

**INSTRUCTION SHEET  
ADDITIONS TO  
MILWAUKEE CODE OF ORDINANCES  
VOLUME 3**

**SUMMARY**

This supplement incorporates changes to Volume 3 of the Milwaukee Code of Ordinances enacted by the following Common Council file:

151590      A substitute ordinance relating to overtime compensation for Milwaukee police department technical communications division civilian employees.

<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. #276)</b>					
				v-vi	v-vi
309-61-1-d Ch. 309 (hist.)	corr.			153-156 159-160	153-156 159-160
350-3-5.5-0	ra to 350-3.5-5-a	151590	3/18/2016	903-906	903-906
350-3-5.5-b	cr	151590	3/18/2016	"	"
Index				1543-1544 1563-1564	1543-1544 1563-1564

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For questions concerning the content of the Milwaukee Code of Ordinances contact the Legislative Reference Bureau, Research Section, (414) 286-2297.

**Abbreviations:**

**am=amended  
cr=created**

**ra=renumbered and amended  
rc=recreated**

**rn=renumbered  
rp=repealed**



**MEMO**

If all supplements have been properly inserted, this book contains all actions of the Common Council through March 1, 2016.

Revised 3/1/2016  
Suppl. #277



direction, the partial payment shall be applied to the water charges first. Any portion of the partial payment remaining after the water charges are paid for shall be applied to the metropolitan sewerage district charges, the local sewerage charges, the storm water management charges, the solid waste charge, the extra garbage cart charge and the snow and ice removal cost recovery charge, in that order; and then late charges for the solid waste charge, the snow and ice removal cost recovery charge and the extra garbage cart charge. Any overpayment of the combined bill shall be applied to the water charge on the account for the property.

**10. ADJUSTMENT OF STORM WATER MANAGEMENT CHARGE.** The commissioner of public works may grant an adjustment to a storm water management charge for a particular property in accordance with the provisions of this subsection and the storm water management charge adjustment policy adopted by resolution of the common council.

a. Eligibility. The commissioner may grant an adjustment of the storm water management charge to any property owner except the owner of a dwelling containing one to 4 units.

b. Application. An application for adjustment of the storm water management charge shall be made in writing on a form prescribed by the commissioner and filed with the department of public works. The application shall set forth, in detail, the grounds upon which the adjustment is sought; it shall be the burden of the applicant to demonstrate by a preponderance of evidence that an adjustment of the charge is warranted. In addition, the applicant may be required to provide, at his or her own expense, supplemental information requested by the commissioner, including, but not limited to, survey data approved by a registered professional land surveyor and engineering reports approved by a professional engineer. Failure to provide required information shall be grounds for denial of the adjustment request.

c. Action by Commissioner. The commissioner shall issue a written decision as to whether the request for adjustment has been granted, denied, or granted in part and modified in part within 20 business days of receipt of the application. The written decision shall set forth the reason or reasons for such decision.

d. Appeal. Any person aggrieved by the decision of the commissioner with respect to an application for storm water management

charge adjustment may appeal such decision to the administrative review appeals board within 30 days of notice of such decision. The board shall act on the appeal in accordance with s. 320-11 and applicable state law.

**11. SAVING CLAUSE.** It is the intent of the common council that the provisions of this section relating to a sewer maintenance fund, local sewerage charge, storm water management charge and the application of revenues from these charges are separable. If any provision or part of this section be held unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of any other provisions or part of the section, which other provisions and parts shall remain in full force and effect.

**12. APPEAL PROCEDURE.** a. Filing of Complaint. Whenever any local sewerage charge or storm water management charge is imposed in accordance with this section, and the person required to pay such charge feels aggrieved as a result of the imposition or collection of such charge, such person shall pay the charge when it becomes due, but shall pay it "under protest." Within 20 days following such payment, such person may file with the commissioner of public works a complaint to the effect that such person is aggrieved by the imposition and collection of the local sewerage charge or the storm water management charge, his or her specific reasons for objection and the amount of the overcharge complained of.

b. Determination by Commissioner. If, upon review by the commissioner of public works, it is determined that all or any part of any local sewerage charge or storm water management charge paid under protest is not just or reasonable, the commissioner shall institute necessary procedures to refund the amount of the overcharge. In the event that any person feels aggrieved by the determination of the commissioner, such person may, within 10 days, appeal to the common council. The common council shall make such determination as is just and reasonable.

c. Alternative Appeal Procedure. Notwithstanding the appeal procedure provided in pars. a and b, and as an alternative right of appeal, any person required to pay the local sewerage charge or the storm water management charge shall have the unconditional right to file a complaint with the public service commission as provided in s. 66.0821(5)(a), Wis. Stats.

## 309-61 Public Works

### 309-61. Operation of Parking Facilities.

1. CONTRACT REQUIRED. a. All attendant operated city permanent parking structures and all non-permit, non-metered city surface parking lots shall be either managed by or leased to private contractors at the discretion of the commissioner of public works. If the city cannot obtain reasonable terms and conditions, the parking facilities or surface lots may be managed by the city, with approval by the common council, until such time as the commissioner of public works determines that an adequate contract or lease with a private firm can be secured.

b. Pursuant to s. 7-22 of the charter, all contracts for managing city permanent parking structures shall be awarded and administered by the commissioner of public works to the lowest responsible bidder in the manner provided in s. 7-14 of the charter and shall be for a minimum duration of 3 years with up to 2 one-year extensions allowable. All contracts for management of city parking structures shall be re-bid not less than every 5 years. All leases for operating non-permit, non-metered city-owned surface parking lots shall be awarded and administered by the commissioner of public works to the highest responsible bidder after competitive bidding, on the basis of lump sum bids payable in equal monthly installments. All leases shall be for a minimum duration of one year, with up to 4 one-year extensions allowable. All leases for operating city-owned surface parking lots shall be re-bid not less than every 5 years. Any variation to contract or lease terms in this paragraph shall be approved by the common council.

c. All contracts for managing city permanent parking structures shall specify that the management firm must contract for and provide mobile, uniformed security guard service in all of the structures. The security guards must drive in marked security vehicles which display a yellow/amber light on the top of the vehicle to be easily identifiable by parking patrons. The guards must patrol all ramps with the vehicle and must walk into and check each of the structures' stairwells during their tours of duty. Each guard must carry a portable radio with communication capabilities to at least one cashier per structure and to a 24-hour security base station for additional backup if required.

d. All contracts for managing city permanent parking structures shall provide that at least one human operator be on the premises of each permanent parking structure managed to assist patrons whenever the structure is in

operation. Each human operator shall be employed or contracted by the management firm. This provision shall apply to all contracts entered into or extended after September 15, 2014.

2. PARKING RATES. Upon recommendation by the commissioner of public works and approval by the common council, the specifications for every contract for management of city parking structures shall contain a range of minimum to maximum rates to be charged. The schedule shall be established from time to time by the common council. All non-permit, non-metered city surface parking lot leases shall incorporate the maximum rate to be charged by the lessee under the direction of the commissioner of public works. The commissioner shall have authority to raise or lower rates within the approved range as market conditions and other factors warrant. Suggested rate changes outside the approved range shall be approved by the common council. The range of minimum to maximum rates to be charged shall be as follows:

a. Parking structures at MacArthur Square, 4th & Highland, 724 N. Plankinton and 1000 N. Water:

a-1. 1st half hour - \$1.00 to \$4.00.

a-2. Daily maximum and special event - \$5.00 to \$25.00.

a-3. Early bird and non-event night and weekend - \$3.00 to \$15.00.

a-4. Monthly: unreserved - \$55.00 to \$150.00; reserved - \$95.00 to \$175.00.

b. Non-permit, non-metered city surface parking lot lease maximum rates:

b-1. Daily parking - \$7.50.

b-2. Evening parking - \$6.00.

b-3. Monthly day - \$75.00.

b-4. Monthly evening - \$60.00.

b-5. Monthly 24 hours - \$100.00.

c. All contracts and leases shall provide that only the amount of spaces provided for by the design capacity of the facility shall be rented at any one time. Only passenger automobile, motor cycle, moped and bicycle parking shall be allowed unless otherwise specifically provided for in the design of the facility.

3. INSURANCE AND DEPOSITS.

a. All contracts and leases shall require the maintenance of policies of insurance as shall be determined by the city attorney, and shall require the contractor or lessee to defend and save harmless the city, its employees, officers and agents from all losses or expense by reason of liability imposed by law for

damages because of bodily injury to any person in or on account of damages to property including the loss of use thereof which might occur in the operation of the parking facility. Policies shall provide for cancellation only after 60 days notice to be given to the city in writing. A certificate of insurance and a copy of the policy shall be filed by the contractor or lessee with the commissioner of public works. The amount and kinds of insurance to be provided for each parking facility shall be determined by the city attorney and shall be adequate to protect the interests of the city.

b. All parking contracts including leases shall require a performance bond or a letter of credit as determined by the commissioner of public works. The amount of the deposit, bond or letter of credit required shall be determined by the commissioner and shall be adequate to fully protect the city under the provisions of the contract or lease. All bonds or letters of credit shall be reviewed and approved by the city attorney and subsequently filed with the commissioner of public works.

**309-71. Assessment and Collection of Board-up Expenses Incurred by the Department of Public Works.** The costs incurred by the commissioner of public works in boarding and securing from unlawful entry, open or unsecured structures may be assessed and collected as a special charge. Delinquencies placed upon the tax rolls shall be subject to payment and settlement as provided in ch. 19 of the city charter.

**309-72. Notice and Appeal Procedures for Special Charges.** 1. Prior to the imposition of a special charge to recover the cost for current services to property rendered by the department of public works, the commissioner of public works shall mail a notice to the last known address of the owner of record of the subject property informing the owner of the amount to be recovered as a special charge. The notice shall also inform the owner that he or she has 30 days from the date the notice was mailed to appeal the necessity or amount to the administrative review appeals board under the provisions of s. 320-11. No cost incurred in accordance with this section shall be placed on the tax bill as a special charge until the latest of the following:

a. The expiration of the time to appeal to the administrative review appeals board as specified in this section.

b. The administrative review appeals board's affirmation, in whole or in part, of the amount to be imposed as a special charge.

c. The conclusion of a judicial review, filed in accordance with s. 68.13(1), Wis Stats., that affirms in whole or in part the decision of the administrative review appeals board.

2. APPLICABILITY. The notice and appeal procedure specified in this section shall apply unless another procedure is otherwise specified for the recovery of a special charge for a particular type of service rendered.

**309-83. Snow and Ice Removal Cost Recovery Charge.** 1. PURPOSE. The purpose of this section is to permit the city as authorized under s.66.0627, Wis. Stats., to recover costs relating to snow and ice removal through means of a snow and ice removal cost recovery charge.

2. CHARGE. a. There is imposed a snow and ice removal cost recovery charge to be collected on all property for such service previously rendered.

b. The common council shall adopt a resolution on an annual basis establishing the snow and ice removal cost recovery charge imposed in accordance with this section. The recovery charge may, subject to common council approval, be adjusted no more than once additionally per year on the basis of cost recovery experience.

3. OVERALL RESPONSIBILITY FOR ADMINISTERING THE SNOW AND ICE REMOVAL COST RECOVERY CHARGE. The commissioner of public works shall administer the snow and ice removal cost recovery charge. He or she may formulate and promulgate rules which shall be applicable with respect to the administration and collection of the snow and ice removal cost recovery charge, and may make amendments thereto, subject to approval by the public safety committee as may be required from time to time for proper application of the snow and ice removal cost recovery charge.

4. RESPONSIBILITY OF CITY OFFICERS AND DEPARTMENTS ADMINISTERING THE SNOW AND ICE REMOVAL COST RECOVERY CHARGE.

a. Superintendent of Water Works. The superintendent of water works shall be responsible, under the commissioner of public works, for the administration of the snow and ice removal cost recovery charge. The superintendent shall collect the charge and transmit the revenue therefrom to the city treasurer together with solid waste water and local sewerage revenues as received.

### 309-83-5 Public Works

b. City Treasurer. The city treasurer shall receive revenues from the snow and ice removal cost recovery charge and shall also collect delinquent accounts when such delinquent accounts have been placed on the tax roll in a manner consistent with state law and the provisions of ch. 19 of the city charter.

c. City Comptroller. The city comptroller shall certify to the commissioner of assessments delinquent accounts to be placed on the tax roll for payment, settlement and collection as provided in state law and in the manner of other delinquent special charges under the provisions of ch. 19 of the city charter. The comptroller shall keep separate accounts of all the funds, receipts and payments on account of the snow and ice removal cost recovery charge.

**5. BILLING AND COLLECTING.** The snow and ice removal cost recovery charge shall be levied against the water account and shall be calculated by the water works. The charge shall be added to the city services user bill and shall be due and payable in the same manner as water bills.

a. An interest penalty and late charge of 3% on outstanding balances will be charged on all past due accounts each quarter. This fee may be waived by the water works where deemed warranted by special circumstances. Charges that remain unpaid for 2 full quarters shall be deemed delinquent. Such delinquent user charges and 10% penalty shall be reported to the city comptroller for placement on the tax roll.

b. When partial payments of the combined city services user bill are made, the property owner may direct in writing how the partial payment is to be applied to the combined bill. If there is no written direction, the partial payment shall be applied to the water charges first. Any portion of the partial payment remaining after the water charges are paid for shall be applied to the metropolitan sewerage district charges, the local sewerage charges, the storm water management charges, the solid waste charge, the extra garbage cart charge and the snow and ice removal cost recovery charge, in that order; and then late charges for the solid waste charge. Any overpayment of the combined bill shall be applied to the water charge on the account for the property.

**6. SAVING CLAUSE.** It is the intent of the common council that the provisions of this section relating to a snow and ice removal cost recovery charge, and the application of revenue from this charge are separable. If any provision

or part of this section be held unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of any other provisions or part of the section which other provisions and parts shall remain in full force and effect.

### **7. APPEAL PROCEDURE.**

a. Whenever any snow and ice removal cost recovery charge is imposed in accordance with this section, and the person required to pay such charge feels aggrieved as a result of the imposition or collection of such charge, such person shall pay such charge when the same shall become due, but shall pay it under protest. Within 20 days following such payment, such person may file with the commissioner of public works a complaint to the effect that such person is aggrieved by the imposition and collection of such snow and ice removal cost recovery charge, his or her specific reasons for objection and the amount of the overcharge complained of.

b. If, upon review by the commissioner of public works, it is determined that all or any part of any snow and ice removal cost recovery charge paid under protest is not just or reasonable, the commissioner shall institute necessary procedures for a refund. If any person feels aggrieved by the determination of the commissioner, the person may file a complaint with the administrative review appeals board, pursuant to s. 320-11.

Public Works 309-(HISTORY)

309-41-1-b	rn to 309-41-1-c	922134	5/25/93	6/12/93
309-41-1-b	rn to 309-41-1-a	080218	3/25/2009	8/8/2009
309-41-1-c	rn to 309-41-1-d	922134	5/25/93	6/12/93
309-41-1-c	rn to 309-41-1-b	080218	3/25/2009	8/8/2009
309-41-1-d	rn to 309-41-1-e	922134	5/25/93	6/12/93
309-41-1-d	rn to 309-41-1-c	080218	3/25/2009	8/8/2009
309-41-1-e	rn to 309-41-1-f	922134	5/25/93	6/12/93
309-41-1-e	rn to 309-41-d	080218	3/25/2009	8/8/2009
309-41-1-f	am	922134	5/25/93	6/12/93
309-41-1-f	rp	922134	5/25/93	6/12/93
309-41-1-f	ra to 309-41-1-e	080218	3/25/2009	8/8/2009
309-41-1-f	rc	080218	3/25/2009	8/8/2009
309-41-1-g	am	920660	1/15/93	2/4/93
309-41-1-g	am	941852	4/2/96	4/20/96
309-41-1-g	rn to 309-41-1-f	080218	3/25/2009	8/8/2009
309-41-1-g	cr	080218	3/25/2009	8/8/2009
309-41-2-0	am	931232	12/22/93	1/14/94
309-41-2-a	am	920660	1/15/93	2/4/93
309-41-2-a	am	922134	5/25/93	6/12/93
309-41-2-a	am	941852	4/2/96	4/20/96
309-41-2-a	am	970134	5/13/97	5/31/97
309-41-2-a	am	080218	3/25/2009	8/8/2009
309-41-2-c	am	920660	1/15/93	2/4/93
309-41-2-c	am	922134	5/25/93	6/12/93
309-41-2-c	am	080218	3/25/2009	8/8/2009
309-41-2-d	am	922134	5/25/93	6/12/93
309-41-2-d	rp	080218	3/25/2009	8/8/2009
309-41-3-a-0	am	931232	12/22/93	1/14/94
309-41-3-a-1	am	931232	12/22/93	1/14/94
309-41-3-a-2	am	920660	1/15/93	2/4/93
309-41-3-a-2	am	922134	5/25/93	6/12/93
309-41-3-a-2	am	941852	4/2/96	4/20/96
309-41-3-a-2	am	970134	5/13/97	5/31/97
309-41-3-a-2	am	080218	3/25/2009	8/8/2009
309-41-3-b	rc	920660	1/15/93	2/4/93
309-41-3-b-2	am	922134	5/25/93	6/12/93
309-41-3-b-2	am	080218	3/25/2009	8/8/2009
309-41-3-b-4	rc	941852	4/2/96	4/20/96
309-41-3-b-6	cr	151055	12/15/2015	12/31/2015
309-41-4	am	922134	5/25/93	6/12/93
309-41-4	am	990338	6/22/99	7/10/99
309-41-4	am	080218	3/25/2009	8/8/2009
309-41-5	rn to 309-41-7	941852	4/2/96	4/20/96
309-41-5	cr	941852	4/2/96	4/20/96
309-41-5-c	am	970623	7/25/97	8/13/97
309-41-5-c	am	080218	3/25/2009	8/8/2009
309-41-5-f	am	080218	3/25/2009	8/8/2009
309-41-5-g	am	080218	3/25/2009	8/8/2009
309-41-5-h	am	080218	3/25/2009	8/8/2009
309-41-6	rn to 309-41-8	941852	4/2/96	4/20/96
309-41-6	cr	941852	4/2/96	4/20/96
309-51-2-a-0	am	930451	7/27/93	8/13/93
309-51-2-a-2-d	rc	120555	9/25/2012	10/12/2012
309-51-2-a-3-a	am	001188	12/15/2000	1/9/2001
309-51-2-a-3-a	am	010869	4/23/2002	1/1/2003
309-51-2-a-3-a	am	020593	11/8/2002	1/1/2003

**309—(HISTORY) Public Works**

309-51-2-a-3-d	rc	961884	4/22/97	5/9/97
309-51-2-c	am	001188	12/15/2000	1/9/2001
309-51-2-d-4	am	001188	12/15/2000	1/9/2001
309-51-2-d-5	am	921114	11/20/92	12/11/92
309-51-2-f	am	980963	12/18/98	1/1/99
309-53-6-a	am	001188	12/15/2000	1/9/2001
309-53-6-a	am	010869	4/23/2002	1/1/2003
309-53-6-a	am	020593	11/8/2002	1/1/2003
309-53-6-e	am	001458	2/27/2001	3/16/2001
309-53-7	am	001458	2/27/2001	3/16/2001
309-54	cr	970946	11/4/97	11/21/97
309-54	rc	050324	9/12/2005	1/1/2006
309-54	am	121803	7/23/2013	8/10/2013
309-54-1	am	001458	2/27/2001	3/16/2001
309-54-1-a	rc	060775	11/10/2006	1/1/2007
309-54-2-c	am	001458	2/27/2001	3/16/2001
309-54-3-d	am	001458	2/27/2001	3/16/2001
309-54-3-e	rc	001188	12/15/2000	1/9/2001
309-54-3-e	rc	010869	4/23/2002	1/1/2003
309-54-3-e	am	020593	11/8/2002	1/1/2003
309-54-6-c	am	001458	2/27/2001	3/16/2001
309-54-8-a	am	060775	11/10/2006	1/1/2007
309-54-9-d	am	050883	11/11/2005	1/1/2006
309-54-9-d	rc	120555	9/25/2012	10/12/2012
309-54-10-b	am	001458	2/27/2001	3/16/2001
309-61	cr	880716	9/24/91	10/11/91
309-61-1-d	cr	140785	9/23/2014	10/10/2014
309-61-2	rc	911308	11/5/91	11/22/91
309-61-2-a	am	050360	7/26/2005	8/12/2005
309-61-2-a-0	am	931067	11/9/93	11/30/93
309-61-2-a-1	am	000476	9/22/2000	10/11/2000
309-61-2-a-2	am	931067	11/9/93	11/30/93
309-61-2-a-2	am	960764	9/24/96	10/11/96
309-61-2-a-2	am	000476	9/22/2000	10/11/2000
309-61-2-a-3	am	931067	11/9/93	11/30/93
309-62-2-a-3	am	960764	9/24/96	10/11/96
309-61-2-a-3	am	000476	9/22/2000	10/11/2000
309-61-2-a-4	am	000476	9/22/2000	10/11/2000
309-61-2-b-1	am	000476	9/22/2000	10/11/2000
309-61-2-b-2	am	000476	9/22/2000	10/11/2000
309-61-2-b-3	am	000476	9/22/2000	10/11/2000
309-61-2-b-4	am	000476	9/22/2000	10/11/2000
309-61-2-b-5	am	000476	9/22/2000	10/11/2000
309-71	cr	931498	1/25/94	2/11/94
309-71	am	020472	7/16/2002	8/2/2002
309-71	am	121803	7/23/2013	8/10/2013
309-72	cr	020472	7/16/2002	8/2/2002
309-83	cr	010946	12/17/2001	1/1/2002
309-83	am	121803	7/23/2013	8/10/2013
309-83-2-a	am	021691	3/25/2003	4/11/2003
309-83-5-a	am	021691	3/25/2003	4/11/2003
309-83-5-b	rc	120555	9/25/2012	10/12/2012
309-83-7-a-1	rn to	150788	11/2/2015	11/19/2015
	309-83-7-a			
309-83-7-a-2	ra to	150788	11/2/2015	11/19/2015
	309-83-7-b			
309-83-7-b	rp	150788	11/2/2015	11/19/2015

SUBCHAPTER 1  
HOLIDAY AND OVERTIME POLICIES

**350-1. Definitions.** In this chapter, unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following definitions shall apply:

1. DEPARTMENT means the department of employee relations.
2. EMPLOYEE means any person on the bi-weekly payroll of the city.
3. HOLIDAY, except as specifically covered by other provisions of the code means:
  - a. New Year's Day - January 1.
  - b. Good Friday.
  - c. Memorial Day - Last Monday in May.
  - d. Independence Day - July 4.
  - e. Labor Day - The 1st Monday in September.
  - f. Thanksgiving Day - The 4th Thursday in November or the day appointed by the governor of Wisconsin as a day of public thanksgiving in each year.
  - g. The day after Thanksgiving Day.
  - h. Christmas Day - December 25.
  - i. The last normal work day before Christmas Day.
  - j. The last normal work day before New Year's Day.
  - k. Dr. Martin Luther King Jr.'s birthday - the 3rd Monday in January.
4. OVERTIME means the authorized hours worked in excess of 40 hours in one week.
5. TIME AND ONE-HALF means compensation per hour worked, determined by dividing the biweekly rate by 80 and multiplying by 1.5, unless otherwise provided, consistent with the fair labor standards act.
6. TIME WORKED means the hours worked during scheduled work periods, all holiday hours paid but not worked and all furlough hours not worked.

**350-2. Holidays, General Provisions.**

1. WEEKEND HOLIDAY. Whenever Independence Day (July 4) falls on a Saturday, the preceding Friday shall be observed as a holiday. Whenever New Year's Day (January 1) and Christmas Day (December 25) fall on a Saturday, the following Monday shall be observed as a holiday. When New Year's Day, Independence Day or Christmas Day falls on a Sunday, the following Monday shall be observed as a holiday.

**1.5. OPTIONAL HOLIDAYS.**

a. The following days and dates shall be designated as optional holidays:

- a-1. Cesar E. Chavez Day – March 31.
- a-2. Juneteenth Day – June 19.

b. If an optional holiday falls on a day on which the offices of a department are open, the department shall remain open and conduct the operations of the department. Each department head shall, as long as adequate staffing levels are maintained as determined by the department head, allow an eligible employee who complies with that department's advance notification requirements and who requests an optional holiday day off to receive that day as a paid holiday in lieu of receiving a paid holiday for one of the other holidays specified under s. 350-1 that the employee designates, as long as the designated day is within the same fiscal year.

c. On the holiday an eligible employee designates in substitution for an optional holiday day, the employee shall use either vacation or compensatory time-off for that day.

d. An eligible employee under this section shall be one who is eligible for holiday pay, subject to the city's collective bargaining obligations, as applicable, under s. 111.70, Wis. Stats.

e. This subsection shall not change the total number of holidays with pay granted annually.

2. FIRE DEPARTMENT a. Fire equipment dispatchers and fire dispatch supervisors shall receive 11 days off per calendar year in lieu of holidays or holiday pay, earned at the rate of 0.9167 days for each calendar month of active service during that calendar year. This holiday time-off shall be taken in the calendar year in which it was earned.

b. Employees Working 24-Hour Shifts.

b-1. Holiday Compensation. An employee working 24-hour shifts shall receive 24 hours off per calendar year in lieu of holidays or holiday pay, earned at a rate of 2 hours per month. This holiday time-off shall be taken in the calendar year in which it was earned.

b-2. Unused Holiday Compensation. An employee on authorized injury leave as a result of a duty-incurred injury may use holiday time-off scheduled during the period of such leave provided the employee notifies his or her supervisor orally of this fact prior to the start of the holiday time-off. An employee on authorized injury leave as a result of a duty-incurred injury not using holiday time-off scheduled during the period of the employee's

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leave, because he or she did not make a request for it, shall have his or her unused holiday time-off rescheduled by the fire department administration when the employee returns to duty if it is possible to do so before the end of the calendar year. If the fire department administration is unable to reschedule all of the employee's remaining unused holiday time-off before the end of the calendar year, the employee shall be entitled to receive a lump-sum payment equivalent to the dollar value of the remaining unused holiday time-off at the end of the calendar year, computed on the basis of the employee's hourly base rate in effect at the time for which the holiday time-off was originally scheduled. This lump sum payment shall be made as soon as is administratively practicable following the end of the calendar year. The lump-sum payment shall not be construed as being part of the employee's base salary and shall not be included in the computation of any fringe benefits. The lump-sum payment shall not have any sum deducted for pension benefits nor shall it be included in any computation establishing pension benefits or payment. When authorized by the fire department administration, an employee may elect to carry over into the next succeeding calendar year any remaining unused holiday time-off that the fire department administration was unable to reschedule by the end of the calendar year, instead of the lump-sum payment provided for in this subparagraph. The scheduling of carried-over holiday time-off shall be subject to availability of the dates requested by the employee, require prior approval by the employee's supervisor and in way affect the scheduling of other employee holiday time-off.

c. Computation. For purposes of computation benefits under par. a and b, an employee on the fire department payroll for at least 14 days in a calendar month shall be deemed as having been on the fire department payroll for the full calendar month. If the employee is on the fire department payroll for less than 14 days in a calendar month, exclusive of any mandatory furlough time, the employee shall be deemed as not having been on the payroll at all during the calendar month.

3. STATUTORY COMPLIANCE. Any statutory provisions establishing legal holidays on days other than those set forth under the definition of the term "holiday" in s. 350-1 shall not be observed in a manner resulting in a shorter workweek for general city employees. If the state of Wisconsin enacts a statute under which some or all of the holidays enumerated in s. 350-1 are established or observed as so-called Monday holidays, the city will move to observation of such law, but the conformance to state law shall not increase or diminish the number of holidays with pay granted annually.

**350-3. Uniform Overtime Policies.** Except as provided in s. 350-6, or unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following overtime policies shall be applied uniformly to positions in the city service.

1. CASH OR COMPENSATORY TIME.

The determination as to whether overtime shall be taken as cash or compensatory time shall be made by each department head in consultation with the budget and management division. Department heads shall notify employees of whether cash or compensatory time-off is being offered for overtime worked prior to the actual work being performed. If notification is not provided that compensatory time is being offered for overtime worked, cash shall be paid for the overtime worked. The accumulated compensatory time credit for each employee at no time shall exceed 180 hours of banked compensatory time, which is equivalent on a time and one-half basis to 120 hours worked.

2. AS OVERTIME ONLY. When computing overtime of either type, time compensated for any reason on an overtime basis shall not be counted in computing further overtime.

3. RATE. Overtime shall be compensated, whether as cash or compensatory time, at time and one-half the rate at which it was earned.

4. AUTHORIZATION. Department heads are authorized to order overtime work, and no overtime shall be worked unless so ordered.

5. HOLIDAYS. All hours worked on a holiday as specified under s. 350-1 by an eligible, fair labor standards act non-exempt employee shall be considered overtime.

**5.5 EMERGENCY OVERTIME WORK.**

a. Snow and Ice Operations and Water Main Repairs. Hours worked by an eligible department of public works employee in response to a management emergency call-out for snow and ice operations outside of the employee's regular work schedule, and hours worked by an eligible Milwaukee water works-distribution section employee in response to a management emergency call-out for water main repairs performed outside of the employee's regular work schedule, shall be considered overtime in accordance with applicable provisions of the salary ordinance.

b. Milwaukee Police Department-Technical Communications Division. Additional hours worked by an eligible Milwaukee police department-technical communications division civilian employee following the employee's scheduled work shift, as required by a department directive in response to an unexpected staffing shortage, shall be considered overtime in accordance with applicable provisions of the salary ordinance.

**6. CHANGE OF SHIFT.** For departments that have regularly-scheduled multiple shifts, employees who are provided with less than 48 hours notice of a change in shift shall receive overtime for all hours worked during the subsequent 48-hour period.

**7. EXCLUSIONS.** Nothing contained within this section is intended to authorize or require overtime compensation for employees who are excluded from overtime compensation by other provisions of the code.

**350-4. General Overtime Procedures and Regulations.**

**1. REPORTING OVERTIME REQUIRED.** a. To Employee Relations. A report of all overtime employment, whether compensated for in cash or by compensatory time-off allowed by each department, shall be submitted to the director of employee relations with the payroll for the period in which the overtime was authorized for a review of the necessity of the overtime employment. The director of employee relations shall prescribe the form of the report of overtime worked or compensatory time taken off, and the number and disposition of copies. In case of departmental error or omission in reporting overtime worked or time taken off, supplementary reports shall be submitted by the

departments in order that payroll checks shall reflect correct amounts, and overtime records shall indicate the exact number of hours of overtime worked or time taken off.

b. To Common Council. From the departmental reports of overtime worked or compensatory time taken off, the director of employee relations shall prepare consolidated reports of the overtime worked or time taken off, and shall submit the consolidated reports together with other appropriate information to the common council at regular intervals.

c. Accumulated Overtime. If an employee accumulates a total of 180 hours of compensatory time-off, or 120 hours of overtime worked for which time-off may be taken, the director of employee relations shall initiate a schedule to eliminate the overtime backlog, investigate the cause and justification of the overtime work and, when possible, institute such recommended procedures as may be necessary to eliminate the need for overtime work. In each case, the director of employee relations shall provide to the common council a report of the overtime and the recommendations made or action taken to reduce or eliminate the overtime work.

d. Overtime Studies. On the basis of regular and special reports, the common council shall regularly review the overtime worked by each department, require the presence of department heads or supervisors empowered to authorize overtime work for supporting or explaining its need, and establish rules as may be deemed necessary for controlling overtime work.

**2. EARNED OVERTIME UPON SEPARATION.** All earned overtime, whether earned as cash or compensatory time, shall be paid as cash upon separation from city service.

**3. OVERTIME NOT TO BE USED FOR RETIREMENT CREDIT.** No overtime period of service, nor the compensation received, shall be counted as accruing toward credit or deduction on any annuity or pension rights.

**350-5. Exclusion from Overtime.**

**1. POSITIONS EXCLUDED.** The director of employee relations shall determine the positions that shall be exempt from the overtime provisions of this chapter.

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2. FLEXIBLE SCHEDULE. Employees of positions that work a minimum average of 40 hours per week, normally consisting of 5 workdays of 8 hours each, shall be considered to work on a flexible schedule within the limits of a 40-hour week, dependent on existing workload demands and with the approval of department heads. Under this flexible schedule provision, the daily work schedule of employees may be adjusted as necessary and appropriate to fulfill their assigned duties and responsibilities. The adjustments may include starting and quitting times that are earlier or later than established in the normal work schedule of a department and may include hours of work that are more or less than 8 hours in any particular day, within the limits described. This flexible schedule provision shall not be construed as allowing compensatory time-off at the rate of time and one-half, allowing time-off for extended personal illness without charge to sick leave, or allowing time-off for extended vacation.

3. ADMINISTRATION. Department heads shall enforce this section as it applies to personnel within their departments. The director of employee relations shall interpret the provisions of this section and report to the finance and personnel committee any problems or abuses concerning the interpretation or administration of this section.

4. TO BE USED WITHIN 2 YEARS. All employees entering positions excluded from payment in cash or compensatory time-off for overtime worked under the provisions of this subchapter shall take off any overtime balance previously earned within a 2-year period from the time of entering the positions. If time is not used within 2 years, the employee shall be compensated for the unused earned time in cash.

5. Effective July 15, 2014, any employee entering a position excluded from payment in cash or compensatory time-off for overtime worked under the provisions of this subchapter shall be compensated in cash for any compensatory time balance prior to entering a job excluded from overtime.

**350-6. Compliance with the Fair Labor Standards Act.** In accordance with the provisions of the federal fair labor standards act, the:

1. Director of employee relations shall determine the positions and classes that are covered by the act and transmit appropriate guidelines and instructions for carrying out the applicable provisions of the act to city departments and agencies.

2. Comptroller shall develop and establish payroll recordkeeping, payment inclusions and payroll practices to ensure good-faith compliance with the act.

3. Director of employee relations shall issue a policy statement prohibiting departments and agencies from docking employees exempt from the act for partial-day absences and institute a policy for those employees to make up the time, consistent with departmental operations.

4. Labor negotiator shall meet with appropriate representatives to discuss and clarify city compliance policies.

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