

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

BY ALDERPERSONS DEKKER AND RUST.

OCTOBER 27, 2025.

AN ORDINANCE amending Section 48-96 of the Sheboygan Municipal Code regarding temporary obstructions.

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

SECTION 1: **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 obstructed area shall not exceed the area permitted to be obstructed as indicated on the permit. 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 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 2: **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 3: **EFFECTIVE DATE** This ordinance shall be in effect from and after its passage and 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