



CITY OF MANITOWOC

WISCONSIN, USA

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February 25, 2019

TO: Nick Reimer, Police Chief

FROM: Liz Majerus, Asst. City Attorney

RE: Definition of “holiday” for parking regulations

Our office was asked to define which days of the year constitute “holidays” for purposes of determining when certain parking restrictions are lifted. The holiday specifically at issue for your inquiry is President’s Day, which fell on Monday, February 18, 2019. To answer this question, I reviewed the Manitowoc Municipal Code and Wisconsin Statutes.

The Manitowoc Municipal Code references “holiday” three times. MMC 25.050(20)(b) provides that payments for sewer services shall not be due on “legal holiday[s]” but rather the day following. MMC 3.010(2) provides that Common Council meetings will not take place on “a holiday.” MMC 19.020, Construction of Ordinances – Rules For, provides that time is computed to exclude “legal holiday[s]” from computing “time within which an act is to be done as provided by ordinance.” No MMC provision defines “holiday” or “legal holiday.”

Wisconsin Statutes § 995.20, Miscellaneous Statutes, defines “legal holidays” as:

January 1, the 3rd Monday in January (which shall be the day of celebration for January 15), the 3rd Monday in February (which shall be the day of celebration for February 12 [Abraham Lincoln’s Birthday] and 22 [George Washington’s Birthday]), the last Monday in May (which shall be the day of celebration for May 30), June 19, which shall be the day of observation for Juneteenth Day, July 4, the 1st Monday in September which shall be known as Labor day, the 2nd Monday in October, November 11, the 4th Thursday in November (which shall be the day of celebration for Thanksgiving), December 25, the day of holding the partisan primary election, and the day of holding the general election in November are legal holidays. On Good Friday the period from 11 a.m. to 3 p.m. shall uniformly be observed for the purpose of worship. ...Whenever any legal holiday falls on Sunday, the succeeding Monday shall be the legal holiday.

Wis. Stat. 230.35(40(a) defines “holidays” for state office hours as:

1. January 1.
- 1m. The 3rd Monday in January, which shall be the day of celebration for January 15.

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3. The last Monday in May, which shall be the day of celebration for May 30.
4. July 4.
5. The first Monday in September.
6. The 4th Thursday in November.
7. December 24.
8. December 25.
9. December 31.
10. The day following if January 1, July 4 or December 25 falls on Sunday.

Wis. Stat. §801.15(1)(a), notes that, in civil procedure, “holiday” means any day that is a holiday provided in s. 230.35(4)(a) or a statewide legal holiday provided in s. 995.20 or both, and a full day on Good Friday.

I believe that for your immediate purposes, we should conform our definition of “holiday” to the statutory definition of “legal holiday” in order to remain consistent with time computation at the statutory level. As such, a parking ticket issued on President’s Day in a “holiday exempt” parking spot should be dismissed. I acknowledge, however, that support could be found for using either definition. For instance, mail is not delivered on President’s Day although State Agency Offices are open. Manitowoc Public Schools does not close school for President’s Day although Sheboygan Public Schools does. Green Bay Public Schools provide students a half day for President’s Day. Finally, Common Council held session on President’s Day in 2019 despite MMC 3.010(2) prohibiting Council from convening on a holiday.

Because I am not able to discern a clear answer through statutes or the municipal code, please refer this matter to Public Safety Committee for a final decision as to what constitutes a “holiday.” I suggest an ordinance be adopted specifically identifying which days are considered holidays for city purposes and that this definition be the same as that in the Employee Policy Manual. Current holidays in the Employee Policy Manual are New Year’s Day, ½ day on Good Friday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve, and Christmas Day.