

**CITY OF SHEBOYGAN
ORDINANCE 14-25-26**

BY ALDERPERSONS RUST AND LA FAVE.

AUGUST 25, 2025.

AN ORDINANCE amending various sections of the Sheboygan Municipal Code with regard to insurance requirements.

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

SECTION 1: **AMENDMENT** “Sec 6-116 Bond And Liability Insurance For Amusement Rides” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 6-116 Bond And Liability Insurance For Amusement Rides

No person shall conduct, operate, manage or sponsor any Ferris wheel, merry-go-round or other amusement ride within the city ~~operated for hire, or for the purpose of promoting or advertising any trade or business,~~ without first filing with the city clerk a bond or certificate of liability insurance in the amount of at least \$2,000,000.00 ~~\$250,000.00~~ per occurrence for bodily injury and property damage, with the City of Sheboygan named as an additional insured, indemnifying the ~~public city~~ against damages sustained by reason of the operation of such ride. Such bond or certificate of insurance shall be subject to approval by the city attorney. This section shall apply to all persons, whether or not such persons are exempted from any other provisions of this Code.

(Code 1975, § 6-69; Code 1997, § 14-162)

SECTION 2: **AMENDMENT** “Sec 6-215 Definition” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 6-215 Definition

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:

Amusement device means any machine, game, or similar device, whether or not operated by coins, slugs, tokens, or similar items which permits a person or operator to use the device as a game or contest of skill or amusement, whether or not the device registers a score, which may cause a person or operator of the same to secure some amusement, enjoyment, or entertainment, and which is not a gambling machine pursuant to section 38-79. The term "amusement device" includes, but shall not be limited to, because of enumeration, electronic or mechanical game machines, pinball machines, and shuffleboard games, but shall not include billiard or pool tables, bumper pool tables, bowling centers or pigeonhole tables that are subject to licensing under article II of this chapter.

Amusement ride shall have the meaning set forth in SPS 334.01 Wis. Admin. Code.

(Code 1997, § 14-302; Ord. No. 75-02-03, § 1, 3-3-2003)

SECTION 3: AMENDMENT "Sec 14-90 Regulations" of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 14-90 Regulations

- (a) Each sidewalk café shall remain within the approved boundaries of the sidewalk café site as set forth on the approved application.
- (b) No person shall consume, nor shall any holder of any sidewalk café permit consumption of alcohol beverages in a sidewalk café unless the person consuming the alcohol is seated at a table in the sidewalk café site.
- (c) No container of alcohol beverages shall be present in a sidewalk café between 10:00 p.m. and 10:00 a.m.
- (d) Each holder of a sidewalk café permit shall have in force adequate liability insurance and shall agree to indemnify, defend, and hold the city, its employees and agents harmless against all claims, liability, lawsuits, loss, damage, causes of action, or expense incurred by the city as the result of any injury to or death of any person or damage to property caused by or resulting from the activities for which the permit is granted. As evidence of liability insurance, the applicant shall furnish to the city clerk a certificate of insurance on a form acceptable to the city annually prior to issuance of a permit ~~furnish a certificate of insurance, on a form acceptable to the city~~, evidencing the existence of commercial general liability insurance (including contractual liability insurance) naming the city of Sheboygan ~~and its employees and agents~~ as an additional insureds, with minimum limits of \$1,000,000.00 ~~in the aggregate per occurrence for bodily injury and property damage~~. The certificate of insurance shall provide 30 days written notice to the city upon cancellation, non-renewal, or material change in the policy.
- (e) Each sidewalk café serving alcoholic beverages shall be responsible for policing the

area of the sidewalk café to be sure that customers are of the legal drinking age, that all laws related to the presence of underage persons on premises are being strictly followed, and that alcohol beverages are not removed from the premises.

- (f) All sidewalk cafes shall be closed and all tables, chairs, and all other materials and equipment removed immediately upon request of a police officer or a representative of the department of public works for such a length of time as said officer or representative shall designate.
- (g) No sidewalk café that is part of a licensed premises shall remain open during closing hours as set forth in sections 4-74 and 4-113. No patron shall remain or be permitted to remain within the sidewalk café area during closing hours, regardless of whether the sidewalk café has permanent facilities.
- (h) No sidewalk café or the barriers or furniture within the café shall be arranged in such a way as to interfere with the free use of the sidewalk by pedestrians, and in no case shall placement of café barriers and furniture reduce the travelable width of the sidewalk to less than five feet pursuant to the Americans with Disabilities Act.
- (i) In the event of failure to exercise the privilege granted by a sidewalk café permit within six months of granting, regardless of the date of issuance, the permit shall become null and void.
- (j) Sidewalk café permit holders may exclude persons who are not customers from using the tables, chairs, and other materials and equipment that are part of the sidewalk café. However, no person shall in any way impede, prevent, or exclude any person from any legal use of the public sidewalk, including by in any way permitting the reduction of the accessible width of the walkway to less than five feet.

SECTION 4: **AMENDMENT** “Sec 14-184 Liability Insurance Required” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 14-184 Liability Insurance Required

- (a) Each holder of a parklet permit shall have in force adequate liability insurance and shall agree to indemnify, defend, and hold the city, its employees and agents harmless against all claims, liability, lawsuits, loss, damage, causes of action, or expense incurred by the city as the result of any injury to or death of any person or damage to property caused by or resulting from the activities for which the permit is granted.
- (b) As evidence of liability insurance, the applicant shall annually prior to issuance of a permit furnish a certificate of insurance, on a form acceptable to the city, evidencing the existence of commercial general liability insurance (including contractual liability insurance) naming the city and its employees and agents as additional insureds, with minimum limits of \$1,000,000.00 ~~in the aggregate~~ per occurrence for bodily injury and property damage. The certificate of insurance shall provide 30 days' written notice to

the city upon cancellation, non-renewal, or material change in the policy.

SECTION 5: AMENDMENT “Sec 24-338 Sale, Use Or Discharge” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 24-338 Sale, Use Or Discharge

- (a) No person may sell, possess, use or discharge any fireworks within the city, except that the possession, use, and discharge of fireworks is permitted in conjunction with a fireworks display as follows:
- (1) A fireworks display sponsored and specifically approved by the common council, and conducted by or on behalf of the city; or
 - (2) Upon the granting of a fireworks display permit issued by the fire chief. Such permit may be issued by the fire chief at the fire chief's discretion, but only if the applicant meets the following requirements:
 - a. Every application shall be made no less than 45 days prior to the proposed display, except this provision shall not apply to any display taking place fewer than 45 after passage of this section by the common council.
 - b. Each applicant shall provide a certificate of liability insurance ~~with the certificate holder designated as the city and the property owner of the property on which the proposed display will take place. The certificate shall be provided by the fireworks company or the license applicant conducting the display in an amount not less than~~ evidencing minimum limits of \$2,000,000.00 ~~\$1,000,000.00~~ coverage per person for personal injury and not less than \$1,000,000.00 for property damage per occurrence for bodily injury and property damage and naming the City of Sheboygan and the property owner, if different, as additional insureds. Such certificate shall be issued by an insurance company approved and licensed by the state office of the commissioner of insurance to do business in the state.
 - c. Each applicant shall submit a clear and readable copy of a valid and current department of the treasury, bureau of alcohol, tobacco and firearms license/permit (issued under 18 USC ch. 40) held by the fireworks company or the license applicant conducting the display.
 - d. Each application shall include a clear description of the intended site and plan for the display including:
 1. The name of the property owner;
 2. The sponsor of the display;
 3. The mailing address and telephone number of applicant;
 4. The name of person in charge of the display;

5. The name of the fireworks company conducting the display;
 6. The date and time storage and possession of fireworks will begin and end;
 7. The name and telephone number of person responsible for the site while fireworks are present;
 8. A site layout pursuant to NFPA 1123;
 9. A current color site map with an overlay of the exact location planned of the grounds on which the display is to be held showing the exact point at which the fireworks are to be discharged, the locations of all buildings, streets, trees, overhead public utility lines or overhead obstructions within 500 yards of the point of discharge and an adequate clear area indicating the lines behind which the public will be restrained;
 10. Specification of the date and time the display will begin and end; and
 11. A complete listing of the number and type of all fireworks to be in possession at the site and the number and type to be discharged on the date and time specified in the permit application.
- e. Each application shall be accompanied by payment of a permit fee in the amount \$150.00 and an agreement to pay the actual cost of public safety services provided by the city as determined by the fire chief and the police chief. The chiefs shall provide an estimate of the costs within 14 days of receipt of a completed fireworks display permit application.
- (b) Subsection (a) of this section does not apply to:
- (1) The possession or use of explosives in accordance with rules or general orders of the state department of commerce.
 - (2) The disposal of hazardous substances in accordance with rules adopted by the department of natural resources.
 - (3) The possession or use of explosive or combustible materials in any manufacturing process.
 - (4) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
 - (5) A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 through 848 if the possession of the fireworks is authorized under the license or permit.
 - (6) The possession of fireworks while directly transporting the fireworks to a city, town or village where the possession of the fireworks is authorized by permit or ordinance.

(Code 1975, § 26-18(b), (c)(2); Code 1997, § 50-698; Ord. No. 34-04-05, § 11, 10-18-2004; Ord. No. 48-06-07, § 1, 11-20-2006)

SECTION 6: AMENDMENT “Sec 48-96 Temporary Occupancy Permit Required” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 48-96 Temporary Occupancy Permit Required

- (a) For any obstruction in place for less than 90 days, the director of public works or their designee may grant a temporary occupancy permit upon application submission and payment of a fee according to the fee schedule. The director or director’s designee may grant the permit if the applicant assumes primary liability for damages to person(s) or property by reason of the granting of the permit; agrees to remove the obstruction upon ten days’ notice by the state or the city; waives the right to contest in any manner the validity of the amount of compensation charged; and complies with any other conditions placed upon the permit by the city engineer. Such permit shall expire after fifteen calendar days after which a new permit and fee shall be required. Consecutive permits shall be limited to a period of up to 90 days. No permit issued pursuant to this section may authorize the obstructing of more than one-third of the traveled portion of the street opposite the lot on which the work is performed. The common council or the department of public works may revoke a permit if deemed necessary for the interest of public welfare or safety, in the director’s or director’s designee’s sole discretion. Pursuant to Wis. Stat. § 66.0425(6), telecommunications carriers, telecommunications utilities, alternative telecommunications utilities, public service corporations, cooperatives organized under Wis. Stat. ch. 185 to render or furnish gas, light, heat, or power, and cooperatives organized under Wis. Stat. ch. 185 or 193 to render or furnish telecommunications service shall secure a permit under this subsection for temporary obstructions in a highway and are liable for all injuries to person or property caused by the obstructions or excavations.
- (b) For any obstruction in place for 90 or more days, the common council may grant a privilege pursuant to Wis. Stat. § 66.0425 upon application submission and payment of a fee according to the fee schedule. Any person interested in obtaining a temporary obstruction permit pursuant to this section shall file an application with the department of public works. The application shall include:
 - (1) A layout, drawn to scale on 8½-inch by 11-inch paper suitable for reproduction, which accurately depicts the dimensions and measurements of the existing area, including all adjacent streets, avenues, and adjacent private property and the proposed location and size of all proposed obstruction(s);
 - (2) Proof of insurance illustrating that applicant has in force adequate liability insurance with minimum limits of \$1,000,000 ~~in the aggregate~~ per occurrence for bodily injury and property damage, identifying the city of Sheboygan as additional insured and providing the city with 30 days written notice upon cancellation, non-renewal, or material change to the policy;
 - (3) An indication of whether the applicant intends to serve alcoholic beverages;

those indicating such an intention shall submit proof that they have the required alcohol beverage license and that the site of the temporary obstruction is part of the licensed premises;

(4) By submitting an application, applicant agrees to:

- a. Indemnify, defend, and hold the city, its employees and agents harmless against all claims, liability, lawsuits, loss, damage, causes of action, or expense incurred by the city as a result of any injury to or death of any person or damage to property caused by or resulting from the activities for which the permit is granted;
- b. Be primarily responsible and liable for any damage to persons or property caused by and arising from the grant and exercise of the privilege to encroach upon city right-of-way;
- c. Remove the encroachment allowed by the permit within ten calendar days after notice to remove is given by the state or the city and to pay the cost of removal incurred by the state or city should the applicant not timely remove the encroachment;
- d. Waive all claims for damages resulting from removal of the encroachment, whether such removal is performed by applicant, the applicant's heirs or assigns, the state, or the city;
- e. Make such construction or alterations and maintain the same subject to the approval of the city building inspector or director of public works or director's designee and shall waive the right to contest in any manner the validity of the encroachment agreement;
- f. Where alcohol service within the permitted area is requested through a licensed premise extension application, applicant further agrees to:
 1. Not allow the consumption of alcohol beverages unless the person consuming the alcohol is seated at a table within the permitted area;
 2. Be responsible for policing the permitted area to ensure that customers are of legal drinking age, that all laws related to the presence of underage persons on premises are being strictly followed, and that alcohol beverages are not removed from the permitted area;
 3. Cease operation of alcohol or food service during closing hours as set forth in sections 4-74 and 4-113. No patron shall remain or be permitted to remain within the permitted area during closing hours regardless of whether the permittee has permanent facilities;
 4. Ensure the obstructions do not interfere with the free use of the sidewalks by pedestrians or that reduce the travelable width of the sidewalk to less than five feet pursuant to the federal Americans with Disabilities Act.
- g. Permittees may exclude persons who are not customers from using the tables, chairs, and other materials that are part of the permitted area but shall not impede, prevent or exclude any person from any legal

use of the public sidewalk.

- (c) The common council grants a privilege with no application, fee, or bond to the following obstructions:
- (1) A United States Post Office mailbox or newspaper consumer receptacle installed in a manner consistent with the guidelines and requirements set forth by the postmaster general.
 - (2) Any obstruction that minimally extends beyond a lot line, does not present any hazard to the public, and will not interfere with the normal public use of the right-of-way, as solely determined by the director of public works or their designee.

(Code 1975, § 36-104; Code 1997, § 110-102; Ord. No. 35-96-97, § 1, 9-16-1996)

SECTION 7: **AMENDMENT** “Sec 52-575 Proof Of Insurance” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 52-575 Proof Of Insurance

The person issuing a permit under this division shall require a policy of liability insurance for the payment of all claims that may arise because of injuries to person or property as the result of any activity related to the permit. The insurance policy shall be in the minimum amount of ~~\$1,000,000.00~~ \$2,000,000.00 per occurrence and shall name the city of Sheboygan as an additional insured as its interests may appear. The policy shall be filed with the application for a parade permit.

(Code 1997, § 118-552; Ord. No. 6-01-02, § 2, 6-4-2001)

SECTION 8: **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 9: **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

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Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan