



# 20-0564

**Standing Committee:** Finance Committee

**Document Name:** Ordinance to amend various sections of Chapters 2 and 3 of the Municipal Code in order to update references

**Action:**

Place on File - No Council action needed

Refer to:

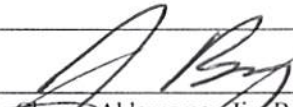
Refer to Council

Consent

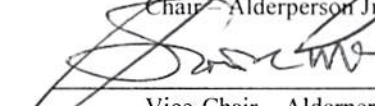
Non-Consent

**Committee Recommendation:** To adopt the amended ordinance

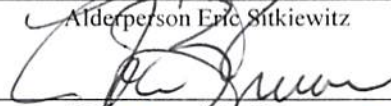
**Attest:**

  
Chair - Alderperson Jim Brey

6-15-20  
Date

  
Vice-Chair - Alderperson Scott McMeans

  
Alderperson Eric Sitkiewitz

  
Alderperson John Brunner

  
Alderperson Bill Schlei

**Approved:**

  
Justin M. Nickels  
Mayor

6-17-2020  
Date

Finance  
6-15-00

20-0564

**ORDINANCE**

An Ordinance to amend various sections of Chapters 2 and 3 of the Manitowoc Municipal Code in order to update references.

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

**Section 1.** Section 2.070 is amended to read as follows:

**"2.070 Indefinite Tenure of Office.**

(1) **Officers Affected.** The City of Manitowoc hereby elects pursuant to the provisions of Wis. Stat. § 62.09(3)(b) that the manner of selection of the City Clerk, Comptroller, City Attorney, City Assessor, City Planner, Director of Building Inspection, Plumbing Inspector, ~~Director of Parks and Recreation~~, Superintendent of Sewage Disposal Plant Wastewater Treatment Facility, City Treasurer, Director of Public Works and City Engineer Infrastructure, Sanitary Inspector, and Electrical Inspector ~~and Meat Inspector~~ shall be as provided by this section.

(2) **How Appointed.** The City Clerk, Comptroller, City Attorney, City Planner, Director of Building Inspection, Plumbing Inspector, ~~Director of Parks and Recreation~~, Superintendent of Sewage Disposal Plant Wastewater Treatment Facility, City Treasurer, Director of Public Works ~~and City Engineer Infrastructure~~, Sanitary Inspector, and Electrical Inspector ~~and Meat Inspector~~ shall be appointed by a majority vote of all the members of the Common Council.

(3). **Indefinite Terms – Termination.** The City Clerk, Comptroller, City Assessor, City Attorney, City Planner, Director of Building Inspection, Plumbing Inspector, ~~Director of Parks and Recreation~~, Superintendent of Sewage Disposal Plant Wastewater Treatment Facility, City Treasurer, Director of Public Works ~~and City Engineer Infrastructure~~, Sanitary Inspector, and Electrical Inspector ~~and Meat Inspector~~ shall hold office for indefinite terms subject to termination at any time upon the filing of the report of the Common Council Committee of the Whole favoring such termination and approved by a majority vote of all the members of the Common Council in session. No individual removed from office shall have the right of a hearing unless granted by the Common Council and the action of the Common Council shall be final. Notice of termination of office shall be given by the City Clerk, and in the case of the termination of the office of the City Clerk, the President of the Common Council shall function in giving the notice.  
..."

**Section 2.** Section 2.080 is amended to read as follows:

**"2.080 Qualifications of Harbor Commissioners.**

Notwithstanding the requirement of Wis. Stat. § 30.37(3) that no person shall be appointed to the ~~Board of Harbor Commissioners~~ Harbor Commission unless such person has been a resident of the municipality for at least three years, a person may be appointed to the City of Manitowoc ~~Board of Harbor Commissioners~~ Harbor Commission if such person is a resident of the City of Manitowoc at the time of such person's appointment."

**Section 3.** Section 3.010 is amended to read as follows:

**"3.010 Common Council.**

...  
(7) **Standing Committee Oversight of Boards, Commissions, and Other Committees.** The following boards, commissions, and other committees will report to the Committee of the Whole and each standing committee as listed:

(a) Committee of the Whole.

...  
(b) Finance Committee.

...

~~Cable Television Commission.~~

....

~~Farmers' Market Ad-Hoc Committee.~~

...

~~Room Tax Allocation Board.~~ Commission

Tax Incremental Financing Joint Review Board.

~~Tax Incremental Financing Project Review.~~

Zoning Board of Appeals.

(c) Personnel Committee.

~~Board of Ethics.~~ Ethics Board

(d) Public Infrastructure Committee.

Board of Public Works.

~~Cemetery Commission.~~

Committee on Aging.

~~Complete Streets Advisory Committee.~~

...

~~Sustainable Manitowoc Committee.~~

~~Transit Development Plan Review Committee.~~ Commission

~~Wastewater Treatment Facility Board.~~

~~Zoological Board.~~

(e) Public Safety Committee.

~~Board of Electrical Examiners.~~

Building Board of Appeals.

~~Code Review Committee.~~

..."

**Section 4.** Section 3.040 is amended to read as follows:

**3.040 ~~Board of Harbor Commissioners.~~ Harbor Commission.**

"A ~~Board of Harbor Commissioners~~ is created pursuant to the following resolution, which was adopted on April 16, 1973, and amended on April 17, 1973: ..."

**Section 5.** Section 3.070 is amended to read as follows:

**"3.070 Board of Public Works.**

**(1) Membership.** The Board of Public Works of the City of Manitowoc shall consist of the Mayor, City Attorney, Director of Public Infrastructure, three members of the Common

Council, the Finance Director/Treasurer and the City Clerk. The City Clerk shall serve as secretary for the Board and in the absence of the City Clerk, the Deputy City Clerk may act as secretary. In the absence of the City Attorney, the ~~Staff Assistant City Attorney~~ may act as a member. In the absence of the Director of Public Infrastructure, their designee may act as a member. In the absence of the Finance Director/Treasurer, the Comptroller/Deputy Treasurer may act as a member. In the absence of the City Clerk, the Deputy City Clerk may act as a member. (See Wis. Stat. § 62.14.)

...

**Section 6.** Section 3.110 is hereby repealed.

~~“3.110 Recreation Board. (repealed)~~

**Section 7.** Section 3.120 is amended to read as follows:

**“3.120 Rahr-West Art Museum Boards and Association.**

...

~~(2) Rahr-West Fund Board. Repealed February 10, 1995.~~

...”

**Section 8.** Section 3.130 is hereby repealed.

~~“3.130 Safety, Traffic and Parking Commission. Repealed by Ord. 16-430.”~~

**Section 9.** Section 3.170 is hereby repealed.

~~“3.170 Zoological Board. Repealed by Ord. 20-233.”~~

**Section 10.** Section 3.180 is hereby repealed.

~~“3.180 Cable Television Commission.~~

~~The Cable Television Commission shall be governed by the terms of MMC 27.170.”~~

**Section 11.** Section 3.200 is hereby repealed.

~~“3.200 Cemetery Commission. Repealed by Ord. 20-233.”~~

**Section 12.** Section 3.210 is hereby amended as follows:

**“3.210 Transit Commission.**

(1) There is hereby created the Manitowoc Transit Commission. The Commission shall consist of seven voting members: a member of the Common Council and six citizen members appointed pursuant to MMC 3.270.

(2) Powers and Duties. The Commission shall have the power and duty to investigate, advise and report to the Mayor and Common Council any suggestions and recommendations regarding public transit in the City. The Commission is also empowered to take steps to educate the public on the importance and availability of public transit. The Commission shall act as an advisory committee to the ~~Licensing, Permits and Inspections~~ Public Infrastructure Committee and make formal recommendations to the Committee about transit-related items such as fare increases, route structure, revenue ideas, events, and transit ideas. The Common Council may assign additional duties to the Commission.”

**Section 13.** Section 3.270 is hereby amended as follows:

**“3.270 Appointments.**

...

The provisions of this section shall apply to the following boards, commissions and governmental bodies, as well as any other governmental bodies specified by the Mayor and Common Council:

- (a) Harbor Commission (MMC 3.040).
- (b) ~~Wastewater Treatment Facility Board (MMC 3.100).~~
- (c) ~~Repealed by Ord. 16-430.~~
- (d) Rahr-West Art Museum Board (MMC 3.120).
- (e) ~~Repealed by Ord. 16-430.~~
- (f) Industrial Development Corporation (MMC 3.140).
- (g) ~~Repealed by Ord. 16-430.~~
- (h) Community Development Authority (MMC 3.160).
- (i) Citizens Advisory Committee (MMC 3.330).
- (j) Committee on Aging (MMC 3.340).
- (k) Transit Commission (MMC 3.210).
- (l) Zoning Board of Appeals (MMC 15.550).
- (m) Building Board of Appeals (MMC 16.050).
- (n) Municipal Tree Commission (MMC 3.190).
- (o) ~~Cemetery Commission (MMC 3.200) - (repealed)~~

**Section 14.** Section 3.310 is hereby repealed.

~~“3.310 Manitowoc Development Corporation. Repealed April 21, 1993.”~~

**Section 15.** Section 3.320 is amended to read as follows:

~~“3.320 Code Review Committee:~~

~~There is herewith created a Code Review Committee to make recommendations for the improvement of building, electrical and plumbing codes and code enforcement. Such Committee to be composed of an architect, a home builder, a plumbing contractor, an electrical contractor, a real estate broker, and two members of the Common Council. The citizen members shall be appointed by the Mayor, subject to confirmation of the Common Council, for terms of three years. Terms shall be from 12:00 a.m. on January 1st until 12:00 a.m. on the January 1st three years later. All persons shall serve until a successor qualifies. Vacancies shall be filled for an unexpired term only. The Mayor shall nominate members for the Code Review Committee at the Council meeting in November of each year and the Council shall accept or reject the recommendations at the meeting of the Council in December of each year. In case of rejections, the Mayor shall make alternate nominations as soon as practicable. No person shall serve unless approved by the Council. The following City employees are herewith appointed advisors to the Committee: City Attorney, Plumbing Inspector, Electrical Inspector, Director of Public Infrastructure, City Planner, Fire Chief, Police Chief and the Building Inspector.”~~

**Section 16.** Section 3.470 is amended to read as follows:

~~“3.470 Director of Public Infrastructure.~~

There is hereby created the office of Director of Public Infrastructure, who shall be responsible for all matters relating to construction, management, maintenance and operation of the physical properties of the City and who shall be in charge of the Parks and Recreation Division, ~~the Parks Division~~, ~~the Department of Public Works Division~~, and the Senior Center, and Maritime Metro Transit. The Director of Public Infrastructure is authorized to purchase small animals for the Manitowoc Lincoln Park Zoo as the zoo budget allows.”

**Section 17.** Section 3.480 is amended to read as follows:

**“3.480 City Attorney.**

...

The City Attorney may appoint an assistant to handle prosecution of ordinance violations and such other duties as may be assigned by the City Attorney. The salary for the Staff Assistant City Attorney shall be determined by the Common Council.”

**Section 18.** Section 3.510 is amended to read as follows:

**“3.510 Fire Chief.**

There is hereby created the office of Fire Chief, who shall have such duties as prescribed by the Wisconsin Statutes and the Common Council. The Fire Chief shall be appointed as provided in Wis. Stat. § 62.13. ~~The Fire Chief shall be responsible for the duties of the Director of Building Inspection~~ serve as the Director of Building Inspection and shall perform such duties as may be prescribed by the Wisconsin Statutes and the Common Council. The Fire Chief shall oversee building, plumbing and electrical inspection and code enforcement in the City of Manitowoc and shall supervise the building, plumbing, electrical inspection and code enforcement staff. The Fire Chief shall act as administrator of housing and property maintenance ordinances.”

**Section 19.** Section 3.520 is amended to read as follows:

**“3.520 Community Development Director.**

There is hereby created the office of Community Development Director, who shall perform such duties as may be prescribed by the Wisconsin Statutes and the Common Council and who shall act as administrator of the zoning ordinances.”

**Section 20.** Section 3.530 is hereby repealed.

~~“3.530 Health Officer. Repealed.”~~

**Section 21.** Section 3.540 is hereby repealed.

~~“3.540 Director of Building Inspection.~~

~~There is hereby created the office of Director of Building Inspection, who shall perform such duties as may be prescribed by the Wisconsin Statutes and the Common Council. The Director of Building Inspection shall oversee building, plumbing and electrical inspection in the City of Manitowoc. The Director of Building Inspection shall also act as administrator of housing and zoning ordinances. The Director of Building Inspection shall supervise the Deputy Director of Building Inspection, Electrical Inspector and Plumbing Inspector.~~

~~If the Director of Building Inspection position is not active or identified in the City’s official organizational chart, all references to that position throughout the Municipal Code shall hereinafter vest in either the person designated by the Common Council as the Building Inspector or the person responsible for managing of the building inspection function of the City.~~

~~If the Deputy Director of Building Inspection, Plumbing Inspector, Electrical Inspector or Housing Inspector are not active positions or identified in the City’s official~~

organizational chart, all references to these positions shall vest in the person designated by the Common Council to perform such duties."

**Section 22.** Section 3.560 is hereby repealed.

~~"3.560 Director of Parks and Recreation. Repealed by Ord. 16-430."~~

**Section 23.** This ordinance shall take effect the day after publication.

JUN 15 2020

INTRODUCED \_\_\_\_\_ ADOPTED JUN 15 2020

 \_\_\_\_\_ APPROVED 6/17/2020

Justin M. Nickels, Mayor

Fiscal Impact: \$0  
Funding Source: n/a  
Finance Director Approval: /sc  
Approved as to form: /km

This resolution was drafted by Elizabeth Majerus, Assistant City Attorney.

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