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Sheboygan, Wisconsin
City Hall

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proceedings of the City of Sheboygan.


City Clerk


Gen. Ord. No. 37 - 17 - 18. By Alderpersons Wolf, Draughon, and Donohue.
February 5, 2018.

AN ORDINANCE repealing and recreating various sections of the
Municipal Code so as to further implement the provisions of Res. 141-16-17
implementing changes to the City of Sheboygan committee, commission, and
board structure, effective April 2017 and April 2018.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 1-16 of the Municipal Code entitled "Suspension
and revocation of licenses and permits" is hereby repealed and recreated
in subsection (b)(2) thereof to read as follows:

"Sec. 1-16. Suspension and revocation of licenses and permits.

. . .

(b) Except as otherwise specifically prescribed by this Code, the
procedure for revocation of any license, permit, or registration
issued in accordance with this Code shall be as follows:

. . .

(2) The licensee shall be given notice of the reasons for the
suspension or revocation and an opportunity to be heard
before the common council or the licensing, hearings, and
public safety committee for the purpose of determining
whether such suspension shall be imposed or whether the
license shall be revoked. Upon sworn, written complaint of
any city resident filed with the city clerk alleging that a
person holding a license under this Code has violated this
Code, the common council or the committee may issue a
summons signed by the clerk and directed to any peace
officer in the city. The summons shall command the licensee
or permittee complained of to appear before the common
council or committee on a day and place named in the
summons, not less than three days and not more than ten
days from the date of issuance, and show cause why his
license should not be revoked or suspended. The summons and
a copy of the complaint shall be served on the licensee at
least three days before the time at which the licensee is
commanded to appear. Service shall be in the manner
provided under W.S.A. § 801.01 et seq., for service in
civil actions in circuit court.

. . ."

c. b. h. a. -

Section 2. Section 2-72 of the Municipal Code entitled "Standing committees" is hereby repealed and recreated to read as follows:

"Sec. 2-72. Standing committees.

- (a) The following standing committees of the council shall be appointed by the mayor, subject to confirmation of the council, on the third Tuesday of April of each year, or as soon thereafter as may be possible:
 - (1) Finance and personnel committee; five aldermen.
 - (2) Licensing, hearings, and public safety committee; five aldermen.
 - (3) Public works committee; five aldermen.
- (b) Each alderman shall be appointed to at least one but not more than two of the standing committees. Each committee shall consist of five members, which shall include a chairman and a vice-chairman. The chairman and vice-chairman for each committee shall be designated by the mayor. No alderman shall chair more than one committee.
- (c) A quorum for each committee shall consist of three members."

Section 3. Section 2-558 of the Municipal Code entitled "Composition; appointment; terms" is hereby repealed and recreated in subsection (a) thereof to read as follows:

"Sec. 2-558. Composition; appointment; terms.

- (a) The transit commission shall consist of nine commissioners. Six of the members shall be the mayor, a member of the finance and personnel committee of the common council, a member of the licensing, hearings, and public safety committee of the common council, a member of the public works committee of the common council, the chief of police and the director of city development, who shall be members by virtue of their office. The other commissioners shall be three citizen members.

". . ."

Section 4. Section 10-103 of the Municipal Code entitled "Retail "Class B" Licenses" is hereby repealed and recreated in subsection (g) thereof to read as follows:

"Sec. 10-103. - Retail "Class B" licenses.

. . .

- (g) The fee for an initial issuance of a reserve "Class B" license, as defined in §125.51(4)(a)4, Stats., shall be \$10,000.00, except that the fee for an initial issuance of a reserve "Class B" license to a bona fide club or lodge situated and incorporated in Wisconsin for at least six years is the fee established under section 10-104 for such a club or lodge. The fee under this subsection is in addition to any other fee required under this chapter. The annual fee for renewal of a reserved "Class B" license, as defined in §125.51(4)(a)4, Stats. is the fee established in subsection (d) above.

. . ."

Section 5. Section 18-1 of the Municipal Code entitled "Adoption of state law provisions; abatement orders" is hereby repealed and recreated in subsection (b) thereof to read as follows:

"Sec. 18-1. - Adoption of state law provisions; abatement orders.

. . .

(b) Abatement orders.

- (1) The licensing, hearings, and public safety committee of the common council is hereby designated and authorized, pursuant to W.S.A., § 173.03(2), to affirm, modify, or withdraw abatement orders issued under W.S.A., § 173.11, by any humane officer or law enforcement officer.
- (2) Any person named in an abatement order may appeal such order to the licensing, hearings, and public safety committee within ten days of service of the order. The notice of appeal shall be served upon the city clerk and must state the grounds for the appeal with specificity. The licensing, hearings, and public safety committee shall schedule a hearing to be held within ten days of the receipt of the notice of appeal, unless the appellant agrees to a later date. The licensing, hearings, and public safety committee shall make reasonable efforts to notify

the appellant, the officer issuing the abatement order, and any other interested party of the hearing and the opportunity to present evidence and testimony at the hearing. The hearing shall be informal in nature. Within ten days after the hearing, the licensing, hearings, and public safety committee shall determine whether to affirm, modify and affirm, or withdraw the abatement order and shall issue their decision in writing and serve it upon the appellant and other interested parties.

- (3) Any person adversely affected by a decision under subsection (2) may seek judicial review by commencing an action in circuit court within 30 days after the date of the decision."

Section 6. Section 18-47 of the Municipal Code entitled "Dangerous and vicious dogs" is hereby repealed and recreated in subsection (i)(3) thereof to read as follows:

"Sec. 18-47. Dangerous and vicious dogs.

. . .

- (i) Declaration of vicious or dangerous dog; notification and hearing.

. . .

- (3) The hearing shall be held within fifteen days of receipt of the request for hearing before the licensing, hearings, and public safety committee of the common council. The chief of police shall serve the appellant with notice of such hearing by mail or personal service at least ten days before such hearing. Any interested party may present evidence as to whether the dog is dangerous or vicious. At such a hearing, the determination of the police officer shall be termed an initial determination.

. . ."

Section 7. Section 26-46 of the Municipal Code entitled "Vacant building registration" is hereby repealed and recreated in subsection (h) thereof to read as follows:

"Sec. 26-46. Vacant building registration.

. . .

- (h) Charge for public safety services. Any property owner or entity functioning as a trustee of an owner that fails to comply with any provision of this section shall be charged for any public safety services rendered to the property by the police department or fire department while noncompliant with this section. The city shall charge the cost thereof to the owner and, upon notice to the owner, such cost shall be assessed against the real estate as a special charge. Appeal of any determination of the chief of police or fire chief imposing costs against the owner may be submitted for a hearing to the licensing, hearings, and public safety committee of the common council. Chapter 68 of the Wisconsin Statutes shall not apply to such an appeal."

Section 8. Section 30-64 of the Municipal Code entitled "Revocation" is hereby repealed and recreated in subsection (b) thereof to read as follows:

"Sec. 30-64. Revocation.

. . . .

- (b) Notification of licensee or permit holder; right of hearing. No license and/or user's permit shall be revoked until a written notice is received by the licensee or permit holder from the chief of police. Those so notified shall then have ten days to request, in writing, a hearing before the next meeting of the licensing, hearings, and public safety committee, who shall then rule on the revocation request by the chief of police or his authorized representative.

. . . ."

Section 9. Section 50-630 of the Municipal Code entitled "Breach of agreement; cessation of service" is hereby repealed and recreated in subsection (c) thereof to read as follows:

"Sec. 50-630. Breach of agreement; cessation of service.

. . . .

- (c) Notice of disconnection/cessation of services. No monitoring service shall be disconnected or agreement declared severable until a written notice sent by certified letter is received by the alarm user from the supervisor of the city public safety communications center. A person so notified shall then have 14

days to request in writing a hearing before the next meeting of the licensing, hearings, and public safety committee, who shall rule on the request by the supervisor of the city public safety communications center.

. . ."

Section 10. Section 54-73 of the Municipal Code entitled "Appointment of adult school crossing guards" is hereby repealed and recreated in subsection (c)(4) thereof to read as follows:

"Sec. 54-73. Appointment of adult school crossing guards.

. . .

(c) Conditions of employment. All school crossing guards shall be employed subject to the following conditions:

. . .

(4) The chief of police shall assign school crossing guards to such localities as shall be best suited to afford protection to those persons attending school in the city.

. . ."

Section 11. Section 66-154 of the Municipal Code entitled "Appeal" is hereby repealed and recreated to read as follows:

"Sec. 66-154. Appeal.

Appeal of any determination of the chief of police pursuant to this article may be submitted for a hearing to the licensing, hearings, and public safety committee of the common council. Wis. Stats. Ch. 68 shall not apply to such an appeal."

Section 12. Section 70-265 of the Municipal Code entitled "Appeal" is hereby repealed and recreated to read as follows:

"Sec. 70-265. Appeal.

(a) The above 1,500-foot requirements may be waived upon approval of the licensing, hearings, and public safety committee through appeal by the affected party. Such appeal shall be made in writing to the city clerk's office, who shall forward the request to the common council for referral to the committee, which shall receive reports from the police department on such appeal. The committee shall convene and consider the public

interest as well as the affected party's presentation and concerns. After deliberation, the committee shall forward its decision in writing via the minutes or otherwise to the City of Sheboygan Police Chief for their information and action. A written copy of the decision shall be provided to the affected party.

(b) The committee may reject a waiver request when the request is filed with the city clerk's office within 90 days of denial by the committee of a prior identical waiver request of the requester, absent a change in circumstances."

Section 13. Section 110-504 of the Municipal Code entitled "Revocation; penalties" is hereby repealed and recreated in subsection (a) thereof to read as follows:

"Sec. 110-504. Revocation; penalties.

(a) A sidewalk café permit may be revoked by the common council, prior to expiration, upon notice to the holder of an opportunity to be heard on the matter, as a result of any violation of the provisions of this article or of violation of the provisions of any city ordinance or state or federal statute relating to activity occurring within the sidewalk café. Said hearing shall be before the licensing, hearings, and public safety committee of the common council.

. . ."

Section 14. Section 138-13 of the Municipal Code entitled "Suspension or revocation" is hereby repealed and recreated in subsection (c) thereof to read as follows:

"Sec. 138-13. Suspension or revocation.

. . .

(c) Hearings. The hearings provided for in this section shall be conducted by the licensing, hearings, and public safety committee at a time and place designated by the committee chairperson. Based upon the record of such hearing, the building inspection department shall be charged with enforcing the decisions of the committee with the assistance of such other government official as necessary. A written report of the hearing decision shall be furnished to the license holder by the committee chairperson."

Section 15. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication and as of April 17, 2018.

[Signature]
[Signature]
[Signature]

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the 19th day of February, 2018.

Dated February 20, 2018. [Signature], City Clerk

Approved February 20, 2018. [Signature], Mayor

Published February 24, 2018.

Certified February 20, 2018 to - Atty.; Mayor; CA.