

CHAPTER 2

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2.01 Ornamental Street Lighting System. The Common Council is empowered to provide for the construction, maintenance, and operation of an ornamental street lighting system on any street or public ground within the City, and to provide for defraying the cost of the same. Such cost may be paid in whole or in part from the general fund of the City or from special assessments levied on the property benefitted in such proportion and according to such method as the Common Council shall determine.

2.02 Permits and Franchises to Furnish Gas, Natural Gas or Mixed Gas.

(1) Application. Any person, co-partnership or association, including Public Utility Corporations, whether presently operating under a franchise privilege or permit either from the City of Manitowoc or the State of Wisconsin, or not, desiring to manufacture, supply or furnish by means of pipes or mains, directly or indirectly, Natural Gas or a Mixed Gas containing Natural Gas to consumers within the City of Manitowoc, or to change over from one type of gas to another, shall first make an application in writing to the Common Council of the City of Manitowoc for a permit to occupy streets, highways or other public places within the City, setting forth the standards, quality and character of such service,

the approximate cost to gas users within the City of Manitowoc, the heating value of the gas to be furnished, the cost to all classes of users of any parts or equipment or the cost of any changeover that will be required within the City of Manitowoc in detail, and such other information in the premises which the said Common Council or a Committee thereof may require.

(2) Public Hearing. Upon receiving any such application the Common Council shall order a public hearing either before it or a committee thereof.

(3) Information and Data. The applicant shall furnish any additional information or data that the Common Council or such committee may require in the premises.

(4) Council Action. The Common Council may grant or refuse such permit or franchise or may, in its discretion, refer the same to an advisory referendum vote for approval or disapproval by the voters of the City of Manitowoc on a special ballot to be approved therefor by the Common Council at the next school or judicial election. The council shall not grant a permit if it finds the granting of a permit is not in the best interest of the public health, safety and welfare.

(5) Statutes Applicable. Nothing herein contained shall be interpreted as relieving the applicant from complying with any provision of the statutes of Wisconsin relating to public utilities.

(6) Penalty. Any person, firm or corporation violating any of the provisions of section (1) and (3) shall, upon a conviction thereof, be punished by a fine not to exceed Five Hundred Dollars for each offense, and each day of any violation shall be deemed to constitute a separate offense.

2.03 Municipal Reserve Fund.

(1) Creation and Sources of Fund. There is hereby established in the City of Manitowoc, a fund, separate and distinct from every other fund, and designated as the "Municipal Reserve Fund." The sources of said fund shall be such moneys, or securities, from any source whatsoever, as the Common Council may, by resolution, by a two-thirds vote from time to time direct to be paid into said fund.

(2) Records; Report. The City Treasurer shall keep a separate record, relating to such fund, including an accurate account of the transactions, investments, earnings and expenditures, and shall make a report annually, on or about the 15th day of January of each year, to the Common Council.

(3) Finance Committee; Council. The Finance Committee of the Common Council shall, from time to time, recommend to the Common Council the investment of said fund, or part thereof, as it accrues. Disbursements, investments, sale or transfer of any securities, held in said fund, shall be by resolution of the Common Council on checks or city orders, signed by the Mayor, the City Clerk and the City Treasurer.

(4) Interest; Income. All interested or income earned by said fund on its investments shall, when it accrues, be added to said fund to augment the same for the purposes for which said fund is provided, unless otherwise proved by a majority vote of the Common Council.

(5) **Expenditures.** Said municipal reserve fund, or any part thereof, may be expended for any municipal purpose with the consent of four-fifths of the members-elect of the Common Council.

(6) **Cash; Where and How Kept.** The City Treasurer shall keep all cash on hand, belonging to said reserve fund, in a separate account in satisfactory depositories in the City of Manitowoc as shall be designated by the Finance Committee of the Common Council. The said Finance Committee shall also designate a suitable, safe depository, wherein the City Treasurer shall keep all bonds, or other securities, in which said fund shall be invested.

2.04 Relating to the Inclusion of City Personnel Under the Wisconsin Municipal Retirement Fund.

(1) **City Personnel Included.** Pursuant to Section 66.09 of the Wisconsin Statutes, the City of Manitowoc hereby elects to include eligible city personnel under the provisions of the Wisconsin Municipal Retirement Fund in accordance with the terms thereof.

(2) **Credits; Rates.** Election is hereby made to provide prior service credits at rates equal to two times the rates of municipality credits for current service; to be applicable to employees as defined by Section 60.90 of the Wisconsin Statutes who are employed by the City of Manitowoc on the effective date of this Section.

(3) **Notice; Certification by City Clerk.** Upon the final enactment of this ordinance the City Clerk shall submit a certified notice of the election made hereunder to the Board of Trustees of the Wisconsin Municipal Retirement Fund. Such notice of election shall (a) be in writing; (b) indicated the date and results of such elections; (c) include a certification of the prior service contribution rate selected as being applicable to the employees of the municipality; (d) be officially certified by the clerk of the municipality.

(4) **Effective Date.** The effective date of participation shall be January 1, 1944 unless the Board of Trustees of the Wisconsin Municipal Retirement Fund shall defer such effective date pursuant to Section 66.90 of the Wisconsin Statutes.

2.05 Compensation of Members of the Board of Review. The City of Manitowoc hereby elects that the portion of subsection (5) of Section 70.46 of the Wisconsin Statutes which reads "not exceeding, however, three dollars per day" shall not apply to the City of Manitowoc.

2.06 Liability Insurance Fund.

(1) The money comprising this fund shall be placed in a separate fund set up by the Treasurer of the City of Manitowoc to be used for the payment of comprehensive liability insurance for the City of Manitowoc.

2.07 Indefinite Tenure of Office.

(1) **Officers Affected.** The City of Manitowoc hereby elects pursuant to the provisions of Section 62.09(3)(b) of the Wisconsin Statutes that the manner of selection of the City Clerk, Comptroller, City Attorney, City Assessor, City Planner, Director of Building Inspection, Plumbing Inspector, Recreation and Parks Director, Superintendent of Sewage Disposal Plant, City Treasurer

Director of Public Works and City Engineer, Sanitary Inspector, Electrical Inspector and Meat Inspector shall be as provided by this ordinance.

(2) How Appointed. The City Clerk, Comptroller, City Attorney, City Planner, Director of Building Inspection, Plumbing Inspector, Recreation and Parks Director, Superintendent of Sewage Disposal Plant, City Treasurer, Director of Public Works and City Engineer, Sanitary Inspector, 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, Recreation and Parks Director, Superintendent of Sewage Disposal Plant, City Treasurer, Director of Public Works and City Engineer, Sanitary Inspector, Electrical Inspector and Meat Inspector shall hold office for indefinite terms subject to termination and 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.

(4) Conflicts Null and Void. Any provision in the Municipal Code which shall conflict with this ordinance shall upon the adoption of this ordinance be null and void.

(5) Not Governed By Section 17.12(1)(d) Wisconsin Statutes. The provisions of this ordinance shall not be governed by provisions of Section 17.12(1)(d) of the revised Statutes of the State of Wisconsin.

(6) Effective Date. Referendum. Charter Ordinance. This is a charter ordinance and shall take effect sixty days after its passage and publication unless within such sixty days a referendum petition shall be filed as provided by Section 66.01 of the Wisconsin Statutes in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon. (Published 8-11-52. Effective October 10, 1952. See Section 66.01 Wisconsin Statutes.)

2.08 Qualifications of Harbor Commissioners.

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

2.09 Manitowoc Public Utilities Commission. (See Sections 3.06, 12.01, 12.03, 12.05 and 12.07 of the Municipal Code which have been adopted as Charter Ordinances.)