

**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:

- 212028 A substitute ordinance relating to employee wages, benefits, and regulations.
- 220475 An ordinance relating to the change of Juneteenth Day from an optional city holiday to an official city holiday.
- 220671 An ordinance relating to unrepresented aldermanic districts.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
Remove old MEMO (Suppl. #337)				i-ii	i-ii
				v-vi	v-vi
301-5	cr	220671	10/8/2022	1-2	1-2
350-1-3-L	cr	220475	"	903-904	903-904
350-2-1	am	"	"	"	"
350-2-1.5-a-2	rp	"	"	"	"
350-219-3	am	212028	"	957-958	957-958
Index				1549-1550	1549-1550

For subscription or distribution questions contact the Municipal Research Library, Code Section, (414) 286-2280.

For questions concerning the content of the Milwaukee Code of Ordinances contact the Municipal Research Library, (414) 286-2297.

Abbreviations:

- | | | |
|-----------------|---------------------------|---------------|
| am=amended | ra=renumbered and amended | rn=renumbered |
| cr=created | rc=recreated | rp=repealed |
| corr=correction | | |

CITY OFFICIALS

2020 to 2024

Mayor
Cavalier Johnson

Council President
Jose G. Perez

The Common Council
(By Aldermanic District)

1. VACANT
2. VACANT
3. VACANT
4. Robert J. Bauman
5. Nikiya Dodd
6. Milele A. Coggs
7. Khalif Rainey
8. JoCasta Zamarripa

9. VACANT
10. Michael Murphy
11. Mark A. Borkowski
12. Jose G. Perez
13. Scott P. Spiker
14. Marina Dimitrijevic
15. Russell W. Stamper, II

City Clerk: Jim Owczarski
Deputy: Dana Zelazny

City Attorney
Tearman Spencer

City Comptroller
Aycha Sawa

City Treasurer
Spencer Coggs

Municipal Judges

Branch 1
Valarie Hill

Branch 2
Derek Mosley

Branch 3
Phil Chavez

FORWARD

In 1989, volume 3 of the Milwaukee Code of Ordinances was printed in its current format of an updatedable looseleaf format. As changes to these ordinances are passed by the Common Council, the Legislative Reference Bureau will issue replacement pages for this book. Thus, it can be a current and reliable resource to its users.

Volume 3, which contains chapters numbering 301-399, contains administrative ordinances which pertain to the organization and operation of Milwaukee's city government. Other looseleaf volumes include Volume 1 (Regulatory Ordinances), Volume 2 (Building and Zoning Code), and the City Charter.

The numbering system for the Milwaukee City Charter and Code of Ordinances is patterned on that used for the Wisconsin Statutes (except for the use of dashes in place of parentheses) and is as follows:

Chapter	Section	Subsection	Paragraph	Subdivision	Subparagraph
70	10	3	a	4	b

If there are questions regarding the numbering system, or the correct method of citation, please contact the Legislative Reference Bureau.

Keith Broadnax, Manager
Legislative Reference Bureau
September 2022

MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through September 20, 2022.

Revised 9/20/2022
Suppl. #338

**CHAPTER 301
COMMON COUNCIL**

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301-2. Aldermanic District Boundaries. Effective May 14, 2022, except as otherwise required by law, the territory within the limits of the city of Milwaukee shall be divided into 15 aldermanic districts which shall be comprised of the following election wards, as described in resolution file number 211801:

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301-3. Common Council President.

1. SUCCESSOR IN OFFICE. In the event the president of the common council is unable to act or perform any of his duties because of illness, other disability or absence from the city, by a direct line of succession and in the order herein set forth, the persons elected or appointed to the following offices or positions shall act as president of the common council and have and exercise the powers and discharge all of the duties of the president of the common council until such time as the president of the common council shall resume his duties, and while so acting as president of the common council, such person shall be styled as "acting president of the common council"; provided, that if any person lower on the list of succession or order, as herein set forth, shall be exercising such powers and discharging such duties and a person higher on the list of succession or order shall become available to serve, such powers and duties are forthwith vested in the person higher on the list or order. The direct line of succession and order shall be as follows:

301-5 Common Council

2. LINE OF SUCCESSION. Chair of the committee on finance and personnel; the chairs of standing committees of the common council in the order of their seniority, that is, the length of service in the office of common council member; and in the event such time of service be equal, then as to such chairs in the alphabetical order of their surnames; the remaining common council members in the order of their seniority, that is, the length of service in the office of common council member, and in the event such time of service be equal, then as to such common council members in the alphabetical order of their surnames. In the event of the death or resignation of the president of the common council, the common council shall at the next meeting, after the occurrence of such event, elect a successor to fill the office of president who shall preside over meetings for the remainder of the term of office to which members of the common council were elected.

301-5. Unrepresented Aldermanic Districts. The president of the common council may represent the interests of any aldermanic district that has an aldermanic vacancy in any licensing matter, including but not limited to: ss. 68-23.2, 75-1.11, 84-7.13, 84-45.11, 85-2.5, and 275-20.10, until such time as the aldermanic vacancy shall be filled.

301-7. Granting of Franchise or Special Privilege. **1. DEPOSIT REQUIRED.** No resolution granting any franchise or special privilege shall be considered by the common council, nor shall any action be taken thereon, unless the person, firm or corporation in whose favor said resolution is proposed shall have first paid into the city treasury, for the purpose of defraying the printing and any other incidental expenses which the city may incur in the consideration of such resolution, the fee required in s. 81-57 or 81-115.

2. CITY CLERK TO VERIFY PAYMENT. The city clerk shall, before reading or presenting to the common council for its consideration any resolution granting a franchise or special privilege, obtain from the city treasurer a statement to the effect that the required amounts have been paid into the treasury, such statement to be included in the resolution presented to the common council and countersigned by the city comptroller.

3. DEPOSIT IN TREASURY. Fees collected pursuant to this section shall be deposited in the city treasury and credited to the general city fund.

301-11. Expenditure of Economic Development Funds. All expenditures of common council economic development funds shall be approved by the community and economic development committee.

301-13. Common Council Community Development Oversight. Common council oversight with respect to community development shall be assigned to a common council standing committee pursuant to the common council procedure and rules. The common council committee to which oversight is assigned shall provide policy direction to the office of community block grant administration, department of administration, in carrying out its responsibilities, and to review, reject or otherwise modify recommendations of the office with respect to community development programs and actions, including recommendations to the common council on submission of the city's annual federal community development block grant application.

For legislative history of chapter 301, contact the Municipal Research Library.

Pages 3-14 are blank.

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.
 - L. Juneteenth Day – June 19.
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 Juneteenth Day (June 19) falls on a Saturday, the preceding Friday shall be observed as a 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, Juneteenth 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.

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 leave, because he or she did not make

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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 no 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 furlough time, the employee shall be deemed as not having been on the payroll at all during the calendar month.

2.5. PUBLIC WORKS. a. Floating holiday. As determined by the commissioner of public works, employees assigned to the sanitation services section or the fleet services dispatch section may receive one day off per calendar year in lieu of the New Year's Eve holiday or holiday pay. This holiday time-off shall be taken in the following calendar year.

b. Eligibility. To be eligible, an employee shall have been on paid status for at least 2 work days during the calendar week the New Year's Eve holiday occurs.

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.

connection with any public work shall consult with the city attorney relative to those to be taken if it is apparent that the property or project may be involved in litigation.

350-217. Refusal to Pay Judgment; Employee to be Discharged. Every officer, clerk, assistant or employee of the city who shall refuse and neglect to pay and satisfy any final judgment rendered against him in a court of justice for any debt incurred or contracted by him for and during his appointment and employment as such officer, clerk, assistant or employee, shall be discharged from the service of the city. It shall be the duty of the chiefs of the several departments to discharge every officer, clerk, assistant or employee serving in their respective departments upon any information duly filed with them, verified by the affidavit of the person or persons making the same, setting forth the facts, and that the said officer or employee made default in the payment of such judgment or judgments or any part thereof, as the case may be; provided, that no such officer, assistant, clerk or employee shall be compelled to pay in any one month on account of such judgment or judgments a larger sum than 1/3 of the amount of the monthly salary of compensation he receives from the city; and, provided further, that the provisions of this section shall not apply to any officer or employee of the city who shall pay or cause to be paid every month 1/3 of his monthly salary or compensation until such judgment or judgments shall be fully paid and satisfied.

350-219. Participation in Governmental, Professional, Technical and Community Organizations.

1. POLICY. City employees are encouraged to participate in governmental, professional, technical and community organizations for purposes of performing public service and to enhance their job performance and thereby improve the efficiency of city operations.

2. GOVERNMENTAL ACTIVITIES. City department, division and bureau heads shall grant time off with pay up to 32 hours per year to employees appointed or elected to city, county, state or federal boards, commissions or committees for official meetings and functions of such bodies during regularly scheduled working hours. Time off with pay shall be granted only if the employee gives 48 hours notice requesting time off for such activities. Employees may be permitted additional time off with pay beyond 32 hours per year for attendance at meetings for the purpose of carrying out the business of a board,

commission or committee or for attending conferences necessary to the efficient discharge of the duties and responsibilities of a board, commission or committee if approved of by the finance and personnel committee upon receipt of a written request from a board, commission or committee requesting such additional time off with pay for an employee. Overtime pay as provided under this chapter shall be allowed if participation on the board, commission or committee is an extension of the employee's regular job.

3. NONGOVERNMENTAL ACTIVITIES AND PARTICIPATION IN VOLUNTEER ACTIVITIES. The department shall establish a volunteer time-off program, develop and implement guidelines for volunteer activities, and provide guidance and direction to city departments concerning the program. A city department, division, or bureau head may grant up to 32 hours of time off with pay per year to employees to attend meetings of professional, technical or community organizations, and to be a mentor in a mentoring program approved by the department. Up to 8 of the 32 hours may be used for non-city sponsored volunteer activities through the program. Permission shall be in writing and shall be granted only if the employee gives 48 hours' notice requesting time off for such activities. No overtime pay shall be allowed for such activities.

350-221. Identification Badges.

1. BADGES TO BE WORN. a. By City Employees. All city employees other than members of the police force who enter residences or business places in the city for the purpose of performing inspections or other related services shall be required as a condition of obtaining access to such residence or business to wear an identification badge bearing the photograph, name and/or employee number and that such person be designated as an employee of the city. Such badge shall be worn on the front part of the employee's outer garment so that the same shall be easily visible at all times during the performance of such employee inspection or other related duties. This section shall not apply to inspectional personnel of the health department while in performance of job duties which require anonymity.

b. By Public Utility Employees. All employees of public utilities, as such term is defined in s. 196.01, Wis. Stats., who enter residences or business places in the city for the purpose of performing either inspectional service, or in the performance of any duty relating to the operation of such public utility or for the purpose of checking or installing any facility or appliance for

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which service is provided or is required to be provided by such public utility, shall be required as a condition of obtaining access to such residence or business to wear an identification badge which bears a photograph, name and/or employee number that such person be designated as an employee of a particular public utility. Such badge shall be worn on the front part of the employee's outer garment so that the same shall be easily visible at all times during the performance of the acts referred to in this section.

2. PENALTY. Any person found guilty of violating sub. 1 shall be punished by a fine of not less than \$25 nor more than \$50.

350-223. Civil Service in City Attorney's Office.

1. CIVIL SERVICE STATUS. Pursuant to s. 63.29, Wis. Stats., all persons employed as attorneys in the office of the city attorney, except the city attorney and deputies of the city attorney, shall be hired subject to all city civil service provisions.

2. DEPUTY CITY ATTORNEYS. There are created 4 positions of deputy city attorney who shall be appointed by the city attorney and such positions shall not be under civil service, and the city attorney shall be responsible for all the acts of the deputy city attorneys. The deputy city attorneys may be selected from among the assistant city attorneys in the office of the city attorney, and, if so selected from among that group, while serving as deputy city attorneys, they shall retain their civil service status and tenure as former assistant city attorneys as provided for in this section. The deputy city attorneys shall be required to take the oath of office as provided in the charter and may perform all duties and have all responsibilities required of the city attorney by law.

350-229. Rotative Employment System.

1. ESTABLISHED. The city service commission is authorized and directed, subject to approval by the common council, to establish a system of rotative service, rotative lay-offs, staggered employment, furloughs without pay, shortened work days, and part time work for all positions in the classified service of all departments, bureaus, boards and commissions where there has been staff reduction due to budget reductions or operating economies and where there are several persons holding positions of the same title or positions in which the duties may be performed efficiently by persons having different titles in the judgement of the head of the department, bureau, board or commission, and of the city service commission.

2. AUTHORITY. The city service commission shall establish such systems upon the request of the common council, or upon the request of the head of the department, bureau, division, board or commission, and after a public hearing, notice of which shall be given to all employees who might be affected by the decision. A full statement of any action of the commission in exercising this authority, together with a list of the positions and employees affected, shall be included in its minutes. The commission is also authorized to revoke or modify its action in the same manner as it was originally exercised.

3. SERVICE RATING, ETC. Nothing in this section shall be construed to prevent the establishment of a system of service ratings, or to limit the right of discharge, suspension, discipline or appeal.

4. COMPENSATION, ETC. Incumbents of positions placed upon a rotative, part time, shortened work day or staggered schedule of work, the compensation of which is fixed by ordinance or resolution upon a daily, monthly or annual basis, shall be paid a proportionate share of such salary or wage.

350-231. Application of Specifications for Personnel Service. The specifications for personnel service shall apply to all authorized offices and employment in the departments, bureaus, institutions, boards and commissions of the city government under control of the common council, and shall supersede all grouping of employment inconsistent therewith and shall be applied subject to the conditions and regulations included in ss. 350-112, 350-114, 350-231 to 350-235, 350-241 and 250-243.

350-233. Extent of Application for Specifications for Personnel Service. The specifications for personnel service shall apply in their entirety to all offices and employments in the city service to be filled after this chapter takes effect and shall not affect present civil service employees except as herein provided. The specifications for personnel service shall not in themselves be construed to define, or prescribe the organization or procedure under which employees shall work, or to limit or restrict the responsible administrative officials in exercising supervision or assigning such other duties as may be necessary in case of emergency.

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