

**CITY OF SHEBOYGAN
ORDINANCE 30-25-26**

BY ALDERPERSONS MITCHELL AND PERRELLA.

NOVEMBER 10, 2025.

AN ORDINANCE amending various sections of the Sheboygan Municipal Code regarding administrative fees.

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

SECTION 1: **AMENDMENT** “Sec 2-449 Assessment Of Costs For Repair Of Damages To Public Property” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 2-449 Assessment Of Costs For Repair Of Damages To Public Property

- (a) In addition to any penalties imposed for violation of section 12-631, 40-48, 48-250 or 60-74, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of repairing such damages or replacing such property. The parents of any unemancipated minor child who causes such damage or destruction may be held liable for the cost of repairing such damages or replacing such destroyed property in accordance with Wis. Stats. § 895.035.
- (b) The costs of repairing such damages or replacing destroyed property will be billed based on an hourly charge for employee time and equipment usage, plus materials. The employee time charge will include wages and benefits, and the equipment usage will include a charge for maintenance and repair of the equipment. All materials used will be charged at actual cost, ~~plus 30 percent,~~ plus applicable sales tax, ~~with a minimum fee of \$100.00.~~ A schedule of employee wage and benefit rates and equipment usage charges shall be prepared and updated from time to time by the director of public works.

(Code 1997, § 2-399; Ord. No. 1-15-16, 5-19-2015)

SECTION 2: **AMENDMENT** “Sec 12-481 Abatement Of Nuisances” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

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 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 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, 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 3: **AMENDMENT** “Sec 46-2 Penalties” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 46-2 Penalties

- (a) A violation of any of the sections in this chapter which results in any refuse or

recyclables being placed at the curb or alley line not suitable for collection shall, after reasonable effort to give 48 hours' notice to the abutting property owner or resident, be deemed just cause to be collected by the department of public works. The department of public works shall keep accurate account of the expenses of collection and disposal, and the whole of these expenses, ~~plus 50 percent~~, shall be assessed to the property owner and, if not paid within the period fixed by the department of public works, shall become a lien on the property and shall automatically be included in the next tax collection and collected as other taxes are collected.

- (b) A violation of any of the sections of this chapter, other than those for which a penalty is specifically provided in this section, shall subject the violator to a forfeiture of not less than \$50.00 nor more than \$250.00 for the first offense within a 12-month period, a forfeiture of not less than \$100.00 nor more than \$500.00 for the second offense within a 12-month period, a forfeiture of not less than \$250.00 nor more than \$2,000.00 for the third and subsequent offense within a 12-month period, together with the cost 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 ten days. In addition, any costs incurred by the city for cleanup and disposal as a result of the violation shall be added as recoverable costs.
- (c) A violation of section 46-41, sections 46-43 through 46-46 or section 46-83 shall result in a forfeiture of not less than \$50.00 nor more than \$250.00, plus the costs of prosecution, plus the expenses of collection and disposal, as provided in subsection (a) of this section for the first offense; a forfeiture of not less than \$100.00 nor more than \$500.00, plus the costs of prosecution, plus any costs incurred by the city for cleanup and disposal as a result of the violation, plus the elimination of all city collection services for a period not to exceed six months for the second and each subsequent violation. In default of payment of the forfeiture imposed by this subsection, the property owner or resident may be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed ten days.
- (d) A violation of section 46-8 or 46-9 shall subject the violator to a forfeiture of not less than \$50.00 nor more than \$250.00 for the first offense and for any subsequent violation not less than \$100.00 nor more than \$500.00, 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 ten days.

(Code 1997, § 102-2)

SECTION 4: **AMENDMENT** “Sec 48-250 Accounting” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 48-250 Accounting

The department of ~~engineering and~~ public works shall keep an accurate account of the hourly equipment rental and labor costs of removing snow and ice from sidewalks in front of each lot or parcel of land abutting that portion of a sidewalk from which snow is removed. ~~Such costs, plus an additional charge of 30 percent thereof for equipment repair, supervision and other general expenses and an additional minimum charge of \$10.00 for hand shoveling and mechanized work for snow removal from sidewalks~~ The city's actual costs shall be charged to the owners of each of such lot or parcel of land. The department shall render statements of such charges to the property owners as soon as practicable.

(Code 1975, § 36-149; Code 1997, § 110-280)

SECTION 5: AMENDMENT “Sec 54-96
Installation/Excavation/Occupancy Permit Fee” of the Sheboygan Municipal Code is hereby
amended as follows:

A M E N D M E N T

Sec 54-96 Installation/Excavation/Occupancy Permit Fee

- (a) *Generally.* The permit fee shall be established by the department in an amount sufficient to recover the costs incurred by the city. This fee shall recover administrative and inspection costs, and excavation fees per section 48-217. Payment of the fees shall be collected prior to issuance of the permit. However, the engineer may, with the advice and consent of the administrative services director, establish a fee collection process from governmental agencies and private utilities in order to expedite the permitting system and recognize that certain excavations are deemed emergencies.
- (b) *Waiving of fees.* Fees shall not be waived unless the work involved is a direct result of the engineer's demand that facilities owned by a utility be removed or relocated or unless waived by the common council upon review of the engineer's decision.
- (c) *Fee schedule.* The minimum fee for each excavation permit for a single address shall be as set forth in section 48-217. This permit fee shall be in addition to any forfeiture provided elsewhere in this Code.
- (d) *Cost adjustment authorized.* For those permit applications which provide for a substantial undertaking of excavation within the public right-of-way attended by disruption of the general public and traffic, the engineer is authorized to assess the city's actual costs for staff ~~of the city employee's~~ time engaged in the review and inspection of the ~~anticipated work, multiplied by a factor determined by the respective department to represent the city's cost for statutory expense, benefits, insurance, sick leave, holidays, vacation and similar benefits, overhead and supervision, the factor not to exceed 2.0,~~ plus the cost of mileage reimbursed to city employees which is attributed to the work, plus all consultant fees associated with the work at the invoiced amount, ~~plus ten percent for administration.~~
- (e) *City exemption.* The city and its contractors shall not pay degradation fees for

excavations due to general government functions.

- (f) *Fees for revoked permits are nonrefundable.* Permit fees paid for a permit that the department has revoked are not refundable.

(Code 1997, § 122-3(c)(7))

SECTION 6: 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 7: 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