Members who are elected officials shall contribute or have contributed on their behalf 7% of the members' earnable compensation, and in respect to such members subsequent to and commencing with the 1st pay period of 1971 the city shall contribute 7% of earnable compensation. Notwithstanding the foregoing, subsequent to and commencing with the first pay period following the effective date of this charter ordinance, elected officials who were enrolled in the retirement system prior to January 1, 2014, and whose accrual rate is 2.5% under s. 36-05-1-g, shall contribute 7% of their earnable compensation and elected officials who were enrolled as members in the retirement system prior to January 1, 2014, and whose accrual rate is 2% under s. 36-05-1-g, shall contribute 5.5% of their earnable compensation. Elected officials who enroll as members in the retirement system on or after January 1, 2014, shall contribute 4% of their earnable compensation. (*Par. c rc. Ch. Ord. 375, File #71-1754, Dec. 7, 1971. Par. c am. File #121701, May 21, 2013; eff. Aug. 10, 2013.; par. c am. File #110740, Nov. 7, 2014; eff. Jan. 26, 2015.*)