



LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE AGENDA

October 30, 2024 at 4:30 PM

City Hall - Third Floor - Common Council Chambers, 828 Center Avenue, Sheboygan WI

It is possible that a quorum (or a reverse quorum) of the Sheboygan Common Council or any other City committees/boards/commissions may be in attendance, thus requiring a notice pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 N.W.2d 408 (1993).

Persons with disabilities who need accommodations to attend this meeting should contact the City Attorney's Office at 828 Center Avenue, Suite 210, Sheboygan, Wisconsin, Ph. 920-459-3917. Persons other than committee members who wish to participate remotely shall provide notice to the City Attorney's Office at Ph. 920-459-3917 at least 24 hours before the meeting so that the person may be provided a remote link for that purpose.

OPENING OF MEETING

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Introduction of Committee members, staff and guests

MINUTES

5. Approval of Minutes - October 16, 2024

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

6. R. O. No. 69-24-25 (10-21-24) by Fire Chief Eric Montellano pursuant to section 24-459 of the Municipal Code, submitting the quarterly report showing the Benchmark Measurements for the fire department, for the period commencing July 1, 2024 and ending September 30, 2024.
7. R. O. No. 70-24-25 (10-21-24) by Police Chief Christopher Domagalski pursuant to section 30-50 of the Municipal Code, submitting the quarterly report showing the Benchmark Measurements for the police department for the period commencing July 1, 2024 and ending September 30, 2024.
8. Res. No. 103-24-25 (10-21-24) A Resolution authorizing the appropriate City officials to execute the Joint Powers Agreement for Sheboygan County and City of Sheboygan 911 Emergency Systems.
9. Gen. Ord. No. 24-24-25 (10-21-24) An Ordinance updating Chapter 12 of the Sheboygan Municipal Code entitled "Buildings and Construction" and making such additional changes to the Code as necessary to connect the changes made in Chapter 12.
10. R. O. No. 67-24-25 (10-7-24) by City Clerk submitting various license applications: "Class B" Liquor Lic. App. No. 3689 - Mifortuna LLC.
11. R. O. No. 74-24-25 by City Clerk submitting a license application.

12. Discussion regarding dates for November and December meetings.

NEXT MEETING DATE

13. Next meeting date will be November 13, 2024

ADJOURN

14. Motion to adjourn

In compliance with Wisconsin's Open Meetings Law, this agenda was posted in the following locations more than 24 hours prior to the time of the meeting:

*City Hall • Mead Public Library
Sheboygan County Administration Building • City's website*

CITY OF SHEBOYGAN**LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE MINUTES****Wednesday, October 16, 2024**

COMMITTEE MEMBERS PRESENT: Chair Alderperson Zach Rust, Vice Chair Alderperson Robert La Fave, Alderperson Joseph Heidemann, Alderperson Daniel Peterson

COMMITTEE MEMBERS EXCUSED: Alderperson Grazia Perrella

STAFF/OFFICIALS PRESENT: Mayor Ryan Sorenson, Police Chief Christopher Domagalski, Assistant Fire Chief Michael Lubbert, City Clerk Meredith DeBruin, Assistant City Attorney Audrey Kratz, Licensing Clerk Darcie Beernink, Paralegal Kathy Hoffman, Scott Mealiff (WSCS)

OTHERS PRESENT: Bailey Kupfer, Dave Engeldinger, Gerardo Reynoso, Gerald Feger, James Owen, Mr. & Mrs. Jesse Waraich, Ge Xiong, Ricardo Montes, Luke Pfeifer

OPENING OF MEETING

1. Call to Order

Chair Alderperson Zach Rust called the meeting to order at 4:30 PM.

2. Roll Call
3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Introduction of Committee members, staff and guests

MINUTES

5. Approval of Minutes

MOTION TO APPROVE THE MINUTES OF THE PREVIOUS MEETING HELD SEPTEMBER 25, 2024.

Motion made by Vice Chair La Fave, seconded by Alderperson Peterson.

Voting Yea: Chair Rust, Vice Chair La Fave, Alderperson Heidemann, Alderperson Peterson.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

6. Res. No. 88-24-25 (10-7-24) A Resolution authorizing application for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year 2024 Local Solicitation and entering into a Memorandum of Understanding with Sheboygan County.

Chief Domagalski spoke regarding this annual grant which requires a Memorandum of Understanding.

MOTION TO RECOMMEND THE COMMON COUNCIL ADOPT RES. NO. 88-24-25.

Motion made by Vice Chair La Fave, seconded by Alderperson Peterson.

Voting Yea: Chair Rust, Vice Chair La Fave, Alderperson Heidemann, Alderperson Peterson.

7. Res. No. 92-24-25 (10-7-24) A Resolution authorizing the Purchasing Agent to issue a purchase order for several vehicles for the Sheboygan Police Department.

Chief Domagalski explained that pre-ordering these vehicles is necessary due to supply chain issues.

MOTION TO RECOMMEND THE COMMON COUNCIL ADOPT RES. NO. 92-24-25.

Motion made by Vice Chair La Fave, seconded by Alderperson Peterson.

Voting Yea: Chair Rust, Vice Chair La Fave, Alderperson Heidemann, Alderperson Peterson.

8. Res. No. 84-24-25 (10-7-24) A Resolution authorizing the appropriate City officials to enter into a Clinical Affiliation Agreement with St. Nicholas Hospital of the Hospital Sisters of the Third Order of St. Francis (St. Nicholas Hospital d/b/a Prevea Health) for firefighter paramedic continuing education.

Assistant Chief Lubbert discussed the Clinical Affiliation Agreement.

MOTION TO RECOMMEND THE COMMON COUNCIL ADOPT RES. NO. 84-24-25.

Motion made by Alderperson Heidemann, seconded by Vice Chair La Fave.

Voting Yea: Chair Rust, Vice Chair La Fave, Alderperson Heidemann, Alderperson Peterson.

11. R. O. No. 57-24-25 (9-16-24) by City Clerk submitting various license applications: Cigarette/Tobacco Lic. App. No. 3687 - Ryan Menzer (The Cigar Box).

ACA Kratz informed the committee that the Municipal Code does not permit retail sales of cigarette/tobacco out of homes. Ryan Menzer appeared before the committee and explained the details of his proposed business. Mr. Menzer indicated he is a licensed wholesale distributor of cigars and tobacco and he would use the license to sell to individuals/friends by word of mouth with no signage at the home.

MOTION TO APPROVE THE LICENSE APPLICATION OF APP. NO. 3687 – RYAN MENZER (THE CIGAR BOX).

Motion made by Alderperson Heidemann, seconded by Vice Chair La Fave.

Voting Yea: Alderperson Heidemann.

Voting Nay: Chair Rust, Vice Chair La Fave, Alderperson Peterson.

Chair Rust indicated that he would like to have a discussion regarding a possible change to the ordinance on one of the November meeting agendas.

9. Presentations by potential applicants for available “Class B” alcohol beverage license(s).

There are presently two (2) “Class B” alcohol beverage license available. Bailey Kupfer, Dave Engeldinger, Gerardo Reynoso, Gerald Feger, James Owen, Jesse Waraich, Ge Xiong, Ricardo Montes, and Luke Pfeifer all appeared before the committee to present their cases regarding pre-application for the available licenses.

Bailey Kupfer spoke on behalf of the Watershed Hotel, 838 N 15th Street. They have been open since September 1, 2022. They still need a “Class B” license for their bar and their venue space. Ms. Kupfer noted that not having a “Class B” license is having a negative impact on event bookings. Their bar would also be open to the public.

David Engeldinger spoke on behalf of the Historic Sheboygan Masonic Lodge Foundation. They are interested in a liquor license for their location at 1138 Union Avenue (former VFW Hall). The original bar with kitchen is located in the basement. Mr. Engeldinger noted that this is a charitable private foundation and is only open to members and their guests, although they may occasionally open to the public or host private dinners for fundraising. Their core group of members consists of approximately 20 people.

Gerardo Reynoso spoke on behalf of Club Leon located at 933 Indiana Avenue. They have been open for 18 months and business is not as good as it could be because they don’t have a liquor license.

Gerald Feger and James Owen spoke on behalf of Uptown Slice, 1116 Michigan Avenue. They have been open for 18 months and they would like to serve select upscale liquors and canned cocktails. They are open until 10 p.m.

Mr. and Mrs. Jesse Waraich spoke on behalf of Ambarsariya Bar & Grill, an addition to the Pig Stop at 2921 North 15th Street. They will be serving Indian food and anticipate opening in November of 2024. It will be mostly take-out food.

Ge Xiong spoke on behalf of C&G Bar Lounge (formerly El Camino) located at 819 Michigan Avenue. There is a capacity of 140 people in the banquet hall. Presently they are open Wednesday through Saturday but would like to expand hours in the future. They have a land contract with the previous El Camino owner and they are able to use that liquor license at this time.

Ricardo Montes spoke regarding Pops Burger & Pizza on Michigan Avenue and indicated he wants to open an additional wine bar business in another building on Michigan Avenue. It would have a 40-person capacity and they would serve some Pops food and possibly have a food truck there also.

Luke Pfeifer spoke on behalf of Harbor Winds Hotel, 905 South 8th Street. He indicated they purchased the business in May 2023 and will be open year-round. They have renovated the front desk and added a bar to expand the lobby. The bar would be open to the public, would close by 11 p.m., and has a capacity of approximately 40 people.

- 10. Discussion and action regarding granting opportunity to apply for available "Class B" alcohol beverage license(s).

MOTION TO INVITE C&G BAR LOUNGE TO APPLY FOR ONE OF THE AVAILABLE "CLASS B" ALCOHOL BEVERAGE LICENSES.

Motion made by Alderperson Peterson, seconded by Vice Chair La Fave.
 Voting Yea: Chair Rust, Vice Chair La Fave, Alderperson Peterson.
 Voting Nay: Alderperson Heidemann.

MOTION TO INVITE WATERSHED HOTEL TO APPLY FOR ONE OF THE AVAILABLE "CLASS B" ALCOHOL BEVERAGE LICENSES.

Motion made by Alderperson Peterson, seconded by Vice Chair La Fave.
 Voting Yea: Chair Rust, Vice Chair La Fave, Alderperson Heidemann, Alderperson Peterson.

- 12. R. O. No. 67-24-25 (10-7-24) by City Clerk submitting various license applications.

MOTION TO APPROVE THE DRIFTWOOD CHANGE OF AGENT CONTINGENT UPON THE AGENT CLARIFYING THAT HE HAS NOT VIOLATED FEDERAL LAW, STATE LAW, OR OTHER LOCAL ORDINANCES; HOLD THE "CLASS B" LIQUOR LICENSE APPLICATION OF MIFORTUNA LLC AND CALL IN A MEMBER OF THE LLC TO THE NEXT LHPS STAFF COMMITTEE MEETING; APPROVE THE "CLASS B" LIQUOR LICENSE APPLICATION OF LAKESHORE BOWLING LLC CONTINGENT UPON ONE OF THE MEMBERS OF THE LLC ANSWERING THAT HE HAS NO PENDING VIOLATIONS OF ANY LAWS OR ORDINANCES AGAINST HIM; GRANT WITH A WARNING THE PETEKS LLC "CLASS B" LIQUOR LICENSE APPLICATION CONTINGENT UPON A CORRECTLY FILLED OUT APPOINTMENT OF AGENT FORM; APPROVE THE "CLASS B" BEER LICENSE AND "CLASS C" LICENSE APPLICATIONS OF AMBARSARIYA BAR AND GRILL, INC. CONTINGENT UPON THE SOLE OWNER OF THE CORPORATION COMPLETING THE RESPONSIBLE BEVERAGE SERVER TRAINING REQUIREMENT; GRANT WITH A WARNING THE CIGARETTE/TOBACCO LICENSE APPLICATION OF ANDY'S RESTAURANT & BAR LLC.

Motion made by Alderperson Peterson, seconded by Vice Chair La Fave.
 Voting Yea: Chair Rust, Vice Chair La Fave, Alderperson Heidemann, Alderperson Peterson.

NEXT MEETING DATE

- 13. The next committee meeting is scheduled to be held on October 30, 2024 at 4:30 p.m.

ADJOURN

- 14. Motion to adjourn

MOTION TO ADJOURN AT 5:54 PM.
 Motion made by Alderperson Heidemann, seconded by Vice Chair La Fave.
 Voting Yea: Chair Rust, Vice Chair La Fave, Alderperson Heidemann, Alderperson Peterson.

**CITY OF SHEBOYGAN
R. O. 69-24-25**

BY FIRE CHIEF ERIC MONTELLANO.

OCTOBER 21, 2024.

Pursuant to section 24-459 of the Municipal Code, I herewith submit my quarterly report showing the Benchmark Measurements for my department, for the period commencing July 1, 2024 and ending September 30, 2024.

2024 THIRD QUARTER YTD REPORT

	2022 EOY	2023 EOY	2023 YTD	2024 YTD
<u>Incident Types</u>				
Fires	92	87	66	67
Rescue & EMS	5,170	5,147	3,862	4,117
Non-Fires	1,558	1,409	1,042	1,110
TOTAL	6,820	6,643	4,970	5,294
<u>Incident Count Per Station</u>				
Station 1	2,003	2,032	1,497	1,638
Station 2	1,229	1,169	898	919
Station 3	1,677	1,652	1,223	1,315
Station 4	1,171	1,086	821	762
Station 5	609	556	422	492
Mutual Aid Given	131	85	60	58
Mutual Aid Received	54	56	49	18
Overlapping Calls (Percent)	64%	63%	63%	70%
Overlapping Calls (Count)	4,380	4,215	3,153	3,711
<u>Fire Loss</u>				
Incidents	61	60	43	61
Pre Incident Value	\$ 163,942,270	\$ 59,645,278	\$ 50,766,865	\$ 63,470,285
Property Loss	\$ 887,790	\$ 745,460	\$ 574,860	\$ 312,995
Content Loss	\$ 1,115,910	\$ 205,730	\$ 157,260	\$ 89,920
Total Loss	\$ 2,003,700	\$ 951,190	\$ 732,120	\$ 402,915
Average Loss	\$ 32,848	\$ 15,853	\$ 17,026	\$ 6,605
Property Saved	\$ 161,938,570	\$ 58,694,088	\$ 50,034,745	\$ 63,067,370
<u>Workload</u>				
Inspections	2,267	2,556	2,472	1,373
School Safety Programs (Students)	3,148	3,118	1,954	1,962
Public Events	56	105	78	56
Station Tours	9	16	6	21
Installed Smoke Alarms	82	79	47	62
Fire Training Hours	4,981	17,060	12,863	11,501
EMS Training Hours	2,072	2,333	1,991	2,241
Investigations	84	78	58	61
<u>Effectiveness</u>				
ISO Rating	2	2	2	2

CITY OF SHEBOYGAN

**REQUEST FOR LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
CONSIDERATION**

ITEM DESCRIPTION: Report of Officer, submitting the Quarterly Report from the Sheboygan Fire Department for the period commencing July 1, 2024 and ending September 30, 2024.

REPORT PREPARED BY: Eric Montellano, Fire Chief

REPORT DATE: October 9, 2024

MEETING DATE: October 30 2024

FISCAL SUMMARY:

Budget Line Item: N/A
Budget Summary: N/A
Budgeted Expenditure: N/A
Budgeted Revenue: N/A

STATUTORY REFERENCE:

Wisconsin Statutes: N/A
Municipal Code: 24-459

BACKGROUND / ANALYSIS:

Quarterly Benchmarks from the Fire Department for the period commencing July 1, 2024 and ending September 30, 2024 is presented for information and discussion as required by section 24-459 of the Municipal Code.

STAFF COMMENTS:

Highlights of third quarter year-to-date for 2024:

- Call volume is on track to reach a new record high. This Q3-YTD is 324 calls above previous year's.
- School safety programs are underway and have reached almost 2,000 students so far.
- The ASPIRE program began partnering with the Sheboygan Fire Department to practice community and independent livings skills.
- EMS training hours continue to rise due to improved tracking software and company-level training emphasis on emergency medical services.

ACTION REQUESTED:

A motion to recommend approval of the Report of Officer No. 69-24-25 to the Common Council.

ATTACHMENTS:

- I. R.O. No. 69-24-25

**CITY OF SHEBOYGAN
R. O. 70-24-25**

BY POLICE CHIEF CHRISTOPHER DOMAGALSKI.

OCTOBER 21, 2024.

Pursuant to section 30-50 of the Municipal Code, I herewith submit my quarterly report showing the Benchmark Measurements for my department for the period commencing July 1, 2024 and ending September 30, 2024.

	Y-T-D 9/30/24	Y-T-D 9/30/23	2024 Goals	2023 Actual	2022 Actual
<u>Patrol and Investigations</u>					
Murder & Non-Negligent Manslaughter	2	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0
Sex Offenses - Forcible	50	40	60	50	55
Sex Offenses - Non-Forcible	19	8	15	10	11
Aggravated Assault	120	88	100	117	110
Select Crimes Against Persons Total	191	136	200	177	176
Robbery	3	8	10	8	11
Burglary	30	47	100	65	65
Theft/Larceny	406	440	800	585	597
Motor Vehicle Theft	13	14	30	19	29
Arson	2	1	10	2	10
Select Crimes Against Property Total	454	510	950	679	712
Percent of Offenses Cleared	71%	61%	70%	61%	60%
Value of Property Stolen	\$521,862	\$345,789	\$500,000	\$451,440	\$684,397
Value of Property Recovered	\$313,875	\$238,965	\$200,000	\$305,082	\$340,673
Percent of Stolen Recovered	60%	69%	40%	68%	50%
Accident Investigations	1,056	1,046	1,500	1,390	1,418
Traffic Stops	4,379	4,062	No Goal	5,382	5,799
Traffic Arrests	3,154	3,038	No Goal	3,897	3,856
Other Arrests	2,307	2,297	No Goal	2,943	3,074
Speed Trailer Deployments	13	9	20	10	12
HVEE Deployments	371	122	12	210	68
Parking Tickets Issued	8,352	5,836	10,000	8,274	8,366
Bicycles Recovered	118	144	150	198	152
Involuntary Commitments	40	78	No Goal	110	138
<u>Administration</u>					
District Attorney Request for Digital Evidence	860	886	2,750	1,156	1,078
Open Records Requests	4,595	4,697	4,000	6,045	6,688
Nixle Messages Sent	40	52	250	60	92
Press Releases	12	13	50	15	23
Tweets	34	52	350	61	126
Facebook Followers*	19,993	18,084	19,000	18,503	17,515
Reported Crime Maps	80	77	104	98	87
Crime Comparison Reports	20	20	26	25	20

*Facebook no longer reports likes which were previously tracked

CITY OF SHEBOYGAN

**REQUEST FOR LICENSING, HEARINGS AND PUBLIC SAFETY COMMITTEE
CONSIDERATION**

ITEM DESCRIPTION: Report of Officer, submitting the Police Department Quarterly Report for the period commencing July 1, 2024, and ending September 30, 2024.

REPORT PREPARED BY: Christopher Domagalski, Chief of Police

REPORT DATE: October 24, 2024

MEETING DATE: October 30, 2024

FISCAL SUMMARY:

Budget Line Item:	N/A	Wisconsin	N/A
Budget Summary:	N/A	Statutes:	
Budgeted Expenditure:	N/A	Municipal Code:	Sec. 30-50
Budgeted Revenue:	N/A		

STATUTORY REFERENCE:

BACKGROUND / ANALYSIS:

The Quarterly Report of Benchmarks for the Police Department for the Period commencing July 1, 2024, and ending September 30, 2024, is presented for information and discussion as required by section 30-50 of the Municipal Code.

STAFF COMMENTS:

Highlights of the report are as follows:

- Part 1 Crime: Overall Part 1 crime in comparison to the same period in 2023 is flat (645 vs. 646). However, there is an increase in crimes against persons in comparison to the same period in 2023 (191 vs. 136). This is due to an increase in aggravated assaults during the period of 120 vs. 88 in 2023.
- Traffic accidents for the period (1056 vs. 1046) are flat in comparison to 2023.
- There was a decrease in involuntary commitments year to date in comparison to the same period in 2023 (40 vs. 78). I believe this is related to our co-responder program.

ACTION REQUESTED:

Motion to recommend to Council to Approve the Report of Officer No. 70 - 24 - 25.

ATTACHMENTS:

- I. R.O No. 70 - 24 - 25

**CITY OF SHEBOYGAN
RESOLUTION 103-24-25**

BY ALDERPERSONS RUST AND LA FAVE.

OCTOBER 21, 2024.

A RESOLUTION authorizing the appropriate City officials to execute the Joint Powers Agreement for Sheboygan County and City of Sheboygan 911 Emergency Systems.

WHEREAS, Sheboygan County and the City of Sheboygan have each implemented an Emergency 911 System for the purposes of providing emergency services to residents and visitors of these municipalities, including fire fighting, law enforcement, ambulance, medical and other emergency services; and

WHEREAS, Wis. Stat. § 256.35(9) “Joint Powers Agreement” requires that in implementing 911 systems as has been done by both Sheboygan County and the City of Sheboygan, municipalities shall annually enter into a Joint Powers Agreement, which Agreement shall be applicable on a daily basis and which shall provide that if an emergency services vehicle is dispatched in response to a request through either the Sheboygan County 911 System or the City of Sheboygan 911 System, such vehicle shall render its services to the persons needing the services, regardless of whether the vehicle is operating outside the vehicle’s normal jurisdictional boundaries.

NOW, THEREFORE, BE IT RESOLVED: That the Mayor and City Clerk are hereby authorized and directed to execute the Joint Powers Agreement – Sheboygan County and City of Sheboygan 911 Emergency Systems, effective for calendar year 2025, a copy of which is attached hereto and incorporated herein.

BE IT FURTHER RESOLVED: That the City Clerk is hereby authorized and directed to file a fully executed copy of this Joint Powers Agreement with the State of Wisconsin Department of Justice, as required by Wis. Stat. § 256.35(9)(c).

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

_____.

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of Sheboygan

Meredith DeBruin, City Clerk, City of Sheboygan

**JOINT POWERS AGREEMENT
SHEBOYGAN COUNTY AND CITY OF SHEBOYGAN
911 EMERGENCY SYSTEMS**

WHEREAS, Sheboygan County and the City of Sheboygan have each implemented an Emergency 911 System for the purposes of providing emergency services to residents and visitors of these municipalities, including fire fighting, law enforcement, ambulance, medical and other emergency services; and

WHEREAS, Wis. Stat. § 256.35(9) “Joint Powers Agreement” requires that in implementing 911 systems as has been done by both Sheboygan County and the City of Sheboygan, municipalities shall annually enter into a Joint Powers Agreement, which Agreement shall be applicable on a daily basis and which shall provide that if an emergency services vehicle is dispatched in response to a request through either the Sheboygan County 911 System or the City of Sheboygan 911 System, such vehicle shall render its services to the persons needing the services, regardless of whether the vehicle is operating outside the vehicle’s normal jurisdictional boundaries.

THEREFORE, in consideration of the mutual promises, agreements and conditions contained herein, it is hereby jointly agreed between Sheboygan County and the City of Sheboygan as follows:

1. That effective January 1, 2025, this Agreement shall, thereafter, be applicable on a daily basis from said date through December 31, 2025.
2. That if an emergency services vehicle operated by either Sheboygan County or the City of Sheboygan, or operated by an agency with which either municipality contracts for that particular emergency service, is dispatched in response to a request through the Sheboygan County emergency 911 System or the City of Sheboygan 911 System, such vehicle (whether owned and operated by the municipality or by the agency) shall render its services to the persons needing the services, regardless of whether the vehicle is operating outside the vehicle’s normal jurisdictional (or as defined by contract) boundaries.

3. That a copy of this Agreement shall be filed with the State Department of Justice, as required by Wis. Stat. § 256.35(9)(c).

Dated this ___ day of _____, 2024.

SHEBOYGAN COUNTY

BY: _____
Matthew A. Spence
Sheriff

Dated this ___ day of _____, 2024.

CITY OF SHEBOYGAN

BY: _____
Ryan Sorenson
Mayor

ATTEST: _____
Meredith DeBruin
City Clerk

This Agreement is authorized by and in accordance with Res. No. ___-24-25.

City of Sheboygan

To: Members of the Common Council
From: Charles Adams, City Attorney
Date: October 30, 2024
Re: Chapter 12 update

The Building Inspection Department requested a wide-ranging update to Chapter 12 of the Sheboygan Municipal Code, which contains the city's ordinances regarding the building trades as well as its codes for minimum standards for a variety of buildings and installations.

While this memo does not give a detailed description of every change in the ordinance, it is designed to give a high-level description of key changes. The redline included with the agenda provides all the details of the changes.

While the amendment is primarily to Chapter 12, there are changes to other sections of the code that are necessary to implement the changes in Chapter 12.

Among the key changes are the following:

- 1) Updates to the list of outside codes adopted by the city and the exceptions to those codes.
- 2) Granting additional authority to appropriate officials to issue necessary citations.
- 3) Changes designed to better align the language of our code with state administrative codes, including changes to various state licensing and permitting schemes.
- 4) The shifting and renumbering of some provisions to make finding code provisions simpler.
- 5) The use of updated standard language to describe the various roles and positions within the building inspection department.
- 6) Putting most fees in a separate fee schedule that can be easily updated by council resolution without the need for ordinance changes.
- 7) Clarifying committee and subcommittee structure, including reducing the number of committees and allowing non-residents to serve on the board of examiners.
- 8) Consolidating most appeals regarding building code matters to the board of appeals.
- 9) Repeal of the vacant building registry ordinance.
- 10) Removal of most municipal regulations related to swimming pools in favor of provisions designed to ensure that pools are properly fenced and gated.
- 11) Removal of inspection requirements and fees for low voltage installations.
- 12) Moving the ban on coal tar sealant products to the nuisance chapter rather than the building code chapter.

**CITY OF SHEBOYGAN
ORDINANCE 24-24-25**

BY ALDERPERSONS RUST AND LA FAVE.

OCTOBER 21, 2024.

AN ORDINANCE updating Chapter 12 of the Sheboygan Municipal Code entitled "Buildings and Construction" and making such additional changes to the Code as necessary to connect the changes made in Chapter 12.

NOW THEREFORE, be it ordained by the Common Council of the City of Sheboygan, in the State of Wisconsin, as follows:

SECTION 1: **AMENDMENT** "Sec 2-581 Residency Requirement" of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 2-581 Residency Requirement

- (a) All members of boards or commissions shall be city residents and maintain residency in the city while under the employment or service of the city. In the event that any such member of a board or commission does not meet the foregoing requirement, the office or position shall be automatically forthwith vacated, and such vacancy shall be filled in the manner prescribed by law or ordinance.
- (b) Notwithstanding subsection (a) of this section, the residency requirement shall not apply:
 - (1) To members of a business improvement district board who own or occupy real property in the business improvement district.
 - (2) To nonvoting members of advisory committees to the common council.
 - (3) To licensed members of the board of examiners, ~~provided that they hold a current active license for their membership classification and maintain their principal business office or place of employment in the city.~~
 - (4) To members of the mayor's special international committee residing within the boundaries of the Sheboygan Area School District.
 - (5) To one member of the board of waterworks commissioners who owns real property within and owns or operates a business within the city.
 - (6) To members of the architectural review board established pursuant to section 105-1012 of the city land development code.
- (c) Nothing in this division shall prevent the city administrator from inviting noncity residents to participate as a member of a team of employees or persons with special expertise whose role shall be to advise the city administrator on matters over which the city administrator may make reports or recommendations to the mayor or common

council.

(Code 1997, § 2-428)

SECTION 2: AMENDMENT “Sec 12-3 Liability Of Inspector” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-3 Liability Of Inspector

Any action taken by an inspector, code enforcement officer or ~~their inspector's~~ agent, or by any member of a city board to enforce the regulations of this chapter shall be considered as done in the name of and on behalf of the city, and the inspector, code enforcement officer, or member of the board in so acting for the city shall not be adjudged liable for any damage that may accrue to persons or property as the result of any such action taken in the discharge of their duties. Any legal action brought against the inspector, code enforcement officer, or members of the board, in such capacity, shall be defended by the city attorney until final termination of the proceedings unless such employee acted with malice or criminal negligence in the performance of the duties at issue in the proceeding.

(Code 1975, § 20-65; Code 1997, § 26-3; Ord. No. 92-97-98, § 3, 2-2-1998)

SECTION 3: AMENDMENT “Sec 12-4 Board Of License Examiners” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-4 Board Of License Examiners

- (a) There is hereby established a board of license examiners in and for the city, hereinafter referred to as the board.
- (b) The board shall consist of five voting members ~~who shall be city residents.~~ The members shall be appointed by the mayor and: ~~One shall be an alderperson, who shall be the chairperson of the board.~~ The four remaining members shall be chosen from among the following groups of people, in any combination as the mayor sees fit:
 - (1) Persons actively engaged in the building contracting business who hold a valid city license or certification ~~Electrical contractors actively established in the electrical contracting business in the city;~~
 - (2) ~~State-~~licensed dwelling qualifier contractors registered with the city ~~journeyman electricians;~~

- (3) Persons actively engaged in the heating contracting business who hold a valid city license~~Licensed master electricians;~~
- (4) ~~Regular plant electricians; L~~State-licensed heating qualifier contractors registered with the city;~~Persons actively engaged in the general contracting business.~~
- (c) The mayor shall appoint, subject to common council confirmation, two alternate members of the board who shall be actively engaged in the contracting business, in addition to the five members provided for in subsection (b) of this section. The alternate members shall act, with full power, only when a member of the board refuses or declines to vote, is disqualified because of interest, or when a member is absent. Alternate members may be among those identified in subsection (b) or be a state-licensed master electrician, journeyman electrician, or master plumber.
- (d) The members of the board shall be appointed by the mayor for two-year terms, subject to confirmation by the council. Two of the members shall be appointed on the third Tuesday in April of the even-numbered years, and two members shall be appointed on the third Tuesday in April of the odd-numbered years. The ~~council member~~alderperson shall be elected by the council at its first regular meeting of each year.
- (e) Vacancies on the board shall be filled for the unexpired term in the same manner as for regular appointments. Members shall hold office until their successors are appointed and qualified.
- (f) All members of the board shall have qualified in accordance with the requirements governing their classifications before confirmation by the council.
- (g) Each member of the board shall, before entering upon the discharge of the duties of the office, take and file the official oath.
- (h) *Meetings.*
- (1) The board shall meet at least bimonthly.
 - (2) ~~Special meetings and hearings may be called by t~~The director of planning and development, ~~or~~ the director's designee, or ~~by~~ the board chair ~~of the board~~may call special meetings and hearings. The board may consider and decide ~~at any regular or special meeting or hearing,~~ any matter within its jurisdiction at any regular or special meeting or hearing.
 - (3) Three voting members of the board (including alternate members acting pursuant to the authority in subsection (c) above) 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 alderperson~~ie~~ member, as provided in subsection (d) of this section, the board shall elect officers to serve for a term of one year. The officers shall consist of a chairperson and a vice-chairperson; the director of planning and development or the director's designee shall act as the secretary.
- (i) The secretary of the board or secretary's designee shall keep a record of all the proceedings of the board, together with the necessary registers showing all applications for the examination and license and showing thereon for each the date of application, name, qualifications, place of business, place of residence and whether the

application was granted or refused. The books and registers of the board shall be prima facie evidence of all matters recorded therein. The secretary or designee shall prepare a roster of all licensed contractors and shall file a copy of the same with the building city clerk and the inspection office. ~~It shall be the duty of the secretary of the board to promptly notify each of the officers of a revocation or reissuance of a license.~~

- (j) The board shall have the power to make such bylaws, rules and regulations governing the conduct of its meetings and hearings as it may deem necessary, provided the same do not conflict with the laws of the city and the state.

(Code 1997, § 26-5)

SECTION 4: ADOPTION “Sec 12-5 Board Of Appeals” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

Sec 12-5 Board Of Appeals(*Added*)

Unless otherwise stated, the zoning board of appeals ~~As~~ established in section 105-1011 – ~~(board of appeals)~~, shall serve as the official appeal board within this chapter.

SECTION 5: AMENDMENT “ARTICLE 12-II BUILDING CODES” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

ARTICLE 12-II BUILDING ~~CODES~~INSPECTION DIVISION

SECTION 6: AMENDMENT “DIVISION 12-II-2 BUILDING INSPECTION DEPARTMENT” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

DIVISION 12-II-~~2~~1 BUILDING INSPECTION ~~DEPARTMENT~~DIVISION GENERALLY

SECTION 7: AMENDMENT “Sec 12-69 Establishment” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~69~~10 Establishment

A building inspection ~~department~~ivision is established in the ~~building inspection~~city planning and development department which shall incorporate the functions of building, electrical, HVAC, plumbing, heating code enforcement, and housing inspections.

(Code 1975, § 2-181; Code 1997, § 26-66)

SECTION 8: AMENDMENT “Sec 12-70 Records And Reports” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~70~~11 Records And Reports

- (a) All employees in the building inspection ~~department~~ivision shall keep and file a complete inspection report on prescribed forms.
- (b) The ~~department~~ivision shall keep a record of all inspections, a record of all fees collected, showing the date of receipt, and remit all sums received to the finance director/treasurer on a weekly basis or more often when requested to do so by the finance director/treasurer. ~~The manager of planning and inspection services or the manager's designee shall make a consolidated monthly report and annual report to the common council and a weekly report on all building activities to the local press.~~

(Code 1975, § 2-182; Code 1997, § 26-67)

SECTION 9: AMENDMENT “Sec 12-71 Duties Of Inspectors” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~71~~12 Duties Of Inspectors

SECTION 10:AMENDMENT “Sec 12-72 Access To Premises” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~72~~13 Access To Premises

- (a) ~~The Any building~~ inspector of the building inspection division, upon written notice stating the reason therefor, shall, within 24 hours after service of such notice, have free and unobstructed access between the hours of 7:00 a.m. and 6:00 p.m., to any part of a private home or premises where work has been performed, or is being performed, pursuant to a permit issued under ~~section 12-36~~this chapter.
- (b) ~~The Any~~ inspector shall have free access at all times, without such notification, to any building under construction or any public building for the purpose of determining compliance with the provisions of this article and the applicable state and federal regulations.

(Code 1997, § 26-70; Ord. No. 76-02-03, § 5, 4-2-2003)

SECTION 11:ADOPTION “Sec 12-14 Issuance And Withholding Of Permits” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

Sec 12-14 Issuance And Withholding Of Permits(*Added*)

- (a) Issuance of and payment for permits; arrearages. The applicant shall make all payments for licenses and permits issued pursuant to this chapter to the planning and development department.
- (b) Arrearages. The payment of the following payments shall be a condition precedent to the granting of any such license or permit issued pursuant to this chapter, except as provided in section 2-839(c) of this code. Any license or permit issued improperly is null and void.
 - (1) all arrears and fees owed to the building inspection division;
 - (2) all personal property taxes, special assessments, special charges, taxes imposed pursuant to chapter 50 of this code;
 - (3) all forfeitures or judgments resulting from conviction for violation of any provision of this code;;
 - (4) all other judgments due and owing from the applicant to the city at the time of the application and any such judgment relating to the property or business previously licensed if the new license is granted consequent or conditionally

upon the sale or transfer of the business or stock in trade or furnishings or equipment of the premises or of the ownership or control of a corporation.

(c) Non-issuance. No further permits shall be issued, or inspections made to any licensee or property owner until all lawful orders of any building division inspector have been complied with.

(d) Delay and bad faith. Bad faith or unreasonable delay in the performance of contracting work or failure to respond promptly to official communications shall be deemed sufficient reason for withholding permits.

~~all personal property taxes, special assessments, special charges, taxes imposed pursuant to chapter 50, all forfeitures or judgments resulting from conviction for violation of any provision of this Code all arrears and fees owed to the division (5) all other judgments due and owing from the applicant to the city at the time of the application and any of such judgment relating to the property or business previously licensed if the new license is granted consequent or conditionally upon the sale or transfer of the business or stock in trade or furnishings or equipment of the premises or of the ownership or control of a corporation (e) Non-issuance. No further permits shall be issued, or inspections made to any licensee or property owner until have been paid, or all lawful orders of any building division inspector have been complied with. (d) Delay and bad faith.~~

SECTION 12: AMENDMENT “DIVISION 12-II-1 BUILDING CODES GENERALLY” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

DIVISION 12-II-~~1~~2 BUILDING CODES GENERALLY

SECTION 13: ADOPTION “Sec 12-20 Compliance With Building Code” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

Sec 12-20 Compliance With Building Code(*Added*)

(a) The provisions of this article shall not abrogate the responsibility of any person to comply with any provisions of the state building code and the city building and zoning codes.

(b) This article establishes minimum standards for dwellings, dwelling units and accessory buildings and does not replace or modify standards otherwise established for the construction, replacement, or repair of buildings except such as are in conflict with the

provisions of this article. In any case where a provision of this article is found to be in conflict with a provision in any zoning, building, fire, safety, or health ordinance or code of the city, existing on the effective date of the ordinance from which this article is derived, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.

SECTION 14: AMENDMENT “Sec 12-27 Building Codes Adopted” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~27~~21 Building Codes Adopted

- (a) *In General.* The city adopts by reference, as though fully set forth in this chapter, the state codes and all amendments thereto applicable to those classes of building to which such code applies. The adopted code is comprised of the following state statutes and administrative rules:
- (1) Wis. Stat. § 145, Plumbing and Fire Protection Systems and Swimming Pool Plan Review.
 - (2) Wis. Admin. Code ch SPS 305, Licenses, Certifications and Registrations.
 - (3) Wis. Admin. Code ch. SPS 306, Electrical.
 - (4) Wis. Admin. Code ch. SPS 360, Erosion Control, Sediment Control and Stormwater Management.
 - (5) Wis. Admin Code ch. SPS 381, Definitions and Standards.
 - (6) Wis. Admin. Code ch. SPS 382, Design, Construction, Installation, Supervisions, Maintenance and Inspection of Plumbing.
 - (7) Wis. Admin. Code ch. SPS 383, Private Onsite Wastewater Treatment Systems.
 - (8) Wis. Admin. Code ch. SPS 384, Plumbing Products.
 - (9) Wis. Admin. Code ch. SPS 385, Soil and Site Evaluations.
 - (10) Wis. Admin. Code ch. SPS 386, Boat and On-Shore Sewage Facilities.
 - (11) Wis. Admin. Code ch. SPS 387, Private Onsite Wastewater Treatment System Replacement or Rehabilitation Financial Assistance Program.
- (b) *Uniform dwelling code.* The city adopts by reference, as though fully set forth in this chapter, the state uniform dwelling code and all amendments thereto applicable to all new and existing one- and two-family dwelling including alterations and additions thereto. The adopted code is comprised of the following state administrative rules:
- ~~(1) Wis. Admin. Code ch. SPS 316, Electrical.~~
 - (2) Wis. Admin. Code ch. SPS 320, Administration and Enforcement.
 - (3) Wis. Admin. Code ch. SPS 321, Construction Standards.
 - (4) Wis. Admin. Code ch. SPS 322, Energy Conservation.
 - (5) Wis. Admin. Code ch. SPS 323, Heating, Ventilating and Air Conditioning.
 - (6) Wis. Admin. Code ch. SPS 324, Electrical Standards.

- (7) Wis. Admin. Code ch. SPS 325, Plumbing.
- (c) *Commercial building code*. The city adopts by reference, as though fully set forth in this chapter, the state commercial building code and all amendments thereto applicable to those classes of building to which such code applies. The adopted code is comprised of the following state administrative rules:
- ~~(1) Wis. Admin. Code ch. SPS 360, Erosion Control, Sediment Control and Stormwater Management.~~
 - (2) Wis. Admin. Code ch. SPS 361, Administration and Enforcement.
 - (3) Wis. Admin. Code ch. SPS 362, Buildings and Structures.
 - (4) Wis. Admin. Code ch. SPS 363, Energy Conservation.
 - (5) Wis. Admin. Code ch. SPS 364, Heating, Ventilating and Air Conditioning.
 - (6) Wis. Admin. Code ch. SPS 365, Fuel Gas Appliances.
 - (7) Wis. Admin. Code ch. SPS 366, Existing Buildings.
 - ~~(8) Wis. Admin. Code ch. SPS 381, Definitions and Standards.~~
 - ~~(9) Wis. Admin. Code ch. SPS 382, Design, Construction, Installation, Supervisions, Maintenance and Inspection of Plumbing.~~
 - ~~(10) Wis. Admin. Code ch. SPS 383, Private Onsite Wastewater Treatment Systems.~~
 - ~~(11) Wis. Admin. Code ch. SPS 384, Plumbing Products.~~
 - ~~(12) Wis. Admin. Code ch. SPS 385, Soil and Site Evaluations.~~
 - ~~(13) Wis. Admin. Code ch. SPS 386, Boat and On-Shore Sewage Facilities.~~
 - ~~(14) Wis. Admin. Code ch. SPS 387, Private Onsite Wastewater Treatment System Replacement or Rehabilitation Financial Assistance Program.~~
- (d) *State uniform building code*. 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 sections 30.20(3) of chapter 3; section 30.06(2) and (3) of chapter 2; and section 30.40 of chapter 5.
- (e) *International building code*. The International Building Code, chapters 1—35, as amended from time to time, are adopted by reference, a copy of which is on file in the city's building inspection department.

(Code 1997, §§ 9-1, 26-36, 26-37; Ord. No. 99-97-98, § 2, 2-2-1998; Ord. No. 17-09-10, § 1, 9-21-2009; Ord. No. 58-10-11, § 1, 4-6-2011; Ord. No. 17-11-12, § 1, 7-5-2011)

SECTION 15:AMENDMENT “Sec 12-28 Property Maintenance Code Adopted” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~28~~22 Property Maintenance Code Adopted

- (a) The International Property Maintenance Code published by the International Code

Council, together with all appendices and amendments thereto, is adopted by reference, except as follows:

- (1) The following sections and subsections are specifically excluded:
 - a. Subsection 102.3—Application of other codes;
 - b. Section 103—Code compliance agency;
 - c. Section 106—Means of appeal;
 - d. Section 108—Board of appeals;
 - e. Section 303—Swimming pools, spas, and hot tubs. ~~Subsection 304.3.~~
- (2) The following sections and subsections are modified as set forth below:
 - a. Section 302.1 is modified to provide as follows: "Exterior property and premises shall be maintained in a clean, safe, and sanitary conditions. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition. No person shall use or maintain building exteriors or surrounding premises in a manner that limits the use or enjoyment of neighboring property, or which causes or tends to cause diminution of the value of the property of others in the neighborhood in which such premises is located by reason of exterior storage of scrap lumber, junk, trash, or other debris, including, without limitation of enumeration, discarded objects or equipment such as motor vehicles, furniture, appliances, farm or manufacturing equipment, building materials, or litter."
 - b. ~~Section 301.2 is modified to provide as follows: "No person shall use, occupy, own, or permit use of any structure or premises that does not comply with the requirements of this chapter." Subsection 304.7—~~ Roofs and Drainage to include: is modified to provide as follows: "All roofs shall be structurally sound, tight and have no defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building. Existing gutters and downspouts shall be maintained in good repair, and direct water away from all foundations. All dwellings nearer than three feet to property line shall have gutters and downspouts installed on the entire affected side."
 - c. In addition to the requirements of subsection 304.13—Window, skylight, and door frames, ~~w~~ windowpanes and doors which require glazing shall not be boarded up except as a result of weather conditions or replacement and then only on a temporary basis, not to exceed three weeks. Commercial buildings shall comply with the requirements of section 12-~~45380~~(e).
 - d. Subsection 304.14—Insect screens is modified to provide that screens shall be required between May 1 and October 15.
 - e. Subsection 304.18.1—Doors is modified to provide as follows: "Doors providing access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased, or let shall be equipped with

a lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort. Such locks shall be installed according to the manufacturer's specifications and maintained in good working order."

- f. Subsection 307.1—Handrails and guardrails is modified to provide as follows: "Every exterior and interior flight of stairs having more than three risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp other walking surface more than 24 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 38 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 36 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Exception: Existing handrail and guardrails in good repair may remain per the code in effect at the time of installation."
- g. ~~Subsection 404.5 is modified to provide as follows: "The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants. Every room occupied for sleeping purposes shall contain at least 70 square feet of floor space and shall contain at least 50 square feet of floor space for each occupant over 12 years of age and 25 square feet of floor space for each occupant 12 years of age or under."~~ The final sentence of subsection 505.1—Water system - General is modified to provide as follows: "All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with provisions of the Wis. Admin. Code."
- h. Subsection 602.3—Heat supply is modified to provide that it is effective between September 1 and May 31 and so as to replace the reference to Appendix D of the International Plumbing Code with Wis. Admin. Code § SPS 322.07(2).
- i. Subsection 602.4—Occupiable work spaces is modified to provide that it is effective between September 1 and May 31.
- j. Subsection 603.2—Removal of combustion products is modified to eliminate the exception.
- k. Subsection 604.2—Electrical Facilities - Service is modified to replace the reference to NFPA 70 with Wis. Admin. Code ch. SPS 316.

(b) A copy of the adopted code is on file in the city building inspection department.

(Code 1997, § 26-37; Ord. No. 17-09-10, § 1, 9-21-2009; Ord. No. 58-10-11, § 1, 4-6-2011; Ord. No. 17-11-12, § 1, 7-5-2011)

SECTION 16: **AMENDMENT** “Sec 12-29 Administration And Enforcement” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~29~~23 Administration And Enforcement

The director of planning and development or the director's designee, ~~as certified by the department of industry, labor and human relations~~, is hereby authorized and directed to administer and enforce all of the provisions of this chapter, including all codes referenced herein.

(Code 1997, § 26-37; Ord. No. 17-09-10, § 1, 9-21-2009; Ord. No. 58-10-11, § 1, 4-6-2011; Ord. No. 17-11-12, § 1, 7-5-2011)

SECTION 17: **AMENDMENT** “Sec 12-30 Notice Of Pending Violation To Prospective Purchasers” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~30~~24 Notice Of Pending Violation To Prospective Purchasers

The owner of a building on which a notice has been issued concerning a building violation under this chapter, shall be required to inform any prospective purchaser of the notice of building violation; ~~when~~ where the condition giving rise to the notice of violation has not been fully corrected. A violation of this subsection shall subject the owner/seller to a penalty as provided for in section 12-15 and entitle the purchaser who has not received the required notice to make any repairs necessary to bring the property up to the requirements of the building code and to recover the reasonable cost of those repairs from the seller.

(Code 1975, § 9-1; Code 1997, § 26-36; Ord. No. 99-97-98, § 2, 2-2-1998)

SECTION 18: **AMENDMENT** “Sec 12-31 Abatement Of Nuisances” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~31~~25 Abatement Of Nuisances

Nuisance abatement shall be as follows:

- (a) If real property situated in the city is in violation of those provisions of the municipal building code that affect health or safety, the director of planning and development or ~~in the director's absence, a~~ designee, may commence an action to abate such public nuisances.
- (b) If the director of planning and development or the director's designee deems it necessary to order the abatement or removal of a health or safety nuisance found on any premises or property, the director shall serve notice within a reasonable time of not less than 24 hours. If the owner or occupant shall fail to comply with the notice, the owner shall be subject to the penalty provided in section ~~48~~12-1.
- (c) Any person to whom such order is directed shall comply therewith immediately, but upon petition to the board of ~~zoning~~ appeals shall be afforded a hearing in the manner prescribed in section ~~12-594~~130. After such hearing, depending upon the findings of the board ~~of zoning appeals~~ as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with, the board ~~of zoning appeals~~ shall continue such order in effect, or modify it, or revoke it.
- (d) 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 the director's designee shall thereupon cause abatement and removal of such nuisance.
- (e) The cost of abatement or removal of a nuisance by the director of planning and development or the director's 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 the director's designee, assessed against the real estate and collected as are other special taxes.
- (f) Nothing in this chapter shall be construed or interpreted to in any way impair or limit the authority of the city to define and declare nuisances or of the building inspector or the public health director to cause the removal or abatement of nuisances by summary proceedings or other appropriate proceedings.

(Code 1997, § 26-37; Ord. No. 17-09-10, § 1, 9-21-2009; Ord. No. 58-10-11, § 1, 4-6-2011; Ord. No. 17-11-12, § 1, 7-5-2011)

SECTION 19: **REPEAL** “Sec 12-39 Local Operators” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-~~39 Local Operators~~26 (Reserved)

- (a) ~~All owners of vacant land and vacant residential/commercial buildings within the city and who reside outside of the county and outside of an adjoining county, or who, in~~

~~the case of entities, have a principal place of business outside of the county and outside of a county adjoining an adjoining county, or in the case of a condominium association, have a condominium resident agent with a domicile outside of the county and outside of an adjoining county, shall have a local operator with a physical address and domicile within the county, with authority to accept notice of violations or enforcement of this chapter and shall provide written notice of the local operator to the building inspection department. The following are exempt from having to file the notice required under this section: The building inspection department shall provide local operator notification forms. All owners required by this section to have a local operator shall file a local operator notification form providing the legal name, physical address within the county, date of birth, and telephone number of the local operator. If any information listed on a previously filed local operator notification form changes, the required filer shall, within 15 days of the change in information, file a new form with the building inspection department. Any application filed later than that 15-day period shall result in a late filing fee of \$100.00. Owners of owner-occupied one- and two-family buildings where the ownership is recorded with the county register of deeds. Owners of owner-occupied residential condominium units where the ownership is recorded with the county register of deeds. Owners of convents, monasteries, parish rectories, parsonages and similar facilities where the ownership is recorded with the county register of deeds. Owners of hospitals and residential facilities licensed by the city or the state where the ownership is recorded with the county register of deeds. Government-owned property where the ownership is recorded with the county register of deeds. Owners of newly constructed residential and commercial buildings where the ownership is recorded with the county register of deeds until actual occupancy of any such building or any unit in any such building commences. Owners of vacant land, residential buildings, and commercial buildings and owners of condominium units, owned for less than 15 days prior to sale or other transfer of the buildings or units to new owners. However, anyone acquiring property from such owner shall file a notice pursuant to this section unless otherwise exempt under this subsection. Condominium associations responsible for two-unit residential buildings. Any owner, former owner, or condominium association failing to comply with this section or providing false, misleading or fraudulent information on any form required under this section shall forfeit not less than \$100.00 nor more than \$500.00, together with the cost of the action, and in default of payment thereof may be imprisoned in an appropriate county facility as allowed by law. Each day of violation is a separate offense.~~

(Code 1997, § 26-45)

SECTION 20: **REPEAL** “Sec 12-40 Vacant Building Registration” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-40 Vacant Building Registration 28 (Reserved)

(a) *Purpose.* Registering of vacant residential buildings or any other vacant building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses is essential for the proper enforcement of the city's building, fire and zoning code and to safeguard persons, property and the general welfare.

Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Owner means the person in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and right to present use and enjoyment of the premises.

Secured means a building that has a permanent door or window in each appropriate building opening that is secured to prevent unauthorized entry and has all its door and window components intact and unbroken.

Unsecured means any building that does not meet the definition of secured.

Vacant means a building which lacks habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business or construction operation or residential occupancy is at a level of at least 95 percent vacant. An owner-occupied, single-family home or owner-occupied, two-family dwelling residential property shall not be deemed vacant if it has been used as a residence by the owner for a period of at least three months within the previous 12 months and the owner intends to resume residing at the property.

Violation means that a lawful order has been issued by the city or a department thereof and the conditions forming the basis for the order have not been fully abated.

Registration required. Exemptions. The following are exempt from the provisions of this section: *Owner responsibilities.* The owner of any building that has become vacant shall:

Minimum requirements for vacant buildings. In addition to the requirements of this chapter, vacant buildings shall comply with the following requirements: *Penalties.*

Any owner failing to comply with any provisions of this section shall be subject to the penalties provided in section 12-1. The owner of any building that has become vacant shall within 90 days after the building becomes vacant or within 90 days after assuming ownership, whichever is later, file a registration statement for each such building with the department on forms provided by the building inspection department. In addition to other information, the registration statement shall include the name, street address and telephone number of a person 18 years of age or older, designated by the owner as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of the owner in connection with the enforcement of this section. This person shall reside within the county. The owner shall be required to renew the registration for successive 12-month periods as long as the building remains vacant. Property owned by governmental bodies and the housing authority. Property that is undergoing an active renovation or rehabilitation and all required permits have been obtained.

Residential condominium and rental units in buildings whose vacancy rate does not exceed 95 percent. Properties that are part of an estate that is in probate and are not

subject to bankruptcy provided the personal representative or executor resides in the county or an immediately adjoining county. Property that has no outstanding code violations, does not contribute to blight, is ready for occupancy, and is either actively being offered for sale, lease or rent, or is actively being maintained and monitored by the owner. Enclose and secure the building as provided in subsection (f) of this section. Maintain the building in a secure and closed condition until the building is no longer vacant or is legally razed. Acquire or otherwise maintain liability insurance in an amount not less than \$300,000.00 for buildings designed primarily for residential use and not less than \$1,000,000.00 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Evidence of this insurance shall be available at the request of a building inspector. *Lot maintenance.* Lot maintenance standards include the lot the building stands on and the surrounding public way and shall meet the following: *Exterior maintenance.* Exterior windows and doors shall be maintained in sound condition and good repair and prevent rain from entering the building. All points of possible ingress and egress shall be secured to prevent unauthorized entry. *Interior maintenance.* *Building security.* All building openings shall be closed and secured, using methods and materials so as to comply with the requirements of section 12-27(a) (2) and (b)(3). All grass and weeds on the premises, including abutting sidewalks, gutters, and alleys, shall be kept below 12 inches in height, and all dead or broken trees, tree limbs or shrubbery shall be cut and removed from the premises. Any public sidewalk adjoining the lot shall be shoveled clear of snow so as to comply with section 48-248. Junk, rubbish and waste, including, but not limited to, any mail or flyers that have been delivered to the building, shall not be permitted to accumulate on any portion of the exterior lot of the building. The lot shall be maintained so that water does not accumulate or stand on the ground. All fences and gates shall be maintained in sound condition and in good repair. It is prohibited to accumulate or permit the accumulation of junk, trash, debris, boxes, lumber, scrap metal or any other materials that may produce any health, fire or safety hazard, or provide harborage for insects, rodents or other vermin. Every foundation, roof, floor, wall, stair, ceiling or other structural support shall be safe and capable of supporting the loads associated with normal usage and shall be kept in sound condition and repair. Any plumbing fixtures shall be maintained with no leaking pipes, and all pipes for water shall either be completely drained or heated to resist being frozen. Every owner shall be responsible for the extermination of insects, rodents and other vermin in or about the premises. *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 (Wis. Stats. ch. 68) shall not apply to such an

~~appeal.~~

(Code 1997, § 26-46; Ord. No. 4-11-12, § 1, 11-21-2011)

SECTION 21: ADOPTION “ARTICLE 12-III BUILDING” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

ARTICLE 12-III BUILDING(*Added*)

SECTION 22: AMENDMENT “DIVISION 12-II-3 CONTRACTORS” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

DIVISION 12-~~H-3~~III-1 CONTRACTORS

SECTION 23: AMENDMENT “Subdivision 12-II-3-I Contractors In General” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Subdivision 12-~~H-3-I Contractors In General~~III-1-I CONTRACTORS IN GENERAL

SECTION 24: AMENDMENT “Sec 12-103 Definitions” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~103~~30 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction contractor means ~~ever~~any person engaged in the business of accepting orders or contracts on cost, plus fixed fee, stated sum, percentage, or any combination thereof, or other

compensation than wages, and engaged in work on or in any building or structure requiring the use of stone, brick, mortar, cement, wood, structural steel or iron, sheet metal, piping, tin, lead or any other building material, or doing any paving or curbing on sidewalks, streets, public or private property, using asphalt, brick, stone, cement, wood or any combination thereof, or doing any excavating for foundations or any other purpose; or engaged in the business of building, remodeling, repairing, razing or moving, whether it be by day labor, contract, cost, plus, fixed fee, stated sum, percentage, or any combination thereof, or other compensation other than wages, shall be deemed to be a construction contractor within the meaning of this article. Construction contractors shall be classified as one of the following:

- (a) General contractor.
- (b) Carpenter contractor.
- (c) ~~Register~~Certified contractor.
- (d) ~~Business~~Registered contractor.

(Code 1997, § 26-91; Ord. No. 44-97-98, § 1, 7-21-1997)

SECTION 25: AMENDMENT “Sec 12-104 Exemptions” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~104~~31 Exemptions

The provisions of this division shall not apply to the following:

- (a) Authorized representatives of the United States of America, the state, the county or the city.
- (b) Owners of property engaged in building structures or making repairs thereon for their own use.
- (c) ~~State certified dwelling contractors, i.e., contractors constructing or performing work on one- and two-family dwellings in which they have no legal or equitable interest, who possess a current certificate of financial responsibility from the state department of safety and professional services under Wis. Stats. § 101.654.~~

(Code 1997, § 26-92; Ord. No. 44-97-98, § 1, 7-21-1997)

SECTION 26: AMENDMENT “Sec 12-105 Certain Acts Unlawful” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~105~~32 Certain Acts Unlawful

Any person presenting or attempting to file or use the license, certification, or registration of another, or who shall give false or forged evidence of any kind to the board of license examiners or to any member thereof, to obtain or maintain a license; or ~~certification~~registration, or who shall falsely impersonate another, or who shall use an expired or revoked license, certification, or registration or shall violate any of the provisions of this division shall be subject to the penalties provided in section 12-1.

(Code 1997, § 26-93; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 42-10-11, § 3, 11-15-2010)

SECTION 27: AMENDMENT “Subdivision 12-II-3-II License/Registration” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Subdivision 12-~~H-3-H License/Registration~~III-1-II LICENSE/CERTIFICATION

SECTION 28: AMENDMENT “Sec 12-124 Required; Exemption” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~124~~33 Required; Exemption

- (a) Every person engaging in or desiring to engage in the business of construction contracting in the city shall procure and maintain, at all times while so engaged, a license, certification, or registration as herein provided.
- (b) The Sheboygan Area School District is granted an exemption from the license provisions of subsection (a) of this section for the construction of not more than one single house and two residential garages per calendar year, with the following conditions:
 - (1) ~~Construction of the garages or house shall be done by t~~Students from the he Sheboygan North or Sheboygan South School v~~Class students at North High School or South High School shall construct the garages or house.~~
 - (2) All construction shall be done under the direct supervision of a certified instructor employed by the Sheboygan Area School District.
 - (3) The Sheboygan Area School District shall satisfy the insurance requirements set forth in section 12-~~41~~32.
 - (4) All other provisions of the building code shall apply.

(Code 1997, § 26-146; Ord. No. 44-97-98, § 1, 7-21-1997)

SECTION 29: AMENDMENT “Sec 12-125 Classification” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~125~~34 Classification

~~The city classifies construction c~~Contractors ~~are classified~~ and their licenses/~~certification~~registration fees ~~for such contractors shall be~~ as set forth in the Contractor's Licenses Fee Schedule on file in the offices of the ~~city clerk and~~ building inspection division. Licensed or ~~certified~~registered contractors may perform only the ~~particular type of~~ work or services specified by their particular classification:

- (a) *General contractor.* A general contractor is a construction contractor responsible for supervising the completion of a construction project, by either doing the work, or a portion of the work, or by hiring and supervising subcontractors to complete the work and ensure the project complies with all building codes. General contractors may perform structural and non-structural work on commercial and residential buildings. General contractors may not perform electrical, HVAC, or plumbing work. The city does not require a license if the general contractor does not perform any contracting or construction work, and only performs project management (managing subcontractors).

~~(1) The following activities are not included among the work that may be performed by general contractors:~~

~~General contractors may perform residential and commercial building and remodeling, including the following: The permitted activities include both structural and nonstructural work. Heating, ventilating, and air conditioning; Plumbing; and Rough framing; Insulating; Drywall; Roofing; Siding; Building component insulation; Steel erecting; Building of fences, porches, and decks; and In-ground pool installation. Electrical.~~

- (b) *Carpenter contractor.* A carpenter contractor is a construction contractor responsible for constructing, repairing, and installing building frameworks and structures made from wood and other materials. Carpenter contractors may perform structural and non-structural work on residential buildings and only non-structural work on commercial buildings. They may not perform moving/razing, excavating, concrete/asphalt, masonry, steel erecting, electrical, HVAC, or plumbing work.

~~(1) The following activities are not included among the work that may be performed by carpenter contractors:~~

~~Carpenter contractors may perform residential building and remodeling, including the following: The permitted activities include both structural and nonstructural work. Carpenter contractors may engage in building and remodeling of commercial buildings covered under the International Building Code and Wis. Admin. Code chs.~~

~~SPS 50–70, including the following: Heating, ventilating, and air conditioning; Plumbing; and Rough framing; Insulating; Drywall; Roofing; Siding; Building component insulation; Steel erecting; and Building of fences, porches, and decks. Interior nonstructural remodeling; Remodeling, removal, and building of non-load-bearing walls, nonstructural windows, and nonstructural doors; Siding; Roofing; and Construction/repair of fences. Electrical.~~

- (c) Carpenter accessory contractor. A carpenter accessory contractor is a construction contractor responsible for constructing, repairing, and installing accessory buildings frameworks and structures made from wood and other materials. Carpenter accessory contractors may perform building and remodeling of accessory buildings, including detached garages, utility sheds, greenhouses, gazebos, pergolas, free-standing decks, and fences. They may not perform building or remodeling of commercial or residential buildings, moving/razing, excavating, concrete/asphalt, masonry, steel erecting, electrical, HVAC, or plumbing work.

~~(1) The following activities are not included among the work that may be performed by carpenter accessory contractors:~~

~~Carpenter accessory contractors may engage in building and remodeling of residential accessory buildings, including detached garages, decks, pergolas, sheds, and gazebos, as defined in sections 30.20 and 30.21 of the Uniform Building Code, including the following: The permitted activities include both structural and nonstructural work. Building and remodeling of commercial or primary residential buildings; Heating, ventilating, and air conditioning; Plumbing; and Rough framing; Insulating; Drywall; Roofing; Siding; Building component insulation; Steel erecting; and Building of fences. Electrical.~~

- (d) Registered Certified contractor. A certified contractor is a construction contractor in one of the following classifications:
- (1) Excavating Registered contractor. An excavating contractor's primary business is the installation, alteration, and repair of earthen material by digging, trenching, grading, or compacting the material for a cut, fill, grade, or trench.
 - (2) Masonry contractor. A masonry contractor is qualified to select, cut, and lay brick and concrete block or any other unit masonry products. This work includes placing reinforcing steel and concrete forming and placing incorporated into the masonry work. It does not include flatwork.
 - (3) Concrete/asphalt contractor. A concrete/asphalt contractor's primary business is installation or repair of concrete/asphalt areas, including the forming, pouring, and finishing of concrete structures such as footings, foundations, slabs, basement floors, sidewalks/walkways, driveways, and parking areas.
 - (4) Tuckpointing contractor. A tuckpointing contractor specializes in the technique of repairing mortar joints between bricks or other masonry elements. This includes removing cracked, disintegrating, or defective mortar and replacing it with fresh mortar of the same composition.
 - (5) Waterproofing contractor. A waterproofing contractor's primary business is the use or application of materials or processes for the prevention or control of

water leakage or flow through the basement walls or flooring into the interior portion of a basement and/or crawl space.

- (6) Roofing contractor. A roofing contractor's primary business is the installation, alteration, and repair of all kinds of roofing, waterproofing, and coating, except when the coating does not project, repair, waterproof, stop leaks, or extend the life of the roof. The scope of responsibility includes re-decking or repair of existing roof sheathing or fascia as needed during repair/replacement.
- (7) Siding contractor. A siding contractor's primary business is the installation, alteration, and repair of exterior wall covering and cladding (protective treatment); such as aluminum, EIFS, veneer, vinyl, or wood.
- (8) Doors/windows contractor. A doors/windows contractor's primary business is the installation, replacement, or repair of non-structural exterior doors and windows.
- (9) Insulation contractor. An insulation contractor's primary business is the installation of any material used primarily to retard or resist heat flow.
- (10) Drywall contractor. A drywall contractor's primary business is the installation, taping, and finishing of drywall, panels, and assemblies of gypsum wallboard, sheathing, and cementitious board. They may build or install non-load bearing, non-structural walls or partitions.
- (11) Cabinets/countertop contractor. A cabinets/countertop contractor's primary business is the building and installation, alteration, and repair of any cabinet or countertop.
- (12) Fence contractor. A fence contractor's primary business is the installation, alteration, and repair of any structure, wall, or barrier, other than a building, erected at grade to define boundaries or property, provide security or protection to property, or act as a visual or acoustic screen.
- (13) Moving/razing contractor. A moving/razing contractor's primary business is the process of leveling a structure to the ground or moving a structure from one location to another location.
- (14) Steel erecting contractor. A steel erecting contractor is qualified to perform the construction, alteration, or repair of steel buildings, bridges, and other structures, including the installation of metal decking and all planking used during the process of erection.
- (e) Registered contractor. A registered contractor is a contractor constructing or performing work on one- or two-family dwellings who possess current dwelling contractor and dwelling contractor qualifier credentials from the Wisconsin Department of Safety and Professional Services under Wis. Stat. § 101.654.

Drywall

installation;Insulation;Masonry/concrete;Moving/razing;Roofing;Siding-Windows, doors.Cabinets, countertops.Feneing.Steel erecting.Nonstructural building component installation, including, but not limited to:

(Code 1997, § 26-147; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 76-02-03, § 6, 4-2-2003; Ord. No. 57-05-06, § 1, 11-21-2005; Ord. No. 76-07-08, § 1, 1-17-2008)

SECTION 30: AMENDMENT “Sec 12-126 Applications” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 12-~~126~~35 Applications

- (a) An applicant for a construction contractor's license or ~~certification~~registration shall ~~make~~ apply ~~ieation~~ by filling in the printed forms which they may ~~be~~ obtained from the building inspection division and by paying an application fee as detailed in section 12-39. ~~per license or registration.~~
- (b) An applicant for a construction contractor's license must be an individual. Corporate entities are ineligible to apply for such licenses.

(Code 1997, § 26-148; Ord. No. 44-97-98, § 1, 7-21-1997)

SECTION 31: AMENDMENT “Sec 12-127 Qualifications” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 12-~~127~~36 Qualifications

- (a) ~~The following~~ Each class of construction contractor must meet the following qualifications: ~~must be met for each class of contractor:~~
- (1) *General contractor.* General contractors shall ~~possess~~ pass the appropriate examination administered by the building inspection division. To be eligible to take the examination, a person must have completed one of the following paths:
 - a. four years of apprenticeship; plus four years as a journeyman in the commercial trade;
 - b. ~~;~~ ~~or~~ eight years ~~of~~ experience within the most recent ten-year period working for a general contractor in the construction industry;
 - c. ~~or~~ four years ~~of~~ education in the architectural or engineering field plus and one four years of on-the-job training.
 - (2) *Carpenter contractor.* Carpenter contractors shall possess either four years of apprenticeship, plus two years working as a journeyman in the residential trade; or six years ~~of~~ experience within the most recent ten-year period working for a general contractor or carpenter contractor in the construction industry.
 - (3) Carpenter accessory contractor. Carpenter accessory contractors shall possess either two years of apprenticeship plus two years working as a journeyman in

the residential trade or four years of experience within the most recent ten-year period working in the construction industry for a general contractor, carpenter contractor, or carpenter accessory contractor.

(4) ~~Certified~~~~registered~~ contractor. ~~Certified~~~~Registered~~ contractors shall possess two years¹ of experience within the most recent ~~five~~~~ten~~-year period in the respective trade.

(5) ~~Registered~~ ~~business owner~~ contractor. ~~A~~ The registered ~~business owner~~ contractor shall ~~be owner of the construction-related business~~hold valid dwelling contractor and dwelling contractor qualifier credentials from the State of Wisconsin.

(b) ~~The following qualifications must also be met for~~ ~~L~~ licensed construction contractors must also meet the following qualifications:

(1) Any person taking a required examination ~~on behalf of,~~ and procuring a license who is associated with ~~for,~~ a contractor, firm, co-partnership, corporation, association, or other organization, or any combination thereof shall provide information about such association as part of their application to take the examination ~~shall be an active member or officer thereof; and.~~

(2) ~~The~~ ~~A~~ licensed person cannot qualify to take ~~the~~ a required examination on their own behalf or for another contractor, firm, co-partnership, corporation, association, ~~or~~ other organization, or a combination thereof; while any license previously procured by the person remains unexpired or uncanceled.

(3) ~~If;~~ ~~provided, however, that if~~ the person passing the examination shall, at any time, sever their connection with the contractor firm, co-partnership, association, other organization, or a combination thereof with ~~to~~ whom they were associated at the time of the required examination, it shall be the ~~the~~ person to whom the license was issued's duty, and the contractor with ~~to~~ whom the person was associated shall ~~the license was issued to~~ give written notice immediately to the board of license examiners and, ~~at the same time,~~ surrender the license for cancellation.

(Code 1997, § 26-149; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 46-04-05, § 1, 12-20-2004; Ord. No. 57-10-11, § 2, 4-6-2011)

SECTION 32: AMENDMENT “Sec 12-128 Re-Examination” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~128~~37 Re-Examination

Any person failing to pass a required examination may be re-examined ~~after 60 days~~ by submitting a request for re-examination ~~filing the proper application~~ with a \$25.00 examination fee to the secretary of the board of license examiners or their designee.

(Code 1997, § 26-150; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 57-10-11, § 3, 4-6-2011)

SECTION 33: AMENDMENT “Sec 12-129 Issuance” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~129~~38 Issuance

- (a) If the applicant receives a score of 75 percent or greater on a required examination, the secretary of the board of license examiners or designee shall report the license application to the common council who may then authorize the building inspection division to issue a license to the applicant upon payment of the license fee.
- (b) Where no examination is required, the secretary of the board of license examiners or designee shall report a qualifying application to the council who may then authorize the building inspection division to issue a license to the applicant upon payment of the license fee.
- (c) For certified contractor applications, the secretary of the board of license examiners or designee may review and approve applications and authorize the building inspection division to issue a certification to the applicant upon payment of the certification fee.

(Code 1997, § 26-151; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 57-10-11, § 4, 4-6-2011)

SECTION 34: AMENDMENT “Sec 12-130 License/Registration Fee” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~130~~39 License/~~Registration~~Certification Fee

Before any license or ~~registration~~certification shall be issued or renewed under the provisions of this division, the applicant shall pay a license or certification~~registration~~ fee as set forth in license/certificate~~the Contractor's Licenses Fee~~ Schedule on file in the ~~offices of the city clerk~~ and building inspection division.

(Code 1997, § 26-152; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 57-05-06, § 1, 11-21-2005)

SECTION 35: AMENDMENT “Sec 12-131 Privileges” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~131~~40 Privileges

The issuance of a license or certification ~~registration~~ shall entitle the person, firm, co-partnership, corporation, association, ~~or~~ other organization, or any combination thereof, of which the applicant is an active member or officer, to all rights and privileges of a contractor in the classification for which the license or certification ~~registration~~ is issued.

(Code 1997, § 26-153; Ord. No. 44-97-98, § 1, 7-21-1997)

SECTION 36: AMENDMENT “Sec 12-132 Insurance Requirements” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~132~~41 Insurance Requirements

- (a) Every construction contractor granted a license or ~~registration~~certification shall maintain at all times a policy of general liability insurance issued by an insurer, authorized to do business in the state, insuring the contractor in the amount of at least \$1,500,000.00 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 the 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) of this section to the building inspection division by submitting in writing a certificate of insurance with certificate holder to the building inspection division

- (e) Licenses or ~~registrations~~certifications 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 or registration became void.

(Code 1997, § 26-154; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 53-00-01, § 1, 9-18-2000; Ord. No. 57-10-11, § 5, 4-6-2011)

SECTION 37: AMENDMENT “Sec 12-133 Temporary Licenses” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~133~~42 Temporary Licenses and Certifications

- (a) Any construction contractor, before commencing any type of construction contracting work shall first apply for a license to engage in such contracting work. Such application shall be made to the ~~director of planning~~ secretary of the board of license examiners or their designee, who may issue a temporary license to such contractor for a specific contracting job, upon the applicant's furnishing proof of compliance with the insurance/bonding requirements of section 12-~~4132~~, the required qualifications of section 12-~~36127~~ and upon payment of the required permit fee as set forth in the ~~Contractor's License/certificates fFee s~~ Schedule on file in the offices of the city clerk and building inspection division.
- (b) ~~In the event the application for a temporary license is denied, t~~The applicant may appeal a denial of a temporary license or certification to the board of license examiners within five days after the denial. ~~The applicant shall submit the such~~ appeal ~~to be~~ in writing, including details of the and shall set forth the ruling being appealed, ~~with from~~ and be filed with the secretary of the board of examiners. Such notice of appeal shall state clearly and briefly the grounds of the appeal. Where a situation requires an immediate decision, the director of that of the city planning and development may make a decision, which decision ~~er or the planner's designee~~ shall be final and conclusive.
- ~~(e) No more than two such temporary licenses shall be issued to any one contractor/business within a calendar year.~~

(Code 1997, § 26-155; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 76-02-03, § 7, 4-2-2003; Ord. No. 57-05-06, § 1, 11-21-2005)

SECTION 38: AMENDMENT “Sec 12-134 Expiration” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~134~~43 Expiration

Licenses or ~~registrations~~ certifications under the provisions of this division shall expire on the December 31 next following their issuance.

(Code 1997, § 26-156; Ord. No. 44-97-98, § 1, 7-21-1997)

SECTION 39: AMENDMENT “Sec 12-135 Renewal” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~135~~44 Renewal

A construction contractor's license or certification~~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 calendar year. Unless a license or certification~~registration~~ is renewed prior to its expiration, the applicant shall be required to file a new application and pay a new application fee. Re-examination shall be required of all applicants for a license or renewal who have not held an equivalent license 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.

(Code 1997, § 26-157; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 57-10-11, § 6, 4-6-2011)

SECTION 40: AMENDMENT “Sec 12-136 Grounds For Revocation/Suspension” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~136~~45 Grounds For Revocation/Suspension

- (a) The board of license examiners may recommend to the common council the revocation or /suspension of any of the licenses, certifications, or registrations issued under this chapter to the council of licenses or registration of any construction contractor who shall be guilty of any one or more of the following acts or omissions:
- (1) Fraud or deceit in obtaining license, certification, or registration.
 - (2) Negligence, incompetency or misconduct in the practice of contracting within the meaning of this article.
 - (3) Abandonment of any contract without legal excuse.

- (4) Diversion of property or funds received under express agreement for prosecution or completion of a specific contract, or for a specified purpose in the prosecution or completion of any contract and their application or use for any other contract, obligation or purpose with intent to defraud or deceive creditors or the owner.
- (5) Fraudulent departure from or disregard of plans or specifications in any material respect, without the consent of the owner or the owner's duly authorized representative, or the doing of any willful, fraudulent act by the licensee as a contractor in consequence of which another is substantially injured.
- (6) Willful and deliberate disregard and violation of the city building code.
- (7) Failure to fulfill contractual obligations through inability to pay all creditors for materials furnished, or work or services performed under the contract.
- (8) Fraud or deceit in obtaining a building permit in which the contractor lends their name and license to another and fails to assume the obligations and responsibilities of a contractor thereunder.
- (9) Failure to properly complete work such that more than three re-inspections of the same work are required to be completed by a building inspector.

(b) A revocation under this section shall be for a period not to exceed two years.

(Code 1997, § 26-158; Ord. No. 44-97-98, § 1, 7-21-1997)

SECTION 41: **ADOPTION** “DIVISION 12-III-2 BUILDING PERMITS” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

DIVISION 12-III-2 BUILDING PERMITS(*Added*)

SECTION 42: **ADOPTION** “Sec 12-50 Plan Examination” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

Sec 12-50 Plan Examination(*Added*)

- (a) When the city requires plans for approval, the applicant shall submit them in duplicate. The plans submitted shall be printed clearly, legibly, and permanently. Applicants may submit complete foundation and footing plans for approval before submitting the building plans if such foundation and footing plans contain (1) the required plot plan, (2) itemized structural loads, (3) complete foundation or footing design calculations.

(4) schematic floor plans showing exists, loading areas, windows, and (5) other pertinent information relating to the specific project. The city shall charge permit fees for foundation and footing permits at a rate set forth in section 12-52. If the application, plans and specifications conform to the requirements of this code and all other applicable laws, the director of planning and development or director's designee shall, upon receipt of the required fee, grant a building permit for said work and shall sign, date, and endorse in writing or by rubber stamp both sets of plans and specifications as "conditionally approved."

- (b) The director of planning and development or the director's designee shall retain one approved set of plans and specifications. No person shall change, modify, or alter approved plans and specifications without written permission from the director or director's designee.

SECTION 43: ADOPTION "Sec 12-51 Permits Required" of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

Sec 12-51 Permits Required(*Added*)

- (a) No person shall do any of the following without first obtaining a building permit therefor from the director of planning and development of the director's designee:
- (1) install or cause to be installed any concrete.
 - (2) erect or construct any building or structure or cause any such building to be erected or constructed.
 - (3) add to, enlarge, move, improve, alter, convert, extend, or demolish any building or structure, or cause the same to be done.
 - (4) commence any work covered by this code on any structure.
- (b) Notwithstanding the provisions of subsection (a), director or director's designee may authorize the following work to be completed without a permit:
- (1) minor improvements not involving structural alterations to accessory structures less than twenty-five (25) square feet and under five (5) feet in height
 - (2) work on projects which do not exceed a material cost of \$600 or which do not exceed a combined labor and materials cost of \$1,200.
- (c) The director or director's designee shall issue permits required by subsection (a) in the name of the property owner. It shall be the responsibility of the property owner, as well as the construction contractor, to determine that a proper permit has been issued.
- (d) Applicants shall file applications for building permits with the director of planning and development or the director's designee in writing on a form furnished for that purpose. The application shall identify the property for the proposed improvements, describe the proposed work, detail the cost of work including labor and materials, and identify the property owner and all persons performing the work.
- (e) With every permit issued, the director of planning and development or the director's

- designee shall issue to the applicant a form evidencing issuance of the permit.
- (f) If the director of planning and development or director's designee finds any person to whom a building permit has been issued not in compliance with applicable ordinances, laws, orders, plans, and specifications, the director or director's designee shall revoke the building permit by written notice served on the general contractor and the general contractor's representative on the job or, if there is no general contractor, served on the person in charge of the non-compliant work. The director or director's designee shall also serve written notice upon the owner, either personally or by mailing a copy of the notice to the address of the owner, and shall post a copy of the notice at the site of the work.
- (g) When the director or director's designee revokes any permit, no person shall do any further work on the building or property until the director or director's designee issues a new permit, excepting such work the director or director's designee shall order as a condition precedent to the issuance of a new permit or which the director or director's designee may authorize as reasonably necessary to protect work already done on the job, existing property, adjoining property, and the public.
- (h) No issuance of a permit or approval of plans or specifications shall serve to permit or approve any violation of any of the provisions of this code. No permit presuming to give authority to violate or fail to comply with the provisions of this code shall be valid except so far as the work or use which it authorizes is lawful. Any person who has been issued a permit under this section and any person doing work under this section who discovers errors in the application, plans, specifications, or constructions, shall immediately report such errors to the director or director's designee. If the director or director's designee becomes aware of any errors in the application, plans, specifications, or constructions or of any violations of this code, any ordinance of the city, or any state law or administrative code, the director or designee may rescind the permit and prevent building or construction operations from being further carried out.

SECTION 44:AMENDMENT “Sec 12-32 Plan Examination And Permit Fees” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~32 Plan Examination And Permit Fees~~52 Permit Fee Schedule

- (a) The plan examination and permit fees assessed by the city shall be as set forth in the Plan Examination and Permit Fee Schedule on file in the offices of the building Inspection division.
- (b) ~~Any person or Forfeiture for occupancy without valid occupancy card. If a person or business~~ who occupies a building without a signed occupancy card shall be subject to; a forfeiture of \$25.00 to \$500.00 per violation per day that the violations exist, ~~shall be~~

~~charged~~ with a minimum forfeiture of \$100.00.

(Code 1997, § 26-38; Ord. No. 56-96-97, § 1, 11-4-1996; Ord. No. 99-97-98, § 1, 2-2-1998; Ord. No. 2-99-00, § 1, 5-3-1999; Ord. No. 55-00-01, § 1, 10-2-2000; Ord. No. 41-01-02, § 4, 10-15-2001; Ord. No. 77-01-02, § 1, 2-18-2002; Ord. No. 76-02-03, §§ 2—4, 4-2-2003; Ord. No. 59-04-05, § 1, 2-21-2005; Ord. No. 57-05-06, § 1, 11-21-2005; Ord. No. 41-09-10, § 1, 1-18-2010)

SECTION 45: AMENDMENT “Sec 12-37 Building Plan Storage” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~37~~53 Building Plan Storage

SECTION 46: AMENDMENT “Sec 12-38 Expiration Of Permits” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~38~~54 Expiration Of Permits

SECTION 47: AMENDMENT “Sec 12-36 Occupancy Permit” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~36~~55 Occupancy Permit

- (a) It shall be unlawful to use or permit the use of any commercial building or premises, or part thereof hereafter erected, altered or converted wholly or partly in its use from previous occupancy or where the premises or any portion thereof have become vacant for more than one year, until an occupancy permit has been obtained from the building inspection ~~department~~division.
- (b) Occupancy permits are not required if the building:
 - (1) Use remains the same (example: office to office would not require a permit, whereas office to store would); or
 - (2) Is a legal home occupation.

- (c) Application for an occupancy permit shall be made on a form provided by the building inspection department and shall set forth the applicant's name, address, position or capacity for the intended building use, and an inspection fee shall be paid as per section 12-~~32~~53.
- (d) No permit shall be issued to any person for any business operation which would violate the zoning, fire, health or other ordinances of the city or which would violate any state law.
- (e) After an application has been received and an occupancy inspection completed by the building inspection ~~department~~ivision, an occupancy letter will be sent to the applicant listing all violations. An occupancy permit will be issued when all violations have been corrected.
- (f) Such occupancy permits shall be nontransferable and shall be kept posted in a conspicuous place in the building, structure or premises; and shall be valid only for the building, structure or premises named therein.
- (g) A conditional occupancy permit can be requested by the prospective occupant if no life-safety violations exist as determined by the building inspection ~~department~~ivision.
- (h) The cost of the conditional occupancy permit shall be as set forth in section 12-~~32~~53.
- (i) If the conditional occupancy permit is issued the applicant agrees to have all violations corrected within 45 days. A reinspection will be scheduled after 45 days to check for compliance. If any violations still exist, the violator shall be subject to a forfeiture, as set forth in ~~subsection (a) of this section,~~12-1, for each day of violation until all violations are corrected.
- (j) The building inspection ~~department~~ivision may revoke any permit of approval issued if any violation of this article is found upon inspection or in the case there has been any false statement in the application or plans on which the permit or approval was based.

(Code 1975, § 9-7; Code 1997, § 26-42; Ord. No. 101-05-06, §§ 11, 12, 3-20-2006; Ord. No. 42-10-11, § 2, 11-15-2010)

SECTION 48: AMENDMENT “Sec 12-33 Mobile Homes; Utility Connection Restricted” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~33~~56 Mobile Homes; Utility Connection Restricted

SECTION 49: AMENDMENT “Sec 12-34 Land Reconstruction” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~34~~55 Land Reconstruction

- (a) *Permit required.* No person shall hereafter demolish any building in the city without first securing a permit therefor from the ~~division of~~ building inspection division.
- (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 the director's designee, in the director's 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.
 - (2) Concrete, stone, brick, and masonry may be buried on site if properly broken up and covered with at least two feet of clean, properly compacted, earth fill. Concrete basement floors shall be fractured to allow water to pass through. Four inches of black dirt shall be placed on top of disturbed areas, and the area shall be leveled, raked, packed smooth and seeded or sodded with grass or otherwise surfaced as approved by the director of city-planning and development or the ~~planned~~director's designee, and brought back to a dust-free environment. The site shall be brought to the previous grade, or to sidewalk grade if previously below grade.
 - (3) The requirements of subsection (b) of this section shall not be applied when, within 30 days after the structure is demolished, a building permit is issued, and construction begins for another principal building on the site.
 - (4) The director of planning and development or the director's designee may authorize one 30-day extension upon written appeal by the property owner or the owner's agent, stipulating that new construction is pending and will commence within that time period.
 - (5) These requirements apply to the holder of a permit to demolish a structure and to any property owner who is moving a building from one location to another.
- (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 ~~division~~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 the director's designee, and the entire premises shall be maintained.

(Code 1975, § 9-5; Code 1997, § 26-40; Ord. No. 80-08-09, § 1, 3-16-2009)

SECTION 50: ADOPTION “DIVISION 12-III-3 ACCESSORY STRUCTURES” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

DIVISION 12-III-3 ACCESSORY STRUCTURES(*Added*)

SECTION 51: ADOPTION “Sec 12-60 Definitions” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

Sec 12-60 Definitions(*Added*)

Accessory structures, as defined and governed by Chapter 105 of this Code, shall be reviewed and approved by the building inspector prior to issuance of any permit related thereto. An accessory structure shall be classified as one and only one of the following:

- (a) Animal enclosure. An animal enclosure is an enclosure, cage, or pen 25 square feet or larger, usually constructed with bars or wires, which is used to confine or retain fowl or small animals.
- (b) Carport. A carport is a roofed building having two or fewer enclosed sides which primarily accommodates the sheltered parking of a passenger vehicle and/or the storage of residential maintenance equipment. A carport often, but does not always, project from the side of a building.
- (c) Detached garage. A detached garage is a building or structure having more than two enclosed sides which primarily accommodates the sheltered parking of a passenger vehicle and/or the storage of residential maintenance equipment.
- (d) Fence. A fence is a barrier enclosing or bordering a yard used to prevent entrance, to confine, or to mark a boundary, which is usually made of vertical posts connected with horizontal sections or sturdy material such as wood, metal, vinyl, or wire.
- (e) Free standing deck. A free standing deck is an open, unroofed porch or platform used for outdoor entertaining which is not attached to any structure.
- (f) Gazebo. A gazebo is a detached roofed structure, open on all sides, used for outdoor entertaining.
- (g) Greenhouse. A greenhouse is a glass-enclosed building used for cultivating plants in which the temperature is maintained within a desired range.
- (h) Pergola. A pergola is an arbor formed of horizontal trelliswork supported on columns or posts.
- (i) Retaining wall. A retaining wall is a wall used to support soil laterally so the soil can be retained at different levels on the two sides of the wall.
- (j) Sauna. A sauna is a small room or structure designed for relaxation and leisure, typically featuring a wood-fired or electric stove for heating.
- (k) Utility shed. A utility shed primarily accommodates the sheltered storage of residential maintenance equipment.

SECTION 52: ADOPTION “Sec 12-61 Detached Residential Garages And Carports” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

Sec 12-61 Detached Residential Garages And Carports(*Added*)

Detached residential garages and carports shall be built with a continuous floating slab of reinforced concrete not less than four inches in thickness with over four inches of compacted gravel. The slab shall be reinforced at minimum with number 10 six by six-inch wire mesh. The slab shall be constructed with a thickened edge all around that is eight inches wide and eight inches below the top of the slab. The thickened edge shall have two #4 horizontal reinforcement bars placed at the center. The lower reinforcement bar shall be set two inches above the bottom of the thickened edge and the upper reinforcement bar shall be set six inches above the bottom of the thickened edge. Exterior wall curbs shall be provided not less than six inches above the finished ground grade adjacent to the garage. Anchor bolts shall meet meet the requirements of Wis. Admin. Code § SPS 321.18(1)(c)3 for size, embedment length, and spacing.

SECTION 53: ADOPTION “Sec 12-62 Utility Sheds” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

Sec 12-62 Utility Sheds(*Added*)

Utility sheds shall be built with a continuous floating concrete slab of not less than four inches in thickness over four inches of compacted gravel. Construction of all components other than the foundation shall be governed by the Wisconsin Uniform Dwelling Code (UDC), Wis. Admin. Code § SPS 320-325.

SECTION 54: ADOPTION “Sec 12-63 Pergolas, Gazebos, Greenhouses, Saunas, And Animal Enclosures” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

Sec 12-63 Pergolas, Gazebos, Greenhouses, Saunas, And Animal Enclosures(*Added*)

Pergolas, gazebos, greenhouses, saunas, and animal enclosures are not required to be on a concrete slab. Construction plans shall be submitted along with the permit application showing the anchoring, framing, size, and location.

SECTION 55: **ADOPTION** “Sec 12-64 Free Standing Decks” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

Sec 12-64 Free Standing Decks(*Added*)

The construction of free standing decks, other than of the foundation, is governed by the provisions of the Wisconsin Uniform Dwelling Code (UDC), Wis. Admin. Code § SPS 320-325. Construction plans shall be submitted along with the permit application showing the anchoring, framing, size, and location.

SECTION 56: **ADOPTION** “Sec 12-65 Fences” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

Sec 12-65 Fences(*Added*)

- (a) Construction of fences is governed by section 105-945 of this Code. Additionally, all fences erected within the city shall comply with the provisions of this article.
- (b) No fence shall be erected in the city in such position or place as to be dangerous or detrimental to the health of persons living in any house or premises. Any fence so erected, shall be removed within three days upon the written order of the director of planning and development or the director's designee served upon the owner, agent, or occupant of the premises. Any fence not removed in accordance with such notice shall be removed at public expense, and the cost of such removal shall be assessed against the property on which the fence was located.
- (c) No fence shall be erected in the city unless the owner or owner's agent first obtains a permit from the building inspection division. Construction plans shall be submitted along with permit application showing the materials used, height, and location.

SECTION 57: **ADOPTION** “Sec 12-66 Retaining Walls” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

Sec 12-66 Retaining Walls(Added)

- (a) Except as allowed in this section, no person may erect or construct a retaining wall prior to obtaining a building permit for the wall. A site plan shall be included with the permit application showing the location of the proposed wall. Retaining walls shall be located a minimum of one foot from the front/street yard property line. Retaining walls three feet or higher shall be safeguarded by a fence or guardrail. Retaining walls five feet or higher shall be designed by a structural engineer.
- (b) Notwithstanding the provisions of this section, a permit is not required for decorative walls no higher than two feet in height and located at least five feet from any property line used around gardens, plantings, trees, patios, or driveways and constructed of natural stone, brick, or timbers.

SECTION 58: ADOPTION “DIVISION 12-III-4 SWIMMING POOLS, HOT TUBS, AND SPAS” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

DIVISION 12-III-4 SWIMMING POOLS, HOT TUBS, AND SPAS(Added)

State law reference—Public swimming pools generally, Wis. Stats. § 145.26.

SECTION 59: ADOPTION “Sec 12-70 Definitions” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

Sec 12-70 Definitions(Added)

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hot tub means a heated body of water in an artificial receptacle located outside, used or intended to be used for bathing or health purposes.

Spa means a body of water in an artificial receptacle located outside, used or intended to be used for bathing or health purposes.

Swimming pool means a body of water in an artificial or semi-artificial receptacle, whether located indoors or outdoors, used or intended to be used for the purposes of swimming or diving and having a water capacity of 500 or more cubic feet.

(Code 1975, § 9-141; Code 1997, § 26-1026)

HISTORY

Adopted by Ord. 3-23-24 RECODIFICATION on 6/5/2023

SECTION 60: AMENDMENT “Sec 12-711 Permit--Required” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~711~~71 Permit--Required

No swimming pool, ~~whirlpool~~hot tub, or spa shall be constructed, altered, remodeled, or improved within the city unless a permit therefor shall first be obtained from the ~~city planner~~director of planning and development or the director's designee.

(Code 1975, § 9-142; Code 1997, § 26-1027)

SECTION 61: AMENDMENT “Sec 12-712 Permit--Submission Of Plans” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~712~~72 Permit--Submission Of Plans

Plans and specifications shall be submitted with the application for a swimming pool permit and shall include:

- (a) Plans, including a profile, drawn to scale showing all dimensions.
- (b) ~~Equipment, layout of filters, pumps, strainers, sumps, gutters, skimmers, inlets, outlets, waste discharge lines, circulation and other piping. Type, kind and description of chlorinator.~~ Capacity of pool.
- (c) Proposed location on ~~tract of land~~ parcel.

(Code 1975, § 9-143; Code 1997, § 26-1028)

SECTION 62: AMENDMENT “Sec 12-714 Fences” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~714~~73 Fences

- (a) All outdoor swimming pools, ~~whirlpools~~hot tubs, and ~~or~~ spas shall be completely surrounded by a fence or wall not less than ~~six~~four feet in height which is kept gated and locked so as to exclude uninvited children and animals. A dwelling house or accessory building may be used as part of such an enclosure.
- (b) The only approved exception to the ~~six~~four-foot fence requirement for pools is an approved lockable dome.
- (c) The only approved exception to the ~~six~~four-foot fence requirement for ~~whirlpools~~hot tubs and spas is an approved lockable cover which can withstand 150 pounds.

(Code 1975, § 9-151; Code 1997, § 26-1030)

SECTION 63: AMENDMENT “ARTICLE 12-III ELECTRICAL” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

ARTICLE 12-~~III~~IV ELECTRICAL

SECTION 64: AMENDMENT “DIVISION 12-III-1 ELECTRICAL GENERALLY” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

DIVISION 12-~~III~~IV-1 ELECTRICAL GENERALLY

SECTION 65: AMENDMENT “Sec 12-156 Penalties For Violation Of Article” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-156 ~~Penalties For Violation Of Article~~(Reserved)

~~Any violation of, or noncompliance with, any of the provisions of this article 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 such forfeiture and costs are paid, but not to exceed 90 days. Each day of violation or noncompliance shall constitute a separate offense.~~

(Code 1997, § 26-196)

SECTION 66: AMENDMENT “Sec 12-157 Code Adopted” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-157 ~~Code Adopted~~(Reserved)

- ~~(a) Wis. Admin. Code chs. SPS 305 and 316, as well as Wis. Stats. §§ 101.80—101.88, are adopted by reference and made a part of this article; any future amendments, revisions or modifications of such laws or codes incorporated in this section are intended to be made part of this article in order to secure uniform statewide regulation and enforcement of law relating to electricity.~~
- ~~(b) Repairs or installations existing on the effective date of the ordinance from which this article is derived may be required to be brought into compliance with this article (current state electrical code) by the city, and within the time period determined by the city.~~

(Code 1997, § 26-197)

SECTION 67: AMENDMENT “Sec 12-159 Required” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~159~~158 License Required

SECTION 68: AMENDMENT “Sec 12-158 Liability Of Other Crafts” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~158~~159 Liability Of Other Crafts

SECTION 69: AMENDMENT “Sec 12-160 Definitions” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-160 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Electrical contractor means a person or persons hired to perform electrical work who is licensed as an electrical contractor by the State of Wisconsin and possesses proper state credentials as required by Wis. Stat. § 101.862.

Electrical work means the installation, supervision or inspection of electrical wiring and equipment for the production, modification, regulation, control, distribution, utilization, or safeguarding of electrical energy for mechanical, chemical, heating, lighting or similar purposes.

Estimated cost means the electrical contractor bid price, plus actual costs of any materials that are required for the electrical installation that is not provided for by the electrical contractor. Time and material jobs shall be based on estimated total cost. Upon completion of bid projects or time and material jobs, an additional permit shall be taken out to cover any extras that were in excess of the original permit.

Owner occupied means a residential property, the~~where the~~ owner of which a residential~~property~~ has resided therein for no less than the previous three consecutive months.

(Code 1997, § 26-200)

SECTION 70: AMENDMENT “DIVISION 12-III-2 ADMINISTRATION” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

DIVISION 12-~~III~~IV-2 ADMINISTRATION

SECTION 71: AMENDMENT “Subdivision 12-III-2-I Administration In General” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Subdivision 12-~~III~~IV-2-I Administration In General

SECTION 72: AMENDMENT “Sec 12-189 Right Of Access” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-189 Right Of Access

The electrical inspector or the inspector's assistants shall have the right during reasonable hours to enter any public or private buildings or premises in the discharge of their official duties or for the purpose of making any inspections or tests of electrical wires or appliances. They shall be given prompt access to any premises upon notification to the owner, occupant, or other person in charge. They may discontinue electrical service to premises to which they are denied access or entry.

(Code 1997, § 26-221)

SECTION 73: AMENDMENT “Sec 12-193 Arbitration” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-193 Arbitration

Whenever the electrical inspector condemns all or part of an electrical installation in any building, the owner, within five days after receiving notice from the electrical inspector, may file a petition in writing with the ~~chairperson of the electrical examining~~ board of licensing examiners for review of the actions of the inspector. Upon receipt of such petition, the board shall at once proceed to determine whether the electrical construction complies with the requirements of this article; and shall, within three days, make a decision in accordance with its findings.

(Code 1997, § 26-225)

SECTION 74: AMENDMENT “Sec 12-198 Electrical Inspection For Work Requiring A Permit Under Section 12-223” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-198 Electrical Inspection For Work Requiring A Permit Under Section 12-223

Upon completion of the wiring of any building or before any wiring is hidden from view, the person performing the work shall notify the electrical inspector, who shall inspect the installation within 48 hours of the time such notice is received. If it is found that such installation is fully in compliance with this article and does not constitute a hazard to life or property, the inspector shall approve the work and authorize concealment of the wiring or connection for electrical service. If the installation is incomplete or not strictly in accordance with the provisions of this article, the inspector shall issue orders to the person making such installation to remove all hazards and make the necessary changes or additions within ten days of such notice. Concealment of electrical work before inspection or failure to comply with the orders of the inspector shall constitute a violation punishable in accordance with the provisions of this article. A contractor or employee or owner doing their own work as permitted by section ~~26-261~~12-227 shall be present for the final and all required inspections.

(Code 1997, § 26-230)

SECTION 75: AMENDMENT “Subdivision 12-III-2-II Permits” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Subdivision 12-~~III~~IV-2-II Permits

SECTION 76: AMENDMENT “Sec 12-223 Required” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-223 Required

- (a) No electrical equipment, including low-voltage electrical equipment, shall be installed, altered, renewed, replaced, or connected unless a permit therefor has been obtained, except as provided in sections 12-224 and 12-225. The electrical inspector shall issue

permits for the execution of electrical installations for light, heat or power upon the filing of proper applications, which shall be made on forms furnished by the inspector and shall describe the nature of the work, as well as such other information as may be required for inspection. It shall be the responsibility of the property owner, as well as the electrician, to determine that a proper permit has been issued.

- (b) When any electrical work for which a permit has been issued is not started within 12 months from the date of the issuance of the permit, or if, after starting, there is a cessation of such work of more than 12 months, the permit shall lapse and be void, and no electrical work shall begin or resume until a new permit is obtained and fees paid.
- (c) Before any electrical permit for an interactive energy installation may be issued pursuant to this article, the person applying for the permit shall provide written approval for such installation from the respective electrical utility company. An interactive energy installation is defined as an electrical system that operates in parallel with and may deliver power to an electrical production and distribution network.

(Code 1997, § 26-257)

SECTION 77: **AMENDMENT** “Sec 12-225 Exemptions” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-225 Exemptions

- (a) No permit shall be required by the provisions of this article for:
 - (1) The usual operations of the local electric utility company.
 - (2) The manufacturing, assembling, repairing, installation or testing of electrical equipment, for which no license is required under section 12-159.
 - (3) Minor repair work such as repairing cords, switches, replacing fuses or changing lamp sockets.
 - (4) Repairs made necessary for the proper maintenance of an existing installation.
 - (5) Low voltage installations in one- and two-family dwellings.
 - (6) Reconnection of existing power supplies to replacement heating plants, water heaters, and other appliances.
 - (7) The repair, removal, disturbance, or disconnection of any existing electrical equipment or the renewal or replacement of any existing branch lighting circuit switches, sockets, or receptacles.
- (b) All work performed under the exceptions provided in subsections (a)(~~2~~1) through (7) of this section shall be performed in full compliance with this article.

(Code 1997, § 26-259)

SECTION 78: AMENDMENT “Sec 12-228 Fees” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-228 Fees

The fees for permits and inspections required by the provisions of this article shall be as follows:

(a) *Standard fee.*

- (1) For an estimated job cost of up to \$1,000.00: \$50.00.
- (2) For each additional \$1,000.00 or fraction thereof up to \$1,000,000.00 estimated job cost: \$20.00.
- (3) For each additional \$1,000.00 or fraction thereof above \$1,000,000.00 estimated job cost: \$10.00.

(b) *Exceptions.*

- (1) New one- and two-family residences, per unit: \$200.00.
- (2) Renewable energy installations:
 - a. For one- and two-family residences, per unit: \$300.00.
 - b. For all other installations:
 1. For an estimated job cost of up to \$1,000.00: \$50.00.
 2. For each additional \$1,000.00 or fraction thereof: \$10.00.
 - c. Additional fee for inspections requested outside of normally scheduled hours: \$100.00.

~~(3) Inspection of low voltage (under 50 volts) installations not requiring additional permits and re-inspections of low voltage installations, per drop: \$1.00.~~

(Code 1997, § 26-262)

SECTION 79: AMENDMENT “ARTICLE 12-IV FENCES” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-256 Compliance

All fences, screens, enclosures or structures in the nature of a fence erected within the city shall comply with the provisions of this article.

(Code 1997, § 26-391; Ord. No. 37-08-09, § 1, 7-21-2008)

Sec 12-257 Permits Required

No fence, screen, enclosure or structure in the nature of a fence shall be erected in the city unless the owner or the owner's agent first obtains a permit therefor from the building inspector.

(Code 1997, § 26-392; Ord. No. 37-08-09, § 1, 7-21-2008)

Sec 12-258 Permit Fees

A fee of \$40.00 shall be charged for each permit issued under the provisions of this article.

(Code 1997, § 26-393; Ord. No. 37-08-09, § 1, 7-21-2008)

Sec 12-259 Maintenance

All fences shall be kept in good repair.

(Code 1997, § 26-394; Ord. No. 37-08-09, § 1, 7-21-2008)

Sec 12-260 Abatement Of Nuisance Fences

No fence, screen, enclosure or structure in the nature of a fence shall be erected in the city in such position or place as to be dangerous or detrimental to the health of persons living in any house or premises. Any fence so erected, shall be removed within three days upon the order of the director of planning or the director's designee, issued in writing and served upon the owner, agent or occupant of the premises. Any fence not removed in accordance with such notice shall be removed at public expense, and the cost of such removal shall be assessed against the property on which the fence was located.

(Code 1997, § 26-395; Ord. No. 37-08-09, § 1, 7-21-2008)

Sec 12-261 Retaining Walls

Any retaining wall three feet in height or greater shall be safeguarded by a fence. The fence shall be constructed and maintained in accordance with the provisions of this article, except for sections 12-260 and 12-261. Such fence, when required by this section and in conjunction with a one- or two-family dwelling, shall be a minimum of 36 inches in height and be provided with intermittent rails or an ornamental pattern such that an object four inches in diameter cannot pass through. Such fence, when required by this section and in conjunction with any structure other than a one- or two-family dwelling, shall be a minimum of 42 inches in height and shall be provided with intermittent rails or an ornamental pattern such that an object four inches in diameter cannot pass through.

(Code 1997, § 26-396; Ord. No. 37-08-09, § 1, 7-21-2008)

ARTICLE 12-IV FENCES *(Repealed)*

~~Sec 12-256 Compliance (Repealed)~~

~~Sec 12-257 Permits Required (Repealed)~~

~~Sec 12-258 Permit Fees (Repealed)~~

~~Sec 12-259 Maintenance (Repealed)~~

~~Sec 12-260 Abatement Of Nuisance Fences (Repealed)~~

~~Sec 12-261 Retaining Walls (Repealed)~~

SECTION 80: **REPEAL** “Sec 12-256 Compliance” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-256 ~~Compliance~~(Reserved)

~~All fences, screens, enclosures or structures in the nature of a fence erected within the city shall comply with the provisions of this article.~~

(Code 1997, § 26-391; Ord. No. 37-08-09, § 1, 7-21-2008)

SECTION 81: **REPEAL** “Sec 12-257 Permits Required” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-257 Permits Required

~~No fence, screen, enclosure or structure in the nature of a fence shall be erected in the city unless the owner or the owner's agent first obtains a permit therefor from the building inspector.~~

(Code 1997, § 26-392; Ord. No. 37-08-09, § 1, 7-21-2008)

SECTION 82: **REPEAL** “Sec 12-258 Permit Fees” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-258 Permit Fees

~~A fee of \$40.00 shall be charged for each permit issued under the provisions of this article.~~

(Code 1997, § 26-393; Ord. No. 37-08-09, § 1, 7-21-2008)

SECTION 83: REPEAL “Sec 12-259 Maintenance” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-259 ~~Maintenance~~(Reserved)

~~All fences shall be kept in good repair.~~

(Code 1997, § 26-394; Ord. No. 37-08-09, § 1, 7-21-2008)

SECTION 84: REPEAL “Sec 12-260 Abatement Of Nuisance Fences” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-260 Abatement Of Nuisance Fences

~~No fence, screen, enclosure or structure in the nature of a fence shall be erected in the city in such position or place as to be dangerous or detrimental to the health of persons living in any house or premises. Any fence so erected, shall be removed within three days upon the order of the director of planning or the director's designee, issued in writing and served upon the owner, agent or occupant of the premises. Any fence not removed in accordance with such notice shall be removed at public expense, and the cost of such removal shall be assessed against the property on which the fence was located.~~

(Code 1997, § 26-395; Ord. No. 37-08-09, § 1, 7-21-2008)

SECTION 85: REPEAL “Sec 12-261 Retaining Walls” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-261 Retaining Walls

~~Any retaining wall three feet in height or greater shall be safeguarded by a fence. The fence shall be constructed and maintained in accordance with the provisions of this article, except for sections 12-260 and 12-261. Such fence, when required by this section and in conjunction with a one- or two-family dwelling, shall be a minimum of 36 inches in height and be provided with intermittent rails or an ornamental pattern such that an object four inches in diameter cannot pass through. Such fence, when required by this section and in conjunction with any structure other than a one- or two-family dwelling, shall be a minimum of 42 inches in height and shall be provided with intermittent rails or an ornamental pattern such that an object four inches in diameter cannot pass through.~~

(Code 1997, § 26-396; Ord. No. 37-08-09, § 1, 7-21-2008)

SECTION 86: AMENDMENT “ARTICLE 12-V HEATING AND VENTILATION” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

ARTICLE 12-V HEATING ~~AND VENTILATION~~, VENTILATION, AND AIR CONDITIONING (HVAC)

SECTION 87: AMENDMENT “DIVISION 12-V-1 HEATING AND VENTILATION GENERALLY” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

DIVISION 12-V-1 HEATING ~~AND VENTILATION~~, VENTILATION, AND AIR CONDITIONING (HVAC) GENERALLY

SECTION 88: ADOPTION “Sec 12-280 Requirements” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

Sec 12-280 Requirements(*Added*)

No person shall construct or install any HVAC equipment or appurtenances subject to the

provisions of the HVAC code in or for any building or alter any existing HVAC equipment or appurtenances subject to the provisions of this article, unless they are an HVAC contractor as defined in section 12-300 and hold the qualifications set forth in section 12-301.

SECTION 89: AMENDMENT “Sec 12-291 Owners Of Dwellings Performing Work Governed By Article” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~291~~281 Owners Of Dwellings Performing Work Governed By Article

Notwithstanding the provisions of section 12-280, ~~The~~ owner of a dwelling housing not more than two families may, with the assistance of any member of the family and household, personally carry on in such house any work governed by this article without such license; provided, however, that the owner shall obtain a permit for such work and shall call for inspection as provided in division 4 of this article.

(Code 1975, § 20-15; Code 1997, § 26-443)

SECTION 90: AMENDMENT “Sec 12-292 Liability Of Other Crafts” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~292~~282 Liability Of Other Crafts

Persons associated with crafts other than heating and functioning in their native pursuits shall in no way alter the approved character of a heating installation, by the replacement of materials or equipment in too close proximity, by concealment, by making inaccessible, or in any way affecting the approved heating installation so as to render it in violation of this chapter. Exceptions to the provisions of this section shall be permitted where special written approval is obtained from the heating inspector and the person owning or occupying the affected premises. Violation of this section shall also subject the offender to liability for construction costs incurred in remedying the ~~heating~~HVAC installation.

(Code 1975, § 20-66; Code 1997, § 26-444; Ord. No. 92-97-98, § 4, 2-2-1998)

SECTION 91: **REPEAL** “Sec 12-286 Regulations Adopted” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-286 ~~Regulations Adopted~~(Reserved)

~~The following standards and regulations are hereby adopted by the city with the same force and effect as though set forth fully in this section, and all heating and ventilation work performed within the city shall conform hereto: Wis. Admin. Code chs. SPS 323 and 364, and section 30.36 of the state uniform building code prepared by the Building Inspector's Association of Southeastern Wisconsin.~~

(Code 1975, § 20-75; Code 1997, § 26-436; Ord. No. 127-97-98, § 1, 4-20-1998)

SECTION 92: **REPEAL** “Sec 12-287 Right Of Entry” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-287 ~~Right Of Entry~~(Reserved)

~~The heating inspector shall have the right to enter upon any premises or into any building or enclosure where the inspector has reasonable cause to believe work is being done, or has been performed, in violation of this article.~~

(Code 1975, § 20-59; Code 1997, § 26-438)

SECTION 93: **REPEAL** “Sec 12-288 Isolation Of Hazard” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-288 ~~Isolation Of Hazard~~(Reserved)

~~All fuel-fired boilers, fuel-fired water heaters, and fuel-fired hot air furnaces shall be installed in properly designed and constructed isolation of hazard rooms in compliance (at time of construction) with Wis. Admin. Code chs. SPS 350-364. All sealed combustion equipment is exempt from this requirement.~~

(Code 1975, § 20-62; Code 1997, § 26-439; Ord. No. 127-97-98, § 3, 4-20-1998)

SECTION 94: REPEAL “Sec 12-290 Boiler And Furnace Rooms” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-290 ~~Boiler And Furnace Rooms~~(Reserved)

~~When replacement or major alterations are made to a heating plant, the boiler or furnace room shall be made to comply to local and state codes.~~

(Code 1975, § 20-76; Code 1997, § 26-442)

SECTION 95: AMENDMENT “Subdivision 12-V-2-I Contractors In General (Reserved)” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Subdivision 12-V-2-I Contractors In General(~~Reserved~~)

SECTION 96: ADOPTION “Sec 12-300 Definitions” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

Sec 12-300 Definitions(*Added*)

HVAC contractor means any person who installs, plans, designs, services, or supervises heating, ventilation, and air conditioning (HVAC) work as their principal occupation.

SECTION 97: AMENDMENT “Sec 12-338 HVAC Qualifier Certification Requirement” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~338~~301 HVAC Qualifier Certification Requirement

~~The term "HVAC contractor" means any person skilled in the installation, planning, designing and supervision of heating, ventilating and air conditioning work as their principal occupation.~~
Any HVAC contractor commencing any type of HVAC work within the city must:

- (a) either possess an HVAC qualifier certification from the state or employ a person holding such a certification, and
- (b) either possess an HVAC contractor credential from the state or have continuously held a city heating contractor's license since on or before the effective date of the ordinance from which this section is derived.

(Code 1997, § 26-515; Ord. No. 89-98-99, § 1, 11-2-1998)

SECTION 98: **AMENDMENT** "Sec 12-339 Required" of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~339~~302 Required

- (a) No person shall act, engage in, advertise or otherwise represent themselves as an HVAC~~a heating or ventilating~~ contractor within the city unless they possess HVAC Qualifier certification from the State of Wisconsin or a temporary city license as provided for in section 12-310. No firm or business shall act, engage in, advertise, or otherwise represent itself as an HVAC contractor within the city unless it possesses an HVAC Contractor Registration with the State of Wisconsin.
- (b) A person employing a licensed contractor shall be responsible, as well as the licensed contractor, for all violations under this article.~~a~~
- (c) No person shall install, erect, alter, repair, service, reset, or replace any heating or ventilating system, parts or appurtenances thereto within the city, unless they possess HVAC Qualifier certification from the State of Wisconsin or a temporary city license as provided for in section 12-310, or unless such person has a regularly and steadily employed licensed contractor who shall be the authorized representative of the person in all matters pertaining to this article.~~without first having obtained a contractor's license unless such person has a regularly and steadily employed licensed contractor who shall be the authorized representative of the person in all matters pertaining to this article.~~
- (d) ~~If the authorized representative holder of a heating or ventilating contractor's license terminates employment or partnership with such person, a new authorized holder of a contractor's license must be obtained within 60 days. Persons possessing an HVAC qualifier certification from the state are exempt from the licensing requirements of this division.~~

(Code 1975, § 20-14; Code 1997, § 26-516; Ord. No. 89-98-99, § 2, 11-2-1998)

SECTION 99: AMENDMENT “Sec 12-347 Temporary Licenses” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~347~~310 Temporary ~~Licenses~~City HVAC License

- (a) ~~Any HVAC~~ contractors who have not been granted state credentials shall, prior to commencing any type of heating, ventilating, or air conditioning work within the city, shall first apply for a temporary city HVAC~~contractor's~~ license. Application shall be made on forms furnished by the building inspection division and be made to the secretary of the board of license examiners or their designee. The secretary or designee~~to engage in such contracting work. Such application shall be made to the heating inspector, who~~ may issue a temporary license to such contractor for a specific contracting job, upon the applicant's furnishing proof of compliance with the insurance requirements of section 12-343, meeting experience qualifications of section 12-341, and upon payment of a temporary license fee as set forth in the License/Certificate Requirements Fee Schedule.
- (b) If the application for a temporary license is denied, the applicant may appeal to the board of license examiners within five days after the denial, such appeal ~~to~~shall be in writing and shall set forth the ruling appealed from and be filed with the secretary of the board of examiners. Such notice of appeal shall state clearly and briefly the grounds of the appeal. Where a situation requires an immediate decision, that of the ~~manager~~director of planning and ~~inspection services or the manager's designee~~development shall be final and conclusive.
- (c) Nothing in this section shall prohibit a contractor whose principal place of business is located outside of the city from obtaining a contractor's license pursuant to this division.

(Code 1975, § 20-25; Code 1997, § 26-524; Ord. No. 89-98-99, § 5, 11-2-1998)

SECTION 100: AMENDMENT “Sec 12-341 Qualifications Of Applicant” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~341~~311 Qualifications Of Applicant

No temporary HVAC contractor's license shall be issued unless the applicant shall produce

evidence of one of the following:

- (1) the applicant has had not less than three years' experience in the work classification of the license for which the applicant is making an application. ~~has had not less than three years' experience in the work classification of the license for which the applicant is making an application~~
- (2) the applicant has satisfactorily completed a 1,000 hours course of study in heating, ventilating, or air conditioning given by a recognized school, plus one year of practical experience in heating, ventilating, and air conditioning as determined by the board of license examiners. ~~has satisfactorily completed 1,000 hours course of study in heating and ventilating given by a recognized school, plus one year of practical experience in heating or ventilating, or as determined by the board of heating examiners;~~
- (3) the applicant is a graduate mechanical engineer and has one year of practical experience. ~~a graduate mechanical engineer and have one year of practical experience~~
- (4) No temporary HVAC contractor's license shall be issued unless the applicant shall produce evidence that the applicant will maintain a place of business, or be employed by a person maintaining a place of business, that is equipped with tools and other equipment required to contract for and perform any operation of work permitted by such licensee in a substantial and workmanlike manner.
- (5) If a heating or ventilating contractor shall maintain more than one establishment or shop for the transaction of business, then the contractor shall employ a licensed holder in each such establishment.

~~or or shall be ; and that a place of business is or will be maintained by the applicant or by the person employing the applicant, equipped with tools and other equipment required to contract for and perform any operation of work permitted by such license in a substantial and workmanlike manner.~~

(Code 1975, § 20-17; Code 1997, § 26-518)

SECTION 101: AMENDMENT “Sec 12-343 Insurance Requirements” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~343~~312 Insurance Requirements

- (a) Every HVAC contractor granted a license shall maintain at all times a policy of general liability insurance issued by an insurer, in a stock or mutual casualty company authorized to do business in the state, insuring the contractor in the amount of at least ~~worker's compensation insurance and public liability insurance, with coverage of not less than \$100,000.00 for each person and not less than \$1,0300,000.00 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) ~~01-et-seq.~~ to have in force a policy of workers' compensation insurance, or if the applicant is self-insured in accordance with Wis. Stat. § 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 the state or is self-insured in accordance with Wis. Stat. § 102.28(2)(b). Should there be any change in coverage or change in insurer after issuance of a license, the licensee shall update the filing within thirty days of such change.
- (c) If the applicant is required to make state unemployment insurance contributions under Wis. Stat. 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, at all times while the applicant holds a license, provide evidence of compliance with liability insurance requirements set forth in subsection (a) by submitting in writing a certificate of insurance with certificate holder to the building inspection division.

(Code 1975, § 20-21; Code 1997, § 26-520; Ord. No. 89-98-99, § 5, 11-2-1998)

SECTION 102: AMENDMENT “Sec 12-346 Revocation” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~346~~313 Revocation

Any license granted under the provisions of this article may be revoked by the common council upon the recommendation of the heatingHVAC inspector or the board of ~~electrical and heating~~license examiners for violation of any law or ordinance relating to heatingHVAC work or for installation of heatingHVAC apparatus in such manner as to cause hazard to life or property. When a license has been revoked, the former licensee shall have the same status as a person not previously licensed.

(Code 1975, § 20-24; Code 1997, § 26-523; Ord. No. 89-98-99, § 5, 11-2-1998)

SECTION 103: AMENDMENT “Sec 12-368 Permit Or Registration-- Required” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~368~~320 Permit Or Registration--Required

- (a) *Generally.* Except as provided in subsection (b) of this section, the building inspection ~~department~~division shall issue permits for all ~~heating, ventilating and air conditioning~~HVAC installations and conversions of HVAC~~heating~~ units from the use of one type of fuel to another or the replacement of heating units using the same type of fuel.
- (b) *Registration.* Replacement of heating equipment or air conditioning installations in one- or two-family residences shall require registration.

(Code 1975, § 20-51; Code 1997, § 26-551; Ord. No. 127-97-98, § 8, 4-20-1998)

SECTION 104: AMENDMENT “Sec 12-369 Permit Or Registration--Application” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~369~~321 Permit Or Registration--Application

No person shall construct or install any ~~heating~~HVAC equipment or appurtenances subject to the provisions of the heating and ventilating code in or for any building or alter any existing ~~heating~~HVAC equipment or appurtenances subject to the provisions of this article, without the holder of a license or state credentials first making written application and securing a permit therefor. The application shall set forth the nature of the work to be performed.

(Code 1975, § 20-52; Code 1997, § 26-552)

SECTION 105: AMENDMENT “Sec 12-370 Emergencies” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~370~~322 Emergencies

In emergency work, the person doing or causing work to be done shall notify the ~~heating~~HVAC inspector not later than the next working day after beginning work, which work shall be in accordance with the provisions of the ~~heating and ventilating~~HVAC code.

(Code 1975, § 20-53; Code 1997, § 26-553)

SECTION 106: AMENDMENT “Sec 12-371 Fees” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~371~~323 Fees

The fees for permits, registrations and inspections required by the provisions of this article shall be as follows:

- (a) For an estimated job cost of up to \$1,000.00: \$75.00.
- (b) For each additional \$1,000.00 or fraction thereof up to \$1,000,000.00 estimated job cost: \$20.00.
- (c) For each additional \$1,000.00 or fraction thereof above \$1,000,000.00 estimated job cost: \$10.00.
- (d) Commercial plan review: ~~State charge, plus \$1~~200.00.
- (e) New ~~One~~- and two-family residence flat fee, each unit: \$200.00.
- (f) ~~Heating~~Residential HVAC registrations: \$40.00.

(Code 1975, § 20-54; Code 1997, § 26-554; Ord. No. 127-97-98, § 9, 4-20-1998; Ord. No. 41-01-02, § 7, 10-15-2001; Ord. No. 57-05-06, § 1, 11-21-2005; Ord. No. 41-09-10, § 1, 1-18-2010)

SECTION 107: AMENDMENT “Sec 12-372 Failure To Obtain Permit Or Registration” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~372~~324 Failure To Obtain Permit Or Registration

For work started without a permit or registration, except in emergency cases, the permit or registration fees shall be calculated as follows, per calendar year:

- (a) First incident: Double the regular fee, plus \$100.00;
- (b) Second incidences: Double the regular fee, plus \$250.00; and
- (c) Third and subsequent incidences: Double the regular fee, plus \$500.00.

(Code 1975, § 20-55; Code 1997, § 26-555; Ord. No. 127-97-98, § 10, 4-20-1998; Ord. No. 41-01-02, § 10, 10-15-2001)

SECTION 108: AMENDMENT “Sec 12-373 Prohibited Acts” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~373~~325 Prohibited Acts

It shall be unlawful for any person licensed under the provisions of this article to secure a permit for work which will be performed by any person not connected with or in the employ of such licensee, or to allow their name to be used by any other person performing such work or obtaining such permit. The ~~heating~~HVAC inspector shall refuse to issue any further permits to any licensee violating the provisions of this section.

(Code 1975, § 20-56; Code 1997, § 26-556)

SECTION 109: AMENDMENT “Sec 12-289 Stop Work Orders” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~289~~326 Stop Work Orders

The ~~heating~~HVAC inspector shall halt any work being carried on in violation of the provisions of this article, post stop work signs therefor, and ~~shall~~ order any such work removed or corrected to conform herewith; provided, however, that no stop work order so posted shall affect work not governed by this article, except where the progress of any such work would interfere with inspection of work governed by this chapter.

(Code 1975, § 20-61; Code 1997, § 26-441)

SECTION 110: AMENDMENT “Sec 12-374 Plans And Specifications” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~374~~327 Plans And Specifications

The ~~heating~~HVAC inspector, for the purposes of examination, may require the submission of plans and specifications for the installation of any work governed by the provisions of this article.

(Code 1975, § 20-57; Code 1997, § 26-557)

SECTION 111: AMENDMENT “Sec 12-375 Inspection Of Work Requiring A Permit” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~375~~328 Inspection Of Work Requiring A Permit

Upon completion of ~~heating and ventilation~~HVAC work requiring a permit under the provisions of this article, contractors licensed in accordance with ~~division three of~~ this article shall be responsible for notifying the ~~heating~~HVAC inspector and requesting a final inspection of such work. The contractor or contractor's employee shall be present for inspection. ~~Should the contractor or contractor's employee be absent from the premises at the time the heating inspector comes to make the final inspection, at which time an appointment was scheduled, then the licensed contractor shall pay a \$10.00 fee each time the heating inspector must return for an inspection.~~

(Code 1975, § 20-58; Code 1997, § 26-558; Ord. No. 127-97-98, § 11, 4-20-1998)

SECTION 112: ADOPTION “Sec 12-329 Reinspection Or No Show Fees” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

Sec 12-329 Reinspection Or No Show Fees(*Added*)

- (a) Notwithstanding the fees elsewhere in this article, the fees for re-inspections and for inspections where the owner or contractor or other appropriate designee fails to appear for the inspection shall be as follows:
 - (1) Reinspection fee: \$75.00.
 - (2) No show fee: \$75.00.
- (b) There shall be a maximum of one fee per inspection.

SECTION 113: AMENDMENT “Sec 12-376 Inspection Of New Work” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~376~~330 Inspection Of New Work

In any building or addition, immediately upon completion of those portions of the installation which are thereafter to be concealed or covered, the ~~heating~~HVAC contractor shall notify the ~~heating~~HVAC inspector, giving the location of the work, that portions of the installation at the designated location are ready for inspection. No person shall lath, plaster, or place some other covering over such work before it has been inspected. The inspector shall make the inspection within two working days after receipt of such notice, except ~~Sundays~~weekends and holidays. All other inspections shall be made upon completion of the work.

(Code 1975, § 20-60; Code 1997, § 26-559)

SECTION 114: **REPEAL** “Sec 12-340 Classifications” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-340 ~~Classifications~~(Reserved)

- (a) ~~There shall be three classifications of heating contractors: Ventilation, warm air and air conditioning heating contractor; Steam, hot water and air conditioning heating contractor; and Fuel burner installation and service work heating contractor. When an applicant applies for a heating contractor's license, the applicant shall state the classification in which the license is requested. Any applicant can apply for either subsection (a)(1) or (2) of this section classifications, and the license issued shall state the classes for which it is issued; provided, however, that a license for fuel burner installation and service work, subsection (a)(3) of this section, shall restrict the holder thereof to the installation of fuel burners and service work only in existing heating and air conditioning installations. License holders under subsections (a)(1) and (2) of this section shall not be required to hold a fuel burner installation and service work license.~~

(Code 1975, § 20-16; Code 1997, § 26-517; Ord. No. 89-98-99, § 3, 11-2-1998)

SECTION 115: **REPEAL** “Sec 12-342 Application” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-342 ~~Application~~(Reserved)

~~An application for a license required by this division shall be made to the manager of planning and inspection services or the manager's designee on forms furnished by the manager and shall~~

~~contain the classification of the license applied for and the record of the applicant's training and experience in the installation and repairing of heating or ventilating equipment. Applications must be accompanied by \$20.00 for the examination fee.~~

(Code 1975, § 20-18; Code 1997, § 26-519; Ord. No. 127-97-98, § 5, 4-20-1998)

SECTION 116: **REPEAL** “Sec 12-344 Fees” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-344 ~~Fees~~(Reserved)

~~Before any license shall be issued under the provisions of this division, the applicant therefor shall pay an occupational license fee of \$50.00 per year. The fee shall be the same for one or all classifications.~~

(Code 1975, § 20-22; Code 1997, § 26-521; Ord. No. 127-97-98, § 6, 4-20-1998; Ord. No. 89-98-99, § 5, 11-2-1998)

SECTION 117: **REPEAL** “Sec 12-345 Term; Renewals” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-345 ~~Term; Renewals~~(Reserved)

~~All licenses issued under the provisions of this article shall expire on the December 31 next after the date of issuance, unless sooner revoked. Licenses may be renewed with the building inspection department on or before December 1 for the annual license fee of \$100.00 and upon the filing of an application on forms furnished by the department, which annual renewal shall require the proper approval of the board of electrical and heating examiners. If a license is permitted to expire and not renewed within 30 days after the date of expiration, the former licensee shall have the same status as a person not previously licensed.~~

(Code 1975, § 20-23; Code 1997, § 26-522; Ord. No. 127-97-98, § 7, 4-20-1998; Ord. No. 89-98-99, § 5, 11-2-1998; Ord. No. 41-01-02, § 1, 10-15-2001; Ord. No. 41-09-10, § 1, 1-18-2010)

SECTION 118: **REPEAL** “Sec 12-396 Installation” of the Sheboygan Municipal Code is hereby *repealed* as follows:

R E P E A L

Sec 12-396 ~~Installation~~(Reserved)

- ~~(a) Except as provided in this section, high-efficiency or pulsating combustion furnaces shall be installed, operated and maintained in accordance with the manufacturer's guidelines along with the National Fuel Gas Code, NFPA 54 and the National Electrical Code, NFPA 70. Such codes and standards are hereby adopted and by reference made part of this article. Any future amendments, revisions or modifications to such codes and standards incorporated in this section are intended to be made part of this article.~~
- ~~(b) The high-efficiency or pulsating combustion furnace shall be set on a level floor, centrally located, if practical with respect to the air distribution system, and shall provide minimum clearances as specified in the manufacturer's guidelines.~~

(Code 1975, § 20-125; Code 1997, § 26-581; Ord. No. 127-97-98, § 12, 4-20-1998)

SECTION 119: **REPEAL** “Sec 12-397 Intake And Exhaust Systems” of the Sheboygan Municipal Code is hereby *repealed* as follows:

R E P E A L

Sec 12-397 ~~Intake And Exhaust Systems~~(Reserved)

- ~~(a) The venting system of a high-efficiency furnace or a pulsating combustion furnace shall terminate at least three feet above any forced air inlet located within ten feet thereof. The bottom of the vent terminal and the air intake shall be located at least 18 inches above grade. The vent terminal shall also be a minimum of 24 inches horizontally from any gas meter or electrical meter. All pulsating combustion furnaces shall be installed with dual mufflers, produced for use on a pulsating furnace. Such mufflers shall be installed on the intake and exhaust vents of the system.~~

(Code 1975, § 20-130; Code 1997, § 26-582; Ord. No. 92-97-98, § 6, 2-2-1998; Ord. No. 127-97-98, § 13, 4-20-1998)

SECTION 120: ADOPTION “Sec 12-428 Stagnant and Standing Water” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

Sec 12-428 Stagnant and Standing Water(*Added*)

All premises shall be so graded and maintained that no stagnant water will accumulate or stand on the premises or within any building or structure located on the premises.

SECTION 121: AMENDMENT “ARTICLE 12-VIII PLUMBING CODE” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

ARTICLE 12-~~VIII~~VII PLUMBING CODE

SECTION 122: AMENDMENT “Sec 12-453 Property Maintenance Code; Penalties” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-453 Property Maintenance Code; Penalties

- (a) This article and the International Property Maintenance Code, as adopted and modified in section 12-27(a)(~~22~~) shall be known as the property maintenance code for all structures and properties and is referred to as the housing maintenance code or this article.
- (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 the penalty provided in section 12-1. 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 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.

- (d) Any person who shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, 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 penalty and costs are paid, but not exceeding 90 days.
- (e) Notwithstanding other provisions of this chapter, no person shall occupy, own, maintain, use, or permit the use of a commercial property upon which any windowpane or door requiring glazing is boarded up except as a result of weather conditions or replacement, and then only if the boarded-up windows and doors are painted to match the exterior of the building, and only on a temporary basis not to exceed three weeks.

(Code 1997, § 26-651; Ord. No. 17-09-10, § 2, 9-21-2009; Ord. No. 42-10-11, § 5, 11-15-2010; Ord. No. 17-11-12, § 2, 7-5-2011)

SECTION 123: AMENDMENT “Sec 12-454 Scope” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 12-454 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 36.

(Code 1997, § 26-652; Ord. No. 17-09-10, § 2, 9-21-2009)

SECTION 124: AMENDMENT “Sec 12-455 Responsibility For The Maintenance Of Property Exteriors” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 12-455 Responsibility For The Maintenance Of Property Exteriors

- (a) *Exteriors and premises.* No person shall use or maintain building exteriors or

surrounding premises in a manner that limits the use or enjoyment of neighboring property, or which causes or tends to cause diminution of the value of the property of others in the neighborhood in which such premises is located by reason of exterior storage of scrap lumber, junk, trash, or other debris, including, without limitation of enumeration, discarded objects or equipment such as motor vehicles, furniture, appliances, farm or manufacturing equipment, building materials, or litter.

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- ~~(1) Exterior storage of scrap lumber, junk, trash, or other debris, including, without limitation of enumeration, discarded objects or equipment such as motor vehicles, furniture, appliances, farm or manufacturing equipment, building materials, or litter.~~
- ~~(2) Exterior patchwork, repair, or reconstruction that results in a multi-textured or multi-colored effect or appearance not consonant with the decor, architectural design, or aesthetics of the rest of such building. Sanitation. All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, garbage or debris. Grading and drainage of premises. All premises shall be so graded and maintained that no stagnant water will accumulate or stand on the premises or within any building or structure located on the premises. Insect and rodent harborage. Every owner of a structure or property shall be responsible for the extermination of insects, rodents, vermin or other pests in all exterior areas of premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation is caused by failure of the responsible person to maintain a dwelling in a ratproof and insectproof condition, extermination shall be the responsibility of the owner. Accessory structures. All accessory structures, including detached garages, shall be maintained structurally sound and in good repair.~~

(Code 1997, § 26-653; Ord. No. 17-09-10, § 2, 9-21-2009)

SECTION 125: AMENDMENT “Sec 12-479 Issuance Of Order When Emergency Exists” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-479 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, the officer may, without notice or hearing, issue an order citing the existence of such an emergency and requiring that such action be taken as the officer 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 12-594. 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.

(Code 1997, § 26-701; Ord. No. 17-09-10, § 2, 9-21-2009)

SECTION 126: AMENDMENT “Sec 12-480 Rules And Regulations; Approval” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-480 Rules And Regulations; Approval

The director of planning and development is authorized and empowered to make and adopt written rules and regulations necessary for the proper enforcement of the provisions of this article. Such rules and regulations shall be submitted by the ~~housing inspector~~director to the common council and, if approved by a vote of a majority of the members present, shall have the same force and effect as the provisions of this article, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this article. A copy of such rules and regulations shall be kept on file in the city clerk's office and housing inspector.

(Code 1997, § 26-702; Ord. No. 17-09-10, § 2, 9-21-2009)

SECTION 127: AMENDMENT “Sec 12-481 Abatement Of Nuisances” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-481 Abatement Of Nuisances

- (a) If property is in violation of those provisions of this article that affect health or safety, the director of planning and development or, in the director's absence, a designee, may commence an action to abate such public nuisances.
- (b) If the director of planning and development or the director's designee deems it necessary to order the abatement or removal of a health or safety nuisance found on any premises or property, the director shall serve notice within a reasonable time of not less than 24 hours; and if the owner or occupant shall fail to comply with the notice, the owner or occupant shall be subject to the penalty provided in this division.
- (c) 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 12-594. 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 or revoke it.

- (d) 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 the director's designee shall thereupon cause abatement and removal of such nuisance.
- (e) Unless otherwise ordered by the common council, the whole of the cost of abatement or removal of a nuisance by the director of planning and development or the director's designee, plus 50 percent, plus applicable sales tax, with a minimum fee of \$25.00, 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~~, assessed against the real estate and collected as are other special taxes.
- (f) Nothing in this article shall be construed or interpreted to in any way impair or limit the authority of the city to define and declare nuisances or the director of planning and development to cause the removal of abatement of nuisances by summary proceedings or other appropriate proceedings.

(Code 1997, § 26-703; Ord. No. 17-09-10, § 2, 9-21-2009)

SECTION 128: **REPEAL** “Sec 12-482 Compliance With Building Code” of the Sheboygan Municipal Code is hereby *repealed* as follows:

R E P E A L

Sec 12-482 ~~Compliance With Building Code~~ (Reserved)

- ~~(a) The provisions of this article shall not abrogate the responsibility of any person to comply with any provisions of the state building code and the city building and zoning codes.~~
- ~~(b) This article establishes minimum standards for dwellings, dwelling units and accessory buildings and does not replace or modify standards otherwise established for the construction, replacement or repair of buildings except such as are in conflict with the provisions of this article. In any case where a provision of this article is found to be in conflict with a provision in any zoning, building, fire, safety or health ordinance or code of the city, existing on the effective date of the ordinance from which this article is derived, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.~~

(Code 1997, § 26-704; Ord. No. 17-09-10, § 2, 9-21-2009)

SECTION 129: **ADOPTION** “Sec 12-502 Definitions” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

Sec 12-502 Definitions(*Added*)

The following definitions shall apply in division 12-VII-3:

- (a) A rooming house is any building, structure or part thereof in which four or more rooming units are regularly furnished by prearrangement for compensation to persons. Tenants may share the kitchen, dining room, and/or washroom but do not live together as a single housekeeping unit. This definition shall not include nursing homes, housing for the elderly, college dormitories designated as such by an accredited institution of higher learning, hospitals, and sanitariums, hotels and motels licensed by the State of Wisconsin.
- (b) A rooming unit is an individual room or unit rented to an individual or individuals for their personal use within a rooming house.

SECTION 130: **AMENDMENT** “Sec 12-505 Relationship Of Permit To Building Code; Enforcement Of Building Code” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-505 Relationship Of Permit To Building Code; Enforcement Of Building Code

The issuance of a roominghouse permit and occupancy record card to any roominghouse shall not in any way signify or imply that the roominghouse conforms with the state building code or the city building and zoning codes. It shall be the duty of the building inspection division ~~of buildings~~ to enforce the provisions of the property maintenance, building and zoning codes. The issuance of a roominghouse permit shall not relieve the owner or operator of the responsibility for compliance with the building and zoning codes and shall not relieve the inspector of buildings of the responsibility for enforcement of the building and zoning codes.

(Code 1997, § 26-788; Ord. No. 17-09-10, § 2, 9-21-2009)

SECTION 131: AMENDMENT “Sec 12-556 Application” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-556 Application

The operator of a roominghouse shall file an application for a roominghouse permit in the office of the building inspection department on application forms prepared by the housing inspector. The operator shall file with the permit application an occupancy permit from the inspector of buildings showing the maximum number of rooming units that may be permitted in the dwelling in accordance with the applicable zoning laws. Where there is a valid occupancy permit for a roominghouse on record in the files of the building inspection department, ~~ivision~~, no new occupancy permit shall be required to be submitted with the roominghouse permit application. No permit shall be issued to any operator that would authorize the occupancy by a larger number of rooming units then permitted under the provisions of applicable zoning laws.

(Code 1997, § 26-832; Ord. No. 17-09-10, § 2, 9-21-2009)

SECTION 132: AMENDMENT “Sec 12-557 Fee” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-557 Fee

Before any permit shall be issued under the provisions of this division, the applicant shall pay a fee of \$30.00, plus an additional \$10.00 per rooming unit, with a maximum amount of ~~\$1250.00~~ \$250.00. A late penalty fee of ~~\$250.00~~ shall be charged in addition to the regular \$30.00 fee for applications filed after January 1 of the current permit year. This section shall also apply to new roominghouses that have been in operation without a current permit.

(Code 1997, § 26-834; Ord. No. 17-09-10, § 2, 9-21-2009)

SECTION 133: AMENDMENT “Sec 12-558 Issuance; Occupancy Record Card” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-558 Issuance; Occupancy Record Card

When the operator has complied with all applicable provisions of this article and of any rules and regulations adopted pursuant thereto, the building inspection ~~department~~ ivision shall issue a roominghouse permit and an occupancy record card. The permit shall list the maximum number of persons that may reside in the total of all rooming units located in the dwelling or portion thereof for which the roominghouse permit is issued.

(Code 1997, § 26-835; Ord. No. 17-09-10, § 2, 9-21-2009)

SECTION 134: AMENDMENT “Sec 12-559 Denial; Hearing” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-559 Denial; Hearing

Any person whose application for a permit to operate a roominghouse has been denied may request and shall be granted a hearing on the matter before the board of ~~housing~~ appeals ~~and fair housing practices~~ under the procedure provided by section 12-595.

(Code 1997, § 26-836; Ord. No. 17-09-10, § 2, 9-21-2009; Ord. No. 63-09-10, § 2, 4-19-2010)

SECTION 135: AMENDMENT “Sec 12-562 Display” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-562 Display

Every roominghouse permit issued by the ~~housing~~ building ~~inspection division~~ er shall be conspicuously posted by the operator in a public corridor or hallway or other public portion of the roominghouse for which it is issued and shall remain so posted at all times. The operator shall post in the roominghouse each occupancy record card in a place in which such cards are readily accessible for examination by the building inspection ~~department~~ ivision.

(Code 1997, § 26-839; Ord. No. 17-09-10, § 2, 9-21-2009)

SECTION 136: **AMENDMENT** “Sec 12-563 Nontransferability” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-563 Nontransferability

No roominghouse permit issued under the provisions of this division shall be transferable. Every operator shall notify the ~~housing inspector~~building inspection division in writing within 24 hours after having relinquished proprietorship or having sold, transferred, given away, or otherwise disposed of such interest or control of any roominghouse, and shall file in writing with the ~~housing inspector~~division the name and address of the operator to whom proprietorship has been relinquished by sale, gift, or other method of transfer or disposition.

(Code 1997, § 26-840; Ord. No. 17-09-10, § 2, 9-21-2009)

SECTION 137: **AMENDMENT** “Sec 12-564 Suspension” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-564 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, the 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 the building inspector finds that such conditions or practices have not been corrected, the building inspector 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~~building inspector shall then suspend the permit and give notice in writing to the operator that the latter's permit has been suspended.

(Code 1997, § 26-841; Ord. No. 17-09-10, § 2, 9-21-2009)

SECTION 138: AMENDMENT “Sec 12-565 Hearing Upon Suspension; Revocation” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-565 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 said 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 the operator 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.

(Code 1997, § 26-842; Ord. No. 17-09-10, § 2, 9-21-2009; Ord. No. 63-09-10, § 3, 4-19-2010)

SECTION 139: AMENDMENT “DIVISION 12-VII-4 BOARD OF HOUSING APPEALS AND FAIR HOUSING PRACTICES” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

DIVISION 12-VII-4 ~~BOARD OF HOUSING APPEALS AND FAIR HOUSING PRACTICES~~HEARINGS

SECTION 140: AMENDMENT “Sec 12-594 Petition For Hearing” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-594 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 with~~ the ~~office of the~~ building inspection ~~division~~ or 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 inspection ~~division~~ or 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.

(Code 1997, § 26-869; Ord. No. 17-09-10, § 2, 9-21-2009; Ord. No. 63-09-10, § 6, 4-19-2010)

SECTION 141: AMENDMENT “Sec 12-596 Sustaining, Modifying Or Withdrawing Notices” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-596 Sustaining, Modifying Or Withdrawing Notices

After hearing, the zoning board of appeals shall sustain, modify, or withdraw the notice, depending upon its finding 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 may also modify any notice so as to authorize a variance from the provisions of this article when, because of special conditions, literal enforcement of the provisions of this article will result in practical difficulty or unnecessary hardship, provided that the spirit of this article will be observed, public health and welfare secured, and substantial justice done. If the zoning board ~~of appeals~~ sustains or modifies such notice, it shall be deemed to be an order, and the owner, operator, or occupant, as the case may require, shall comply with all provisions of such order within a reasonable period of time as determined by the zoning board ~~of appeals~~.

(Code 1997, § 26-871; Ord. No. 17-09-10, § 2, 9-21-2009; Ord. No. 63-09-10, § 7, 4-19-2010)

SECTION 142: AMENDMENT “Sec 12-597 Review By Circuit Court By Certiorari” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-597 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 inspection division~~. 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 of this article 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 city officer, department, board, or bureau 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's ~~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's ~~of appeals~~ decision was served upon the petitioner, of the intention 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 12-596, specifying the grounds thereof.

(Code 1997, § 26-872; Ord. No. 17-09-10, § 2, 9-21-2009; Ord. No. 63-09-10, § 8, 4-19-2010)

SECTION 143: REPEAL “Sec 12-628 State Regulations Adopted” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-628 ~~State Regulations Adopted~~ (Reserved)

~~Except as otherwise specifically provided in this chapter, the statutory provisions of Wis. Stats. ch. 145 and Wis. Admin. Code chs. SPS 381—387, describing and defining regulations with respect to licensures, construction, installation and inspection of plumbing, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and made a part of this section as if fully set out. Any future amendments, revisions or modifications of the statutes or administrative codes incorporated in this section are intended to be made part of this section in order to secure uniform statewide regulation of plumbing regulations.~~

(Code 1997, § 26-906; Ord. No. 92-96-97, § 1, 12-16-1996)

SECTION 144: **REPEAL** “Sec 12-630 Penalties For Violation Of Article” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-630 ~~Penalties For Violation Of Article~~(Reserved)

~~Any violation of the provisions of this article 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 to exceed 90 days. Each day of violation or noncompliance shall constitute a separate offense.~~

(Code 1997, § 26-908; Ord. No. 92-96-97, § 1, 12-16-1996; Ord. No. 59-97-98, § 1, 10-20-1997; Ord. No. 42-10-11, § 6, 11-15-2010)

SECTION 145: **AMENDMENT** “Sec 12-629 Definitions” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~629~~630 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Curb stop means a buried shut-off valve on a service line usually located near the right-of-way line.

Customer-side service line means the portion of the water service line from (but not including) the corporation at the public water main to the inlet at the property's water meter.

Distribution system means the network of water mains or pipes, hydrants, valves and appurtenances owned and operated by the water utility. The utility does not own any of the water service beyond the corporation at the public water main to the inlet at the property's water meter.

Galvanized steel service line (GSL) means a water service line constructed of galvanized steel.

Lead service line (LSL) means a water service line constructed of lead, a material commonly

used prior to the 1950s. For the purposes herein, GSL and LSL are considered the same in terms of requirements and qualifying for the financial assistance program described in this article.

Plumbing means and includes:

- (a) All piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems and also includes the installation thereof.
- (b) The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewage system terminal within bounds of, or beneath an area subject to easement for highway purposes, including private sewage systems, and the alteration of any such systems, drains or waste piping.
- (c) The water service piping from the outside or proposed outside foundation walls of any building to the main or other water utility service terminal within bounds of or beneath an area subject to easement for highway purposes and its connections.
- (d) The water pressure system other than municipal systems as provided in Wis. Stats. ch. 144.
- (e) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals, or retard the discharge from plumbing fixtures, or permit sewer air to escape into the building; to prohibit cross connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

Pre-qualified plumbing contractor means a person, firm, or corporation or other entity licensed by the state to perform plumbing work and established on the water utility's pre-qualified list of plumbing contractors.

Property means real property as defined in Wis. Stats. § 70.03.

Property owner means a person or legal entity having a possessory interest, legal or equitable, in property. The term "property owner" includes an estate, trust, or lien.

Service line means a smaller pipe connected as a lateral to a larger public water main and intended to convey water into buildings or grounds. Service lines are the responsibility of the property owner served, or intended to be served, by the line.

Spot lead service line means a water service line constructed of lead (or galvanized) in only a portion of its length.

Storm and clear drains means a drain, sewer or pipe for conveying water, stormwater,

groundwater, subsurface water or clear water wastes from any source and shall include sump pumps as defined by Wis. Admin. Code ch. SPS 382.

(Code 1997, § 26-907; Ord. No. 92-96-97, § 1, 12-16-1996)

SECTION 146: AMENDMENT “Sec 12-653 Supervision Of Plumbing” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~653~~654 Supervision Of Plumbing

SECTION 147: AMENDMENT “Sec 12-654 Cooperation Of Officials” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-~~654~~655 Cooperation Of Officials

The city engineer, superintendent of the municipal water utility, building inspector, city attorney, plumbing inspector, and the ~~zoning~~ board of appeals shall cooperate to the end that the provisions of this article are properly, fairly and consistently enforced in the best interests of the city citizens.

(Code 1997, § 26-932; Ord. No. 92-96-97, § 1, 12-16-1996)

SECTION 148: REPEAL “Sec 12-655 Access To Premises” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-655 ~~Access To Premises~~(Reserved)

~~The plumbing inspector, upon written notice stating the reason therefor, shall, within 24 hours after service of such notice, have free and unobstructive access between the hours of 7:00 a.m. and 6:00 p.m. to any part of a private home or premises where a sump pump, building sewer or drain, plumbing or plumbing appliances have been installed or are being installed. The inspector shall have free access at all times, without such notification, to any building under construction or any public building for the purpose of examining plumbing, water supply~~

~~pipng, appliances and the construction, condition and usage of any sump pump, sewer, drain or water disposal connected therewith.~~

(Code 1997, § 26-933; Ord. No. 92-96-97, § 1, 12-16-1996)

SECTION 149: AMENDMENT “Sec 12-659 Board Of Plumbing Appeals-- Generally” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-659 ~~Board Of Plumbing~~ Appeals--Generally

In case of a dispute or difference arising between the plumbing inspector and the plumber in charge of the work performed, subject to the provisions of this article, the facts shall be submitted to ~~the~~ a board of plumbing appeals whose members shall be the director of planning and development~~manager of planning and inspection services~~, the director of the department of public works, and the city engineer. The board shall consider and adjudicate all such disputes submitted to it and may require testimony from the parties concerned and such persons as it deems necessary.

(Code 1997, § 26-937; Ord. No. 92-96-97, § 1, 12-16-1996)

SECTION 150: AMENDMENT “Sec 12-660 Board Of Plumbing Appeals-- Appeals; How Made” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 12-660 Board Of Plumbing Appeals--Appeals; How Made

Any person feeling aggrieved by any order or ruling of the plumbing inspector may appeal from such order or ruling to the board of plumbing appeals constituted by section 12-659 within five days after written notice of such order or ruling ~~shall have~~having been delivered to the appellant. The appeal shall be in writing, setting forth the order appealed from, and shall be filed with the plumbing inspector who shall bring it to the attention of the board of plumbing appeals. Where a situation requires an immediate decision, the decision of the inspector shall be final and conclusive.

(Code 1997, § 26-938; Ord. No. 92-96-97, § 1, 12-16-1996)

SECTION 151: **ADOPTION** “12-684 Reinspection Or No Show Fees” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

12-684 Reinspection Or No Show Fees(*Added*)

- (a) Notwithstanding the fees elsewhere in this article, the fees for re-inspections and for inspections where the owner or contractor or other appropriate designee fails to appear for the inspection shall be as follows:
- (1) Re-inspection fee: \$75.00.
- (2) No-show fee: \$75.00.
- (b) There shall be a maximum of one fee per inspection.

SECTION 152: **REPEAL** “ARTICLE 12-IX SWIMMING POOLS, WHIRLPOOLS AND SPAS” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-710 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Swimming pool means a body of water in an artificial or semiartificial receptacle, whether located indoors or outdoors, used or intended to be used for the purposes of swimming or diving and having a water capacity of 500 or more cubic feet.

Whirlpools and spas means bodies of water in an artificial receptacle located outside, used or intended to be used for bathing or health purposes.

(Code 1975, § 9-141; Code 1997, § 26-1026)

Sec 12-712 Permit--Submission Of Plans

Plans and specifications shall be submitted with the application for a swimming pool permit and shall include:

- (a) Plans, including a profile, drawn to scale showing all dimensions.
- (b) Equipment, layout of filters, pumps, strainers, sumps, gutters, skimmers, inlets, outlets, waste discharge lines, circulation and other piping.
- (c) Type, kind and description of chlorinator.
- (d) Capacity of pool.
- (e) Proposed location on tract of land.

(Code 1975, § 9-143; Code 1997, § 26-1028)

Sec 12-713 Walkway

The swimming pool shall be completely surrounded by a walkway at least three feet in width and sloping away from the pool for drainage.

(Code 1975, § 9-148; Code 1997, § 26-1029)

Sec 12-714 Fences

- (a) All outdoor swimming pools, whirlpools or spas shall be completely surrounded by a fence or wall not less than six feet in height which is kept gated and locked so as to exclude uninvited children and animals. A dwelling house or accessory building may be used as part of such an enclosure.
- (b) The only approved exception to the six-foot fence requirement for pools is an approved lockable dome.
- (c) The only approved exception to the six-foot fence requirement for whirlpools and spas is an approved lockable cover which can withstand 150 pounds.

(Code 1975, § 9-151; Code 1997, § 26-1030)

Sec 12-715 Walls

The walls of the swimming pool shall be vertical. Conspicuous markings shall show the depth of the shallow and deep portions, and the location and depth of the points where the slope of the bottom of the pool changes.

(Code 1975, § 9-145; Code 1997, § 26-1031)

Sec 12-716 Lining

The material used for lining artificial swimming pools shall be light in color, and such as will provide a tight tank with smooth and easily cleaned surfaces.

(Code 1975, § 9-144; Code 1997, § 26-1032)

Sec 12-717 Overflow Gutters

Overflow gutters shall completely surround the swimming pool; provided, however, that pools

less than 30 feet in width may be provided with skimmers built into the sides and corners of the pool to take the place of gutters if approved by the city.

(Code 1975, § 9-146; Code 1997, § 26-1033)

Sec 12-718 Outlets And Inlets

Pools under 30 feet in width shall have at least one outlet at the deepest point of sufficient size to permit the pool to be completely emptied in eight hours. Inlets shall be located to make possible a uniform circulation of water throughout the pool.

(Code 1975, § 9-147; Code 1997, § 26-1034)

Sec 12-719 Recirculation

There shall be a complete recirculation of water through all parts of the swimming pool.

(Code 1975, § 9-149; Code 1997, § 26-1035)

Sec 12-720 Water And Sewer Connections

All connections from the swimming pool, spa or whirlpool to the city water supply or sewer system shall be approved by the city.

(Code 1975, § 9-150; Code 1997, § 26-1036)

~~ARTICLE 12-IX SWIMMING POOLS, WHIRLPOOLS AND SPAS~~ *(Repealed)*

~~See 12-710 Definitions~~ *(Repealed)*

~~See 12-712 Permit--Submission Of Plans~~ *(Repealed)*

~~See 12-713 Walkway~~ *(Repealed)*

~~See 12-714 Fences~~ *(Repealed)*

~~See 12-715 Walls~~ *(Repealed)*

~~See 12-716 Lining~~ *(Repealed)*

~~See 12-717 Overflow Gutters~~ *(Repealed)*

~~See 12-718 Outlets And Inlets~~ *(Repealed)*

~~See 12-719 Recirculation~~ *(Repealed)*

~~See 12-720 Water And Sewer Connections~~ *(Repealed)*

~~State law reference—Public swimming pools generally, Wis. Stats. § 145.26.~~

SECTION 153: **REPEAL** “Sec 12-710 Definitions” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-710 ~~Definitions~~(Reserved)

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *Swimming pool* means a body of water in an artificial or semiartificial receptacle, whether located indoors or outdoors, used or intended to be used for the purposes of swimming or diving and having a water capacity of 500 or more cubic feet. *Whirlpools and spas* means bodies of water in an artificial receptacle located outside, used or intended to be used for bathing or health purposes.~~

(Code 1975, § 9-141; Code 1997, § 26-1026)

SECTION 154: **REPEAL** “Sec 12-713 Walkway” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-713 ~~Walkway~~(Reserved)

~~The swimming pool shall be completely surrounded by a walkway at least three feet in width and sloping away from the pool for drainage.~~

(Code 1975, § 9-148; Code 1997, § 26-1029)

SECTION 155: **REPEAL** “Sec 12-715 Walls” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-715 ~~Walls~~(Reserved)

~~The walls of the swimming pool shall be vertical. Conspicuous markings shall show the depth~~

~~of the shallow and deep portions, and the location and depth of the points where the slope of the bottom of the pool changes.~~

(Code 1975, § 9-145; Code 1997, § 26-1031)

SECTION 156: **REPEAL** “Sec 12-716 Lining” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-716 ~~Lining~~(Reserved)

~~The material used for lining artificial swimming pools shall be light in color, and such as will provide a tight tank with smooth and easily cleaned surfaces.~~

(Code 1975, § 9-144; Code 1997, § 26-1032)

SECTION 157: **REPEAL** “Sec 12-717 Overflow Gutters” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-717 ~~Overflow Gutters~~(Reserved)

~~Overflow gutters shall completely surround the swimming pool; provided, however, that pools less than 30 feet in width may be provided with skimmers built into the sides and corners of the pool to take the place of gutters if approved by the city.~~

(Code 1975, § 9-146; Code 1997, § 26-1033)

SECTION 158: **REPEAL** “Sec 12-718 Outlets And Inlets” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-718 ~~Outlets And Inlets~~(Reserved)

~~Pools under 30 feet in width shall have at least one outlet at the deepest point of sufficient size to permit the pool to be completely emptied in eight hours. Inlets shall be located to make possible a uniform circulation of water throughout the pool.~~

(Code 1975, § 9-147; Code 1997, § 26-1034)

SECTION 159: REPEAL “Sec 12-719 Recirculation” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-719 ~~Recirculation~~(Reserved)

~~There shall be a complete recirculation of water through all parts of the swimming pool.~~

(Code 1975, § 9-149; Code 1997, § 26-1035)

SECTION 160: REPEAL “Sec 12-720 Water And Sewer Connections” of the Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

Sec 12-720 ~~Water And Sewer Connections~~(Reserved)

~~All connections from the swimming pool, spa or whirlpool to the city water supply or sewer system shall be approved by the city.~~

(Code 1975, § 9-150; Code 1997, § 26-1036)

SECTION 161: AMENDMENT “Sec 34-83 Notice Of Violations” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 34-83 Notice Of Violations

- (a) Whenever the building inspection department determines that there has been a violation of any provision of this article, it shall give notice of such alleged violation to the park management to whom the license was issued. Such notice shall:
 - (1) Be in writing.
 - (2) Include a statement of the reasons for its issuance.
 - (3) Allow a reasonable time for the performance of any act it requires.
 - (4) Be served upon the park management or its agent, as the case may require.
- (b) Such notice or order shall be deemed to have been properly served upon such owner

or agent when a copy thereof has been personally served or sent or delivered or posted as set forth in chapter 12, article I via certified mail, return receipt requested.

- (c) The park management shall have the right of appeal of any written order by petitioning the license committee within 20 days of the date of the notice.

(Code 1975, § 24-44; Code 1997, § 62-98)

SECTION 162: AMENDMENT “Sec 12-35 Coal Tar Sealant Products” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec ~~12-35~~36-9 Coal Tar Sealant Products

SECTION 163: AMENDMENT “Sec 36-9 (Reserved)” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 36-~~9~~15 (Reserved)

SECTION 164: AMENDMENT “Sec 38-25 Issuance Of Citations By City Inspectors For Violations Of Certain Ordinances” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 38-25 Issuance Of Citations By City Inspectors For Violations Of Certain Ordinances

- (a) Pursuant to Wis. Stats. § 800.02, the city elects to use the citation method of enforcement by its authorized officials for violations directly related to the official responsibilities of the officials. Such authorized officials include, but are not limited to, the following:
 - (1) Community service officers acting under authority delegated to them by the chief of police or a traffic sergeant;
 - (2) Building inspectors issuing citations for violations of chapters 12, 14, 20, 28, 36, 38, 46, 48, 54, section 60-68, and chapter 105;
 - (3) Code enforcement officers issuing citations for violations of chapter 12;
 - (4) The manager of planning and zoning;

- (5) The fire chief and designees;
 - (6) The city engineer and designees;
 - (7) The harbormaster and designees.
- (b) Citations issued under subsection (a) of this section shall include the following information:
- (1) The name and address of the alleged violator;
 - (2) Factual allegations describing the alleged violation;
 - (3) The time and place of the offense;
 - (4) The section of the ordinance violated;
 - (5) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so;
 - (6) The time at which the alleged violator may appear in court;
 - (7) A statement which, in essence, informs the alleged violator of the following:
 - a. A cash deposit based on the schedule established by this section may be made which shall be delivered or mailed to the clerk of municipal court prior to the time of the scheduled court appearance.
 - b. If a cash deposit is made, no appearance in court is necessary unless subsequently summoned.
 - c. If the alleged violator makes a cash deposit and does not appear in court, the alleged violator will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs authorized by statute not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
 - d. If the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter a judgment under Wis. Stats. § 800.04, or the city may commence an action against the alleged violator to collect the forfeiture, plus all costs authorized by statute.
 - e. If the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by statute punishable by a fine or imprisonment or both and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under Wis. Stats. § 800.093.
 - (8) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that the alleged violator has read the statement required under subsection (b)(7) of this section and shall send the signed statement with the cash deposit.
 - (9) Such other information as may be deemed necessary.
- (c) The common council shall establish a schedule of cash deposits by resolution. Copies of the schedule shall be available from the municipal court and the police department.

The deposits shall be made in cash, money order or certified check, payable to the clerk of the municipal court, who shall provide a receipt therefor. If a violator is charged with an ordinance violation that has a penalty provision that provides each day of violation constitutes a separate and distinct offense, the applicable deposit and cost shall be multiplied by the number of days of violation to establish the applicable deposit and cost.

- (d) The provisions of Wis. Stats. § 800.04(3), relating to violators' options and procedures on default, are adopted and incorporated in this section by reference as if fully set forth.
- (e) The adoption of this section shall not preclude the common council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- (f) The issuance of a citation under this section shall not preclude the city or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

(Code 1975, § 26-100; Code 1997, § 1-14; Ord. No. 66-00-01, §§ 2, 3, 10-2-2000; Ord. No. 101-05-06, §§ 4, 5, 3-20-2006; Ord. No. 27-06-07, § 1, 9-5-2006; Ord. No. 43-10-11, § 2, 11-15-2010; Ord. No. 25-15-16, § 1, 9-21-2015)

SECTION 165: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 166: **EFFECTIVE DATE** This Ordinance shall be in effect from and after its passage and publication according to law.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

_____.

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of Sheboygan

Meredith DeBruin, City Clerk, City of Sheboygan

**CITY OF SHEBOYGAN
R. O. 67-24-25**

BY CITY CLERK.

OCTOBER 7, 2024.

Submitting various license applications.

CHANGE OF AGENT

Joseph W. Beniger is replacing Christopher Crump as agent effective immediately for Driftwood located at 518 South Pier Drive.

“CLASS B” LIQUOR LICENSE (June 30, 2025)(NEW)

<u>No.</u>	<u>Name</u>	<u>Address</u>
3689	Mifortuna LLC (Mifortuna)	1501 S. 8 th Street
3690	Lakeshore Bowling LLC (Lakeshore Lanes)	2519 S. Business Drive
3692	Peteks LLC (Peteks)	2702 S. 8 th Street

CLASS “B” BEER LICENSE (June 30, 2025) (NEW)

<u>No.</u>	<u>Name</u>	<u>Address</u>
3691	Ambarsariya Bar & Grill Inc. (Ambarsariya Bar & Grill)	2921 N. 15 th Street

“CLASS C” LICENSE (June 30, 2025) (NEW)

3691	Ambarsariya Bar & Grill Inc. (Ambarsariya Bar & Grill)	2921 N. 15 th Street
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CIGARETTE/TOBACCO (June 30, 2025) (NEW)

<u>No.</u>	<u>Name</u>	<u>Address</u>
3627	Andy’s Restaurant & Bar	2927 S. 8 th Street

**CITY OF SHEBOYGAN
R. O. 74-24-25**

BY CITY CLERK.

OCTOBER 21, 2024.

Submitting a license application.

CLASS "B" BEER LICENSE (June 30, 2025) (NEW)

<u>No.</u>	<u>Name</u>	<u>Address</u>
3693	Aneek Inc. (Executive Pub)	723 Center Avenue