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Sheboygan, Wisconsin
City Hall

I hereby certify that this is a true copy
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proceedings of the City of Sheboygan.


City Clerk

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Gen. Ord. No. 10 - 20 - 21. By Alderpersons Sorenson and Dekker.
July 6, 2020.

AN ORDINANCE repealing and recreating portions of Chapter 26 of the Sheboygan Municipal Code to update provisions and bring the Code into alignment with changes in state law and changes in local ordinances and procedures.

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

Section 1. Section 26-5 of the Sheboygan Municipal Code entitled "Board of license examiners" is hereby amended in subsection (h) thereof to read as follows:

"Sec. 26-5. Board of license examiners.

. . .

(h) Meetings.

- (1) The board shall meet at least bimonthly.
- (2) Special meetings and hearings may be called by the director of planning and development or his or her designee or by the chair of the board. The board may consider and decide at any regular or special meeting or hearing, any matter within its jurisdiction.
- (3) Three voting members of the board shall constitute a quorum for the transaction of business.
- (4) At its first meeting each year after council confirmation of mayoral appointments to the board and election of an aldermanic member, as provided in subsection (d) above, the board shall elect officers to serve for a term of one year. The officers shall consist of a chairman and a vice-chairman; the director of planning and development or his or her designee shall act as the secretary.

. . ."

Section 2. Section 26-36 of the Sheboygan Municipal Code entitled "Building code adopted" is hereby amended in subsection (a) thereof to read as follows:

"Sec. 26-36. Building code adopted.

- (a) The Wisconsin Uniform Building Code prepared by the Building Inspectors' Association of Southeastern Wisconsin, as amended from time to time, is hereby adopted by reference as the city's building code with the exception of the following sections: Section 30.20(3) of chapter 3; section 30.06(2) and (3) of chapter 2; and section 30.40 of chapter 5.

. . ."

Section 3. Section 26-37 of the Sheboygan Municipal Code entitled "Uniform codes adopted" is hereby amended in subsections (a)(2)a thereof to read as follows:

"Sec. 26-37. *Uniform codes adopted.*

- (a) *Generally.* The following, including all appendixes and all amendments thereto, are adopted and incorporated in this Code by reference, except as specifically provided in this chapter:

. . .

(2) The International Property Maintenance Code, as amended from time to time, except:

- a. The following sections and subsections are specifically excluded:
1. Subsection 102.3;
 2. Section 103;
 3. Section 111;
 4. Section 303;
 5. Subsection 304.3;
 6. Subsection 307.3.1;
 7. Subsection 307.3.2.

. . ."

Section 4. Section 26-37 of the Sheboygan Municipal Code entitled "Uniform codes adopted" is hereby amended in subsections (c)(4) and (5) thereof to read as follows:

"Sec. 26-37. *Uniform codes adopted.*

. . .

- (c) *Abatement of nuisances.* Nuisance abatement shall be as follows:

. . .

- (4) Upon the failure of the owner or occupant to abate any nuisance within the time allowed in the notice to abate and remove such nuisance, or if the owner is a nonresident of the city or cannot be found, the director of planning and development or his or her designee shall thereupon cause abatement and removal of such nuisance.
- (5) The cost of abatement or removal of a nuisance by the director of planning and development or his or her designee shall be collected from the owner or occupant, or person causing, permitting or maintaining the nuisance, or such cost may be charged against the premises and, upon certificate of the director of planning and development or his or her designee, assessed against the real estate and collected as are other special taxes.

. . ."

Section 5. Section 26-39 of the Sheboygan Municipal Code entitled "Mobile homes; utility connection restricted" is hereby amended to read as follows:

"Sec. 26-39. *Mobile homes; utility connection restricted.*

No permit, license or order shall be issued by the director of planning and development or his or her designee, or any other city officer, board or commission to allow the connection of sewer, water, gas, light, power, telephone or any other utility service to any mobile home or movable structure placed upon any lot and intended to be used for residential, commercial or industrial purposes. Such prohibition shall apply, irrespective of the zoning classification of the premises whereon such mobile home or other structure is placed."

Section 6. Section 26-40 of the Sheboygan Municipal Code entitled "Land reconstruction" is hereby amended in subsections (b)(1) and (4) thereof to read as follows:

"Sec. 26-40. *Land reconstruction.*

. . .

(b) *Requirements.*

- (1) Within 14 consecutive days of commencing the demolition of a building, all parts of the demolished structure shall be removed from the site and disposed of properly. The director

of planning and development or his or her designee, in his or her discretion, may extend the time for removal and disposal to a date certain upon application by the permit holder and a showing by the permit holder that the 14-day period is unreasonable under the circumstances.

. . .

- (4) The director of planning and development or his or her designee may authorize one 30-day extension upon written appeal by the property owner of his or her agent, stipulating that new construction is pending and will commence within that time period.

. . ."

Section 7. Section 26-40 of the Sheboygan Municipal Code entitled "Land reconstruction" is hereby amended in subsection (c) thereof to read as follows:

"Sec. 26-40. *Land reconstruction.*

. . .

- (c) *[Ground cover.]* Within 30 days of the relocation or construction of a principal building on a site in the city, after final inspection by the building inspection department, the disturbed part of the site shall be seeded or sodded with grass or otherwise suitably surfaced, as approved by the director of planning and development or his or her designee, and the entire premises shall be maintained."

Section 8. Section 26-41 of the Sheboygan Municipal Code entitled "Garages; private garage size limitation; area" is hereby amended to read as follows:

"Sec. 26-41. *Garages; private garage size limitation; area.*

The size and area of private garages is governed by the Sheboygan Zoning Ordinance."

Section 9. Section 26-148 of the Sheboygan Municipal Code entitled "Applications" is hereby amended to read as follows:

"Sec. 26-148. *Applications.*

An applicant for a contractor's license and/or registration shall make

application by filling in the printed forms which may be obtained from the building inspection division and paying a \$25.00 application fee per license or registration."

Section 10. Section 26-154 of the Sheboygan Municipal Code entitled "Insurance Requirements" is hereby amended to read as follows:

"Sec. 26-154. *Insurance requirements.*

- (a) Every contractor granted a license and/or registration shall maintain at all times a policy of general liability insurance issued by an insurer authorized to do business in this state insuring the contractor in the amount of at least \$500,000.00 per occurrence because of bodily injury to or death of others or because of damage to the property of others.
- (b) If the applicant is required under Wis. Stats. § 102.28(2)(a), to have in force a policy of workers' compensation insurance or if the applicant is self-insured in accordance with Wis. Stats. § 102.28(2)(b), the applicant shall file with the building inspection division a statement certifying that the applicant has in force a policy of workers' compensation insurance issued by an insurer authorized to do business in this state or is self-insured in accordance with Wis. Stats. § 102.28(2)(b).
- (c) If the applicant is required to make state unemployment insurance contributions under Wis. Stats. Ch. 108, or is required to pay federal unemployment compensation taxes under 26 USC §§ 3301-3311, the applicant shall file with the building inspection division a statement certifying that the applicant is making those contributions or paying those taxes as required.
- (d) The applicant shall provide evidence of compliance with liability insurance requirements as specified in subsection (a) to the building inspection division.
- (e) Licenses and/or registrations rendered void for lack of insurance may be reinstated without a new application upon filing the necessary documents within a period of not exceeding 45 days from the date the license and/or registration became void."

Section 11. Section 26-156 of the Sheboygan Municipal Code entitled "Expiration" is hereby amended to read as follows:

"Sec. 26-156. *Expiration.*

Licenses and/or registrations under the provisions of this division shall

expire on the thirty-first day of December next following their issuance."

Section 12. Section 26-157 of the Sheboygan Municipal Code entitled "Renewal" is hereby amended to read as follows:

"Sec. 26-157. *Renewal.*

A contractor's license and/or registration may be renewed for the next succeeding calendar year by filing a renewal application with the building inspection division and the payment of the renewal fee on or before the last business day of each year. Unless a license and/or registration is renewed prior to its expiration, the applicant shall be required to file a new application. Re-examination shall be required of all applicants for a license and/or renewal who have not held an equivalent license and/or registration in the city for two years or more. An appeal for a waiver from this re-examination requirement may be made to the board of license examiners."

Section 13. Section 26-524 of the Sheboygan Municipal Code entitled "Temporary licenses" is hereby amended in subsection (d) thereof to read as follows:

"Sec. 26-524. *Temporary licenses.*

. . .

(d) No more than two such temporary licenses may be obtained by any one contractor in a 12-month period."

Section 14. Section 26-651 of the Sheboygan Municipal Code entitled "Property Maintenance Code; penalties" is hereby amended in subsections (b) and (c) thereof to read as follows:

"Sec. 26-651. *Property Maintenance Code; penalties.*

. . .

(b) Except as provided in this section, a violation of the Property Maintenance Code or of any lawful order of a code enforcement officer or an inspector issued pursuant to such provisions shall subject the violator to a forfeiture of not less than \$150.00 nor more than \$750.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until the forfeiture and costs are paid, but not exceeding 90 days. Each day that a violation shall continue shall constitute a separate offense.

(c) If a vacant dwelling is relet after written notice is given by the

a code enforcement officer or an inspector that a vacant dwelling or dwelling unit cannot be relet until all such violations are corrected, the owner shall be subject to a forfeiture of \$1,000.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until the forfeiture and costs are paid, but not exceeding 60 days. Each rental period shall constitute a separate offense.

. . . ."

Section 15. Section 26-652 of the Sheboygan Municipal Code entitled "Scope" is hereby amended to read as follows:

"Sec. 26-652. *Scope.*

No person, shall use, occupy, own, or permit use of any structure or premises that does not comply with the requirements of this article. Any such violation is a nuisance. Code enforcement officers or inspectors shall cause inspections to be made of all premises, as necessary, to secure compliance with this section, and may cause the abatement of the nuisance under the provisions of this chapter or chapter 66 of this Code."

Section 16. Section 26-701 of the Sheboygan Municipal Code entitled "Issuance of order when emergency exists" is hereby amended to read as follows:

"Sec. 26-701. *Issuance of order when emergency exists.*

Whenever a code enforcement officer or inspector finds that an emergency exists which requires immediate action to protect the public health, he or she may, without notice or hearing, issue an order citing the existence of such an emergency and requiring that such action be taken as he or she deems necessary to meet the emergency. Notwithstanding the other provisions of this article, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the zoning board of appeals shall be afforded a hearing in the manner prescribed in section 26-869. After such hearing, depending upon the findings of the zoning board of appeals as to whether the provisions of this article and of the rules and regulations adopted pursuant thereto have been complied with, the zoning board of appeals shall continue such order in effect, modify it or revoke it."

Section 17. Section 26-833 of the Sheboygan Municipal Code entitled "Approval of fire inspector" is hereby repealed.

Section 18. Section 26-841 of the Sheboygan Municipal Code entitled "Suspension" is hereby amended to read as follows:

"Sec. 26-841. *Suspension.*

Whenever upon inspection of any roominghouse a building inspector finds that conditions or practices exist which are in violation of any provision of this article or of any rule or regulation adopted pursuant thereto, said building inspector shall give notice in writing to the operator of such roominghouse that unless such conditions or practices are corrected within a reasonable period, to be determined by the building inspector, the operator's roominghouse permit will be suspended. At the end of such period, the building inspector shall reinspect such roominghouse, and, if he or she finds that such conditions or practices have not been corrected, he or she shall suspend the permit and give notice in writing to the operator that the latter's permit has been suspended. If the operator has been convicted of leasing or letting any dwelling, room or other premises for the purpose of prostitution or lewdness, which dwelling, room or other premises is required to have a permit under this division, the chief of police shall notify the building inspector in writing of such conviction. The housing inspector shall then suspend the permit and give notice in writing to the operator that the latter's permit has been suspended."

Section 19. Section 26-842 of the Sheboygan Municipal Code entitled "Hearing upon suspension; revocation" is hereby amended to read as follows:

"Sec. 26-842. *Hearing upon suspension; revocation.*

Any person whose permit to operate a roominghouse has been suspended, or who has received notice from the building inspector that his or her permit is to be suspended unless existing conditions or practices at the roominghouse are corrected, may request and shall be granted a hearing on the matter before the zoning board of appeals; provided, however, that if no petition for such hearing is filed within 20 days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked. Upon receipt of notice of permit revocation, the operator shall cease operation of such roominghouse within a reasonable period of time, to be determined by the building inspector. If an operator's roominghouse permit has been revoked because he or she has been convicted of letting any dwelling, room, or other premises for prostitution or lewdness, the building inspector shall not subsequently issue a permit to the operator for the operation of any dwelling for which a permit is required in accordance with the provisions of this division."

Section 20. Section 26-869 of the Sheboygan Municipal Code entitled "Petition for hearing" is hereby amended to read as follows:

"Sec. 26-869. *Petition for hearing.*

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this article, excluding division 3 of this article, or of any rule or regulation adopted pursuant thereto, excluding division 3 of this article, may request and shall be granted a hearing on the matter before the zoning board of appeals; provided, however, that such person shall file in the office of the building inspector a written petition requesting such hearing and setting forth a statement of the grounds therefor within 20 days after the day the notice was served. Within ten days of receipt of such petition, the zoning board of appeals shall set a time and place for such hearing and shall give the petitioner written notice. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should be modified or withdrawn. The hearing before the zoning board of appeals shall be commenced not later than 30 days after the date on which the petition was filed; provided, however, that upon written application of the petitioner to the zoning board of appeals, the zoning board of appeals may postpone the date of the hearing for a reasonable time beyond such 30-day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement. Any notice served pursuant to division 2 of this article shall automatically become an order if a written petition for a hearing is not filed in the office of the building inspector within 20 days after such notice is served. The zoning board of appeals shall have the power to administer oaths and affirmations in connection with the conduct of any hearing held in accordance with the provisions of this article."

Section 21. Section 26-872 of the Sheboygan Municipal Code entitled "Review by circuit court by certiorari" is hereby amended to read as follows:

"Sec. 26-872. *Review by circuit court by certiorari.*

The hearing proceedings, including the findings and decision of the zoning board of appeals, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the building inspector. Such record shall also include a copy of every notice or order issued in connection with the matter. A copy of the written decision of the zoning board of appeals shall then be served, in the manner prescribed under division 2 on the person who filed the petition for hearing. Any persons, jointly or severally, aggrieved by the decision of the zoning board of appeals, or any taxpayer, or any officer, department, board or bureau of the city, may seek relief therefrom by having the decision reviewed by the circuit court by certiorari, if the petition for the writ is presented to the court within 20 days after

the date on which the zoning board of appeals decision was served on the person who filed the petition for hearing, and if the person aggrieved notifies the zoning board of appeals, within ten days after the zoning board of appeals decision was served on him or her, of his or her intentions to present such petition to the court. Such petition, duly verified, shall set forth that such decision is illegal, in whole or in part, or does not comply with the provisions of section 26-871, specifying the grounds thereof."

Section 22. 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.

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I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the 20th day of July, 2020.

Dated July 21, 2020. Heidi H. Brown, City Clerk

Approved July 21, 2020. Michael Henderson, Mayor

Published July 25, 2020.

Certified July 21, 2020 to - Atty.