

**AN ORDINANCE AMENDING, REPEALING, RECREATING, AND SUPPLEMENTING
THE CODE OF ORDINANCES OF THE TOWN OF SHEBOYGAN, SHEBOYGAN
COUNTY, WISCONSIN**

WHEREAS, the Town of Sheboygan Code of Ordinances (the "Code") was enacted in 1983 and has been amended and revised numerous times since; and

WHEREAS, pursuant to Wis. Stat. §§ 66.0103, 60.22, 61.34, 62.23, and 236.45 the Town of Sheboygan Town Board determined that it was necessary to update the Code to promote the general welfare, peace and good order of the Town and its residents; and

WHEREAS, the Town Board engaged the services of General Code in 2022 to update and codify the Code; and

WHEREAS, an ordinance adopting a revision and codification of the ordinances of the Town of Sheboygan, Wisconsin was duly enacted by the Town Board of Supervisors on April 9, 2024, upon proper notice, Plan Commission and Town Board public hearings; and

WHEREAS, the Town Board, upon further consideration and recommendations of the Plan Commission hereby determines that the general welfare, peace and good order of the Town and its residents will be further promoted by the enactment of this ordinance amending, repealing, recreating, and supplementing the Code.

NOW, THEREFORE, the Town Board of the Town of Sheboygan does ordain as follows:

Section 1. Creating Code. Chapter 10, Boards, Commissions and Committees of the Code of Ordinances of the Town of Sheboygan, more particularly, Article V, *Public Works Committee*, is hereby created to read as following:

~~"Article V **Public Works Committee**~~

~~**§ 10-28 Establishment.**~~

~~There shall exist a Standing Public Works Committee Of five members, consisting of One Town board member, The Director of Public Works/Engineer, Deputy Director of Utilities, Deputy Director of Public Works, and one Town resident member. The Town Board Supervisor, the Town resident member, and the Committee Chairperson shall be appointed by the Town Chairperson, subject to confirmation by the Town Board.~~

~~**§ 10-29 Term.**~~

~~The Town Board Supervisor and Town resident shall be appointed for two-year terms commencing on the 3rd Tuesday of April in the year of the Town Board Chairperson's election and may be reappointed to serve additional terms. The Director of Public Works/Engineer, Deputy Director of Utilities,~~

~~Deputy Director of Public Works shall serve on the Public Works Committee for so long as they shall hold said positions.~~

~~§ 10-30 Duties.~~

~~Pursuant to Wis. Stat §§ 60.22, 60.10 (2) (c), and 61.34, the Public Works Committee shall review, advise, and make recommendations to the Town Board concerning policies and operations of the Department of Public Works including maintenance and repairs of Town highways, streets, and public drainage facilities as well as Department staffing and equipment requirements, or as directed by the Town Board.~~

~~§ 10-31 Meetings.~~

- ~~A. Meetings shall be held monthly, or as needed, at the call of the Committee Chairperson upon not less than 24 hours' notice, except in the case of emergencies upon not less than 2 hours' notice. The Committee shall conduct its regular meetings on the second Tuesday of each month, at 5:00 p.m. or as otherwise established by the Committee. Meetings shall be conducted at the Town Hall, Community Center, or as designated by the Committee Chairperson.~~
- ~~B. Meetings shall be open to the public.~~
- ~~C. Closed sessions. The Committee may convene into closed session for the purposes enumerated in Wis. Stat. § 19.85.~~
- ~~D. A quorum shall be three members."~~

Section 2. Amending Code. The Code of the Ordinances of the Town of Sheboygan, more particularly Section 17-11 thereof, is hereby amended to read as follows (deletions indicated by ~~strikethrough~~; insertions by underline):

"17-11 Limited jurisdiction and duties.

The Town Board, pursuant to the authority granted by Wis. Stats. § 60.37, determines the qualifications, terms of employment and the jurisdiction and duties of the Town ~~Constables~~Ordinance Enforcement Officers as follows:

- ~~A. Geographic area. Constables~~ Ordinance Enforcement Officers shall act within the municipal boundaries of the Town of Sheboygan. ~~A Constable~~ An Ordinance Enforcement Officer may assist in an emergency situation outside of the Town's municipal boundaries when ordered to respond to a specific incident by a Town Supervisor or by the Chief of the Town of Sheboygan Fire Department.
- ~~B. Enforcement authority. The Constable(s)~~ Ordinance Enforcement Officer(s) shall maintain peace and order within the Town by enforcing violations of the following all sections of the Town Municipal Code.

~~(1) Regulation and Licensing of Dogs (Chapter 112, Animals, Article I).~~

- ~~(2) — Public nuisances (Chapter 208, Nuisances).~~
- ~~(3) — Grass and rubbish burning (Chapter 127, Burning, Open).~~
- ~~(4) — Parking on Town Roads (Chapter 310, Vehicles and Traffic, Article V).~~
- ~~(5) — Collection and Disposal of Refuse and Garbage (Chapter 257, Solid Waste, Article II).~~
- ~~(6) — Swimming pool code (§ 335-100).~~
- ~~(7) — Garage sales (§ 335-101).~~
- ~~(8) — Other sections, as specifically directed by the Town Chairperson on a case-by-case basis.~~
- ~~(9) — Regulation of firearms and bows and arrows (Chapter 155, Firearms and Weapons, Article II).~~
- ~~(10) — Regulation of fireworks (Chapter 160, Fireworks).~~

- C. Traffic control. ~~Constable(s)~~Ordinance Enforcement Officer(s) shall assist law enforcement, firefighting, ambulance, or safety personnel with traffic and crowd control at the scene of an accident, fire, or similar emergency.
- D. Permits. See that necessary state and local permits and licenses are in the possession of or properly displayed by any person engaged in an activity or business for which such permit or license is required and that the permit or license holders have complied with the terms of the same.
- E. Other. Investigate and report to the Town Board concerning all violations of the Town Municipal Code of which the ~~Constable(s)~~Ordinance Enforcement Officer(s) have knowledge.
- F. Non-Moving Citations. Non-moving traffic citations may be issued by law enforcement officers or by Town Ordinance Enforcement Officer(s). Citations shall be issued for enforcement of non-moving traffic regulations created or adopted by this Code, including violations of non-moving traffic regulations defined and described in Wis. Stat. Chs. 340 to 348 and all provisions regarding non-moving traffic violations in this Code.

Section 3. Creating Code. Chapter 149, Fire Protection and Prevention of the Code of Ordinances of the Town of Sheboygan, more particularly, Article III, Fire Prevention Code, is hereby created to read as follows:

"Article III Fire Prevention Code

§ 149-16 General provisions.

- A. Intent of Code.

It is the intent of this chapter to prescribe regulations consistent with nationally recognized standards for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials, and devices and from conditions hazardous to life, property and the environment in the use or occupancy of buildings or premises. Compliance with codes and standards of the National Fire Protection Association (NFPA), the International Code Council, Town of Sheboygan General Ordinances, or other approved nationally recognized safety standards, as later referred to or as specified in this code, shall be deemed to be prima facie evidence of compliance with this intent.

B. Application of Code.

- (1) The provisions of this code shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this code shall be permitted to continue where the exceptions do not constitute a hazard to life or property in the opinion of the Chief.
- (2) Nothing contained in this code shall be construed as applying to the transportation of any article or thing shipped under the jurisdiction of and in compliance with the regulations prescribed by the U.S. Department of Transportation (DOT) or as applying to the military forces of the United States.
- (3) Except as provided herein, this code applies to each building and premises, public or privately owned, and all public thoroughfares located within the Town of Sheboygan.
- (4) The Department shall be regulated by this chapter and not by International Fire Code (IFC) section 103.

C. Authority of the Chief.

The Chief has the authority to administer and enforce this code. The Chief may delegate authority under this code to such subordinates in the Fire Department and the actions of such authorized subordinates shall be construed as valid actions of the Chief.

D. Authority to Enter Premises.

- (1) The Chief may, at reasonable hours, request permission of the owner or occupant to enter any building or premises for the purpose of making any inspection or investigation, which, under the provisions of this code, may be deemed necessary.
- (2) The Chief may obtain a search warrant under Wis. Stat. §§ 968.10, 968.12, 66.0119 when necessary for the purpose of inspecting or

investigation of any building or premises where the owner or occupant has refused admission.

- (3) No person, having been duly informed of the existence of a search warrant to search the premises owned or occupied by that person, shall refuse to permit such search to be made. Each day, or part thereof, during which such refusal continues, shall be deemed to be a separate violation.

E. Inspection of Buildings and Premises. The Chief may inspect all buildings and premises, except the interiors of dwelling units, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, endanger life from fire, explosion, dangerous condition or any violations of the provisions or intent of this code and of any other applicable ordinance. The Chief shall, as a condition of granting a permit, have the right to enter the premises for which said permit was issued, at any reasonable time during and throughout the course of such work and until final approval has been granted, for the purpose of inspecting said premises and its compliance with code regulations.

F. Issuance of Orders.

- (1) **Order Requiring Replacement of Fire Prevention, Detection or Suppression System Due to Recurring Violations.** Whenever the Chief shall find in any building or upon any premises during any three (3) inspections or re-inspections a fire prevention, detection or suppression system which is defective, inoperative, improperly maintained or improperly operated, the Chief may order the following remedies:
 - a. If the system includes one or more exit light(s) which have not been illuminated during inspections the Chief may order that all exit lights in such premises be equipped with self-illuminating lights or lights equipped with light emitting diodes (LED).
 - b. If the system includes one (1) or more self-closing fire door(s) any of which have been found to have been held open with non-approved hold open devices during inspections the Chief may order that all the fire doors in such premises be equipped with a door holder/release device.
 - c. If the system includes emergency exit doors which, during hours of occupancy, have been found to be secured or locked with bolts, bars, chains, padlocks or locking devices other than the primary door lock the Chief may order that all emergency exit doors within the premises be equipped with panic door release hardware.
 - d. This subsection shall not be construed as a limitation upon the powers of the Chief to issue orders for corrections of violations under this code nor shall this subsection be construed as a

limitation upon any of the powers of the Chief under any other applicable provision of the Town of Sheboygan General Ordinances, Wisconsin Administrative Codes or Wisconsin State Statutes.

- (2) Corrective Action. Whenever the Chief may find a violation of this code, Wisconsin State Statutes, or Wisconsin Administrative Codes, the Chief may order corrective action to cause the violation to be eliminated.
- (3) Fees for Re-inspections.
 1. Any person who fails to comply with any lawful order of the Chief issued pursuant to the provisions of this Chapter shall be assessed one hundred dollars (\$100) per inspection or as established in the Town's current Fee Schedule on file in the Town offices, after the initial reinspection, if the violations found remain uncorrected.
 2. The Chief shall keep an accurate account of all unpaid inspection fees incurred for reinspection services rendered and report the same to the Town Treasurer, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the Town Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0703.
- (4) Authority to Abate Hazard. The Chief shall have the authority to order the immediate abatement of any hazard deemed by the Chief to be an imminent hazard to the life, safety, and well-being of any individual. Whenever the owner or occupant refuses or neglect to abate said hazard, the Chief may cause the same to be abated and the Town shall recover the expenses incurred thereby from the owner or occupant. The Chief shall keep an accurate account of all unpaid expenses incurred by the Town for hazard abatement rendered and report the same to the Town Treasurer, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the Town Clerk, and the amount therein charged to each lot or parcel of land shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0703.
- (5) Authority to Vacate. The Chief shall have the authority to issue an order to vacate any property deemed by the Chief to be necessary due to an imminent hazard to the life, safety, and well-being of the occupants.

G. Service of Orders.

- (1) The service of written orders for the correction of violations of this code shall be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of same to any person in charge of the premises, or by mailing such orders to the owner or other responsible person. This subdivision shall in no way preclude the Chief from issuing oral orders in such other manner, as the Chief deems appropriate under the circumstances.
 - (2) If buildings or other premises are owned by one (1) person and occupied by another the orders issued in connection with the enforcement of this code shall apply to the occupant thereof as well as the owner, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become fixtures upon real estate and be the property of the owner of the premises, and in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.
 - (3) Mailing of such orders by the owner or occupant is sufficient notice to affect compliance with the order.
- H. Liability for Damages. This code shall not be construed to hold the Town of Sheboygan or its employees responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or the permit issued as herein provided or by reason of the approval or disapproval of any plans or equipment authorized herein.
- I. Appeals. Whenever the Chief shall disapprove an application or refuse to grant a permit, approval or certificate applied for or revoke a permit, approval or certificate, or when it is claimed that the provisions of the code have been misconstrued or wrongly interpreted, the person affected may appeal from the decision of the Chief to the Town Board within thirty (30) days from the date of the decision appealed and upon payment of fifty dollars (\$50) or as established in the Town's current Fee Schedule on file in the Town offices payable to the Town of Sheboygan. The Town Board may, by majority vote, uphold, overrule, or modify the action of the Chief.
- J. Variances. The Town Board shall have power to modify any of the provisions of this code upon application in writing by the owner, lessee, or duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed and public safety secure. The particulars of such modification when granted or allowed and the decision of the Town Board thereon shall be entered upon the records of the Town Board and a signed copy shall be furnished to the applicant.
- K. Judicial Review.
- (1) Any party to a proceeding resulting in a final determination hereunder may seek review thereof by certiorari within thirty (30) days of receipt

of the final determination. The court may affirm or reverse the final determination, or remand to the decision maker for further proceedings consistent with the court's decision.

- (2) If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at the requester's expense. If the person seeking review establishes poverty to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the Town and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement of a transcript.

L. Adoption by Reference: State and National Codes.

- (1) The codes in the *International Fire Code*[®] and the Wisconsin Administrative Codes that are adopted by reference are the most current edition of the referenced code and any subsequent editions of the referenced codes.
- (2) IFC. The *International Fire Code*[®], subject to the modifications specified in this chapter.
- (3) NFPA 1, Fire Code, most current edition, to the extent as noted in this chapter.
- (4) The following Wisconsin Administrative Code Chapters:
 - SPS 305 - Licenses, Certifications and Registrations
 - SPS 307 - Explosives and Fireworks
 - SPS 314 - Fire Prevention
 - SPS 316 - Electrical
 - SPS 318 - Elevators, Escalators and Lift Devices
 - SPS 328 - Smoke Detectors and Carbon Monoxide Detectors
 - SPS 340 - Gas Systems
 - SPS 343 - Anhydrous Ammonia
 - SPS 361-366 - Commercial Building Code
 - SPS 366 - Existing Buildings
 - SPS 375-379 - Buildings Constructed Prior to 1914
 - SPS 380-387 - Plumbing

M. Miscellaneous Inspection Fees.

- (1) Inspections outside of normal work hours whether required or requested shall be subject to the fees in this section if the Town incurs additional costs associated with said work. Inspections outside of normal work hours to verify compliance with permitted activities, which are conducted outside of normal work hours, shall be subject to the fees listed in this subsection. When fire inspection personnel are

required for events or emergencies, the owner or event organizer shall pay for personnel time in accordance with this subsection.

- (2) Inspection fee - seventy dollars (\$70) per hour or as established in the Town's current Fee Schedule on file in the Town offices.
- (3) The Chief shall keep an accurate account of all unpaid fees incurred for inspection services rendered and report the same to the Town Treasurer, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the Town Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0703.

N. Penalties. Violations shall be prosecuted as outlined within this code. The Department shall not follow IFC section 112.4.

- (1) Any person violating any of the provisions of this Chapter for which a penalty is not otherwise specified shall upon conviction be subject to a forfeiture of not less than ten dollars (\$10) nor more than one thousand dollars (\$1000). Every day or fraction thereof during which any person fails or fails to comply with any provisions of this code shall constitute a separate violation.
- (2) Any person who does not comply with any lawful order of the Chief issued pursuant to the provisions of this code shall be in violation of this Chapter, and every day or fraction thereof during which such person fails or neglects to comply with such order shall constitute a separate offense.

O. Severability. The Town Board of the Town of Sheboygan hereby declares that should any section, paragraph, sentence, or word of this chapter hereby adopted be declared for any reason to be invalid, it is the intent of the Town Board that it would have passed all other portions of this chapter independent of the elimination here from of any such portion as may be declared invalid.

§ 149-17 Records for inspecting, testing and maintenance of fire protection systems.

A. At least once each year, an individual with the applicable credential specified in Wis. Admin. Code Ch. SPS 305, shall conduct the inspection, testing and maintenance specified for automatic fire sprinkler systems in NFPA 25. This section does not preclude non-credentialed individuals from conducting the daily, weekly, monthly, quarterly, or semiannual inspection and testing activities for automatic fire sprinkler systems required under NFPA 25.

B. All inspections, testing and maintenance of fire protection systems or fire protection components as required by the IFC shall be filed with the Town of Sheboygan electronic reporting system. Within thirty (30) days of said inspection the owner shall insure that the following information is filed electronically with the Town:

- (1) The address that was inspected;
- (2) The type of fire protection system or component inspected;
- (3) The applicable standard;
- (4) List of any system deficiencies or code violations;
- (5) The name, registration number and address of the registered contractor who performed the inspection, testing or maintenance; and
- (6) Attestation that the inspection, test, or maintenance activity was performed in accordance with the applicable IFC standards.

.”

Section 4. Repealing and Recreating Code. Chapter 160, entitled Fireworks, of the Code of Ordinances of the Town of Sheboygan, more particularly Section 160-3 C(6) thereof, is hereby repealed and recreated to read as follows:

- “(6) Any individual or group of individuals upon the granting of a fireworks display permit issued by the Chairperson or designee. Such permit may be issued by the Chairperson at Chairperson’s discretion, but only if the applicant meets the following requirements:
- (a) Every application shall be made not less than forty-five (45) days prior to the proposed display, except this provision shall not apply to any display taking place fewer than forty-five (45) days after passage of this section by the Town Board.
 - (b) Each applicant shall provide a certificate of liability insurance with the certificate holder designated as the Town 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 applicant conducting the display in an amount not less than \$1,000,000.00 coverage per person for personal injury and not less than \$1,000,000.00 for property damage and name the Town as an additional insured. 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) The property upon which a residential fireworks display is to be conducted must be at least five (5) or more acres in size. The property upon which a commercial fireworks display is to be conducted must be at least forty (40) or more acres in size.

- (d) No more than one (1) fireworks display permit may be granted to any residential property during any calendar year. No more than three (3) fireworks display permits may be granted to any commercial property during any calendar year.
- (e) The fireworks display authorized by permit shall not commence before dusk and shall not continue or occur after 10:30 pm.
- (f) The Fire Chief, or designee, may in their sole and absolute discretion, rescind or cancel any fireworks display permit in the event weather or other conditions present a dangerous or hazardous condition.
- (g) Each residential application shall be accompanied by payment of a permit fee in the amount of \$100.00 or as established in the Town's current Fee Schedule on file in the Town offices. Each commercial application shall be accompanied by payment of a permit fee in the amount of \$300.00 as established in the Town's current Fee Schedule on file in the Town offices.
- (h) The construction, handling, and use of fireworks intended solely for outdoor display as well as the general conduct and operation of the display shall comply with the requirements of the National Fire Protection Association (NFPA) 1123, Code for Fireworks Display."

Section 5. Amending Code. Chapter 193, Licensing and Permits of the Code of Ordinances of the Town of Sheboygan, more particularly Section 193-19 C., *Licenses, permits, authorization required, definitions* thereof, is hereby amended to read as follows (deletions indicated by ~~strike through~~; insertions by underline):

"C. Definitions. For purposes of this article, the following definitions shall apply:

FERMENTED MALT BEVERAGES

~~Any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops containing 0.5% or more alcohol by volume.~~
Any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops containing 0.5% or more alcohol by volume, or any beverage recognized by the federal department of the treasury as beer under 27 CFR part 25, except sake or similar products.

INTOXICATING LIQUOR

All ardent, spirituous, distilled, or vinous liquors, liquids, or compounds, whether medicated, proprietary, patented, or not, and by whatever name called, containing 0.5% or more of alcohol by volume, which are beverages, but does not include "fermented malt beverages."

Section 6. Creating Code. Chapter 193, entitled *Licensing and Permits*, of the Code of Ordinances of the Town of Sheboygan, more particularly Article IV, Section 193-25, is hereby created to read as follows:

“Article IV **Cigarette and Tobacco Products Retailer License**

§ 193-25 Cigarette, electronic vaping devices, and tobacco products retail licenses and license fee.

A. The provisions of Wis. Stats. § 134.65, defining and regulating the sale and licensing of cigarettes, electronic vaping devices, and tobacco products, including the penalty provisions, are adopted, and made a part of this Code. Any future amendments, revisions, or modifications of the statutes incorporated in this section are intended to be made part of this Code to maintain compliance with statewide regulation of licensing and sale of cigarette, electronic vaping devices, and tobacco products.

B. License Required.

No person shall in any manner, or upon any pretense, or by any device, directly or indirectly sell, expose for sale, possess with intent to sell, exchange, barter, dispose of or give away any cigarettes, electronic vaping devices, or tobacco products to any person without first obtaining a license from the Town Clerk.

C. Application for License; fee.

Every person, firm, or corporation desiring a license under this section shall file with the Town Clerk a written application on the application form provided by the Town Clerk. Within 30 days of any change in fact set forth in an application for a license under this section the applicant shall file a written description of the change with the Town Clerk. The annual fee for a license under this section shall be as established in the Town's current Fee Schedule on file in the Town offices.

D. Issuance and term of license.

Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of cigarettes, electronic vaping devices, and tobacco products shall be issued by the Town Clerk. Each license shall be issued on the first day of July in each year, or thereafter whenever applied for, and shall continue in force from the date of issuance until the succeeding June 30 unless sooner revoked for any violation of this section.”

Section 7. Repealing and Recreating Code. The Code of Ordinances of the Town of Sheboygan, more particularly Chapter 208, Nuisance thereof, is hereby repealed and recreated to read as follows:

"Chapter 208

NUISANCES

§ 208-1. Public nuisances prohibited.

No person, persons, firm, company, or corporation shall erect, contrive, cause, continue, maintain, or permit any public nuisance within the Town. Any law enforcement officer, Town Official, or Ordinance Enforcement Officer is authorized to investigate any matter at any place within the Town which reasonably appears to be in violation of the provisions of this chapter.

§ 208-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PUBLIC NUISANCE — A public nuisance is a thing, occupation, condition, or use of property which shall continue for such length of time as to:

- A. Substantially annoy, injure, or endanger the comfort, health, repose or safety of the public;
- B. In any way render the public insecure in life or in the use of property;
- C. Greatly offend the public morals or decency;
- D. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

PUBLIC NUISANCES AFFECTING HEALTH — The following acts, omissions, places, conditions, and things are hereby specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of "public nuisance" in this section:

- A. All decayed, harmfully adulterated, or unwholesome food or drink sold or offered for sale to the public.
- B. Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- C. Accumulation, deposit, storage, keeping, or the abandonment of waste material including but not limited to, decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, waste paper products, discarded building materials, discarded furniture or furnishings, abandoned or inoperable vehicles, abandoned or discarded machinery or machinery parts, feces, debris or any material whatsoever on private or public property within the Town in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed. This provision shall not apply if the same is stored or collected in conjunction with a business enterprise lawfully situated and licensed for such storage or collection.
- D. All stagnant water in which mosquitoes, flies or other insects can multiply.
- E. Privy vaults, cesspools, pits, garbage cans or other like places which are not fly tight.

- F.** Noxious weeds and grass areas. Any place where noxious weeds and other rank growth of weeds, grass or other similar vegetation are over six inches high and are not timely cut or removed within 10 days after posting or publication of notice to destroy noxious weeds under § 66.0407, Wis. Stats., or after receipt of a removal notice shall be declared a public nuisance and subject to § 208-3.
- (1) Property owners or occupants are required to keep lawns mowed below six inches and remove noxious weeds on their property. The Town Ordinance Enforcement Officer or designee shall, on the first violation of the season, place a written notice to destroy noxious weeds on the violating property. Notice may be placed on the entrance door of a primary building, or if the property is vacant, on a sign placed on the property in a location visible from an adjacent sidewalk or road.
 - (2) If noxious weeds or grasses are located within 200 feet of any dwelling unit or commercial building, the entire parcel must be cut. Grasses and weeds must also be cut between the curb and sidewalk and ten feet from the curb or termination of the edge of the roadway.
 - (3) If the party responsible for the property fails to destroy the noxious weeds within 15 days after receipt of the written notice, the Town or its contractor shall be authorized to enter upon public or private lands to cut or remove noxious weeds (including grasses, lawns, or weeds of any kind over 6 inches).
 - (4) Subsequent noxious weed or grass area violations within the same season will be summarily abated by the Town without further notice to the owner or occupant of the property and Town or Town's contractor shall be authorized to enter upon public or private lands to cut or remove noxious weeds (including grasses, lawns, or weeds of any kind over 6 inches).
- G.** All animals running at large.
- H.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Town limits in such quantities as to endanger the health of persons of ordinary sensibilities or that threaten or cause substantial injury to persons or property is prohibited. Burning any of the following material under any conditions is prohibited:
- (1) Wet, combustible rubbish, such as wet cardboard or paper.
 - (2) Oily substances, such as oily or greasy rags, oil filters, etc.
 - (3) Asphalt, such as asphalt shingles or tar paper.
 - (4) Plastics of any kind, including plastic bottles and plastic bags.

(5) Rubber products, including tires and hoses.

- I. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances.
- J. Any use of property, substances, or things within the Town, excluding animal manure, emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.
- K. All abandoned wells not securely covered or secured from public use.
- L. Any accumulation of manure on premises where animals are kept, unless the premises are kept clean, and the manure is kept in a box or vault which is emptied at least once each week.
- M. Any premises within the Town infested with rats, flies, mice, or vermin or to maintain on any premises any uncovered garbage or waste materials of any kind which might attract, sustain, or cause infestation of rats, flies, mice or vermin.

PUBLIC NUISANCES AFFECTING PEACE AND SAFETY—The following acts, omissions, places, conditions, and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of the definition of "public nuisance" in this section:

- A. All ice not removed from public sidewalks and all snow not removed from public sidewalks within 12 hours after it has ceased to fall thereon.
- B. All signs and billboards, awnings, and other similar structures over or near streets, sidewalks, public grounds, or places frequented by the public, so situated as to endanger the public safety.
- C. All buildings erected, repaired, or altered within the limits of the Town in violation of the ordinances of the Town relating to materials and manner of construction of buildings and structures within the Town.
- D. All unauthorized signs, signals, markings, or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing.
- E. All trees, hedges, billboards, or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- F. All limbs of trees which project over a public sidewalk, less than eight feet above the surface thereof or less than 10 feet above the surface of a public street.

- G.** All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town.
- H.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use.
- I.** All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground.
- J.** All loud, discordant, and unnecessary noises or vibrations of any kind.
- K.** The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing, or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
- L.** All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town, or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.
- M.** All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public street, alley or sidewalk.
- N.** All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- O.** Any unauthorized or unlawful use of property abutting on a public street, alley, or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- P.** Repeated or continuous violations of the ordinances of the Town or laws of the State of Wisconsin relating to the storage of flammable liquids.

PUBLIC NUISANCES OFFENDING MORALS AND DECENCY — The following acts, omissions, places, conditions, and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of "public nuisance" in this section:

- A.** All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purposes of prostitution, promiscuous sexual intercourse, or gambling.
- B.** All gambling devices and slot machines, except as authorized by state law.

- C. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured, or rectified without a permit or license as provided for by the ordinances of the Town.
- D. Any place or premises within the Town where Town ordinances or state laws relating to public health, safety, peace, morals, or welfare are openly, continuously, repeatedly and intentionally violated.
- E. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or the ordinances of the Town.

§ 208-3. Abatement of public nuisances.

- A. Nonsummary abatement. If an officer determines that a nuisance exists but that the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, morals, or decency, the officer may follow one or both of the following procedures to obtain the abatement of the nuisance:
 - (1) Abatement notice. The officer may issue and serve notice to abate the nuisance pursuant to § 208-3A(3). The notice shall order abatement of the nuisance within a period not less than 15 calendar days and shall state that unless the nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant, or authorized agent, or person causing, maintaining, or permitting the nuisance; and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.
 - (2) Abatement plan. The officer may order the owner, occupant, or person causing, maintaining, or permitting the nuisance to appear before the Town Board to discuss abatement of the nuisance. Notice shall be issued and served by the officer pursuant to § 208-3A(3). At the Town Board meeting, the parties may formulate an abatement plan that indicates the measures to be taken by the owner, occupant, or person causing, maintaining, or permitting the nuisance to abate the nuisance.
- B. Summary abatement.
 - (1) Notice to owner. If the inspecting officer shall determine that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairperson, upon the report of the inspection officer, may direct that notice be served on the owner, occupant, or person causing, maintaining, or permitting such nuisance and to post a copy of said notice on the premises. Such notice shall direct the owner, occupant or person causing, permitting, or maintaining such nuisance to abate or remove such nuisance within 24 hours, and shall state that unless such nuisance is so abated, the Town will cause the

same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting, or maintaining the nuisance.

- (2) Abatement by Town. If the nuisance is not abated within the time provided, or if the owner, occupant, or person causing the nuisance cannot be found, the officer in consultation with the Town Chairperson or designee, shall cause the abatement or removal of such nuisance.
- C. Abatement by court action. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the Town Board who may cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Sheboygan County in accordance with the provisions of Wis. Stats. Ch. 823.
- D. Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State of Wisconsin.
- E. For the purposes of this chapter, "officer" shall mean the Town Chairperson, or designee, an Ordinance Enforcement Officer, the Town Fire Chief, or designee, or a Building Inspector. These officers shall enforce the provisions of this chapter and they shall make periodic inspections, and inspections upon complaint, to ensure the appropriate enforcement of Town ordinances.

§ 208-4. Cost of abatement.

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public or private nuisance, the cost of abating a public or private nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge pursuant to Wis. Stat. § 66.0627.

§ 208-5. Violations and penalties.

The penalty for violation of this chapter shall be a penalty as provided in Chapter 1, General Provisions, Article II, General Penalty. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues."

Section 8. Repealing and Recreating Code. The Code of Ordinances of the Town of Sheboygan, more particularly Chapter 226, Property Maintenance thereof, is hereby repealed and recreated to read as follows:

"Chapter 226

PROPERTY MAINTENANCE

§ 226-1. Property Maintenance Code adopted.

- A.** The International Property Maintenance Code, 2018 edition, including Appendix A, and all amendments thereto, is adopted and incorporated in this Code by reference. The International Property Maintenance Code and Chapter 226 of this Code shall be known as the "Property Maintenance Code" of the Town of Sheboygan. The provisions of this Property Maintenance Code shall apply to all existing residential and nonresidential structures and to all existing premises in the Town of Sheboygan, Sheboygan County, Wisconsin.
- B.** A violation of the Property Maintenance Code, or any lawful order of the Town Board, Town Chairperson, Building Inspectors, or Town Ordinance Enforcement Officer shall subject the violator to the forfeitures and penalties as provided in § 226-4 of this chapter.
- C.** 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 the forfeitures and penalties as provided in § 226-4 of this chapter.
- D.** Notwithstanding other provisions of this chapter, no person shall occupy, own, maintain, use or permit the use of a commercial property upon which any window pane 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.

§ 226-2. Prohibition, administration, and enforcement.

- A.** Prohibition. No person shall use, occupy, own, or permit use of any structure or premises that does not comply with the requirements of the Property Maintenance Code. Any violation of the Property Maintenance Code is a nuisance.
- B.** Administration.
 - (1) The Town Board, Town Chairperson, Building Inspectors, or Town Ordinance Enforcement Officer are hereby authorized and directed to administer and enforce the requirements of the Property Maintenance Code. The Town Board, Town Chairperson, Building Inspectors, or Town Ordinance Enforcement Officer shall, individually or collectively, cause inspections to be made of all premises, as necessary, to secure compliance with the Property Maintenance Code. The Town Board, Town Chairperson, Building Inspectors, or Town Ordinance Enforcement Officer may cause the abatement of any nuisance or violation of the Property Maintenance Code pursuant to the provisions of the Property Maintenance Code, Wis. Stat. § 66.0413, or Wis. Stat. Chapter 823. Costs incurred to enforce the provisions of the Property

Maintenance Code or to abate any nuisance arising from violation of the Property Maintenance Code shall be charged to the property owner and, if not paid as directed, are delinquent and shall become a lien on the property pursuant to § 66.0627, Wis. Stats.

- (2) Ordinance Enforcement Committee. The Town Board adopted the International Property Maintenance Code and Chapter 226 of the Code to address nuisance properties and to promote and maintain a clean environment for the residents of the Town. There shall exist an Ordinance Enforcement Committee consisting of three Town residents to assist the Town Board, Town Chairperson, Building Inspectors and Town Ordinance Enforcement Officers to promote and maintain a safe and desirable living and working environment in the Town. The Ordinance Enforcement Committee, with the assistance of the Ordinance Enforcement Officers, are to improve the quality of the Town by administering a fair and unbiased program to correct violations of the Property Maintenance Code and land use regulations of Chapter 335, Zoning. Property owner education and voluntary compliance is encouraged. If voluntary compliance is not obtained, the Ordinance Enforcement Committee and/or Ordinance Enforcement Officers may recommend to the Town Board that ordinance enforcement action be pursued against any property owner or occupant in violation of the Property Maintenance Code, the Zoning Code, or any other Town ordinance, regulation, or order.

§ 226-3. Responsibility for maintenance of property exteriors and premises.

- A. Exteriors and premises. No person shall use or maintain building exteriors or surrounding premises in a manner that limits or negatively impacts the use and enjoyment of neighboring properties or which causes or tends to cause the diminution of the value of neighboring properties or other properties in the neighborhood in which such premises is located by reason of any of the following:
 - (1) Exterior storage of scrap lumber, junk, trash, or other debris, including, but not limited to, discarded objects or equipment, motor vehicles, furniture, appliances, farm or agricultural equipment, building materials, or litter.
 - (2) Exterior building and structure repairs, or reconstruction shall not result in multitextured or multicolored effect or appearance that is not consistent with the decor, architectural design, or aesthetics of the rest of the building.
- B. Sanitation. All exterior premises shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, garbage, or debris.
- C. Insect and rodent harborage. Every owner or occupant of a structure or premises shall be responsible for the extermination of insects, rodents, vermin, or other pests in all exterior areas of the premises. Whenever infestation is caused by failure of the responsible person to maintain a

dwelling in a rat proof and insect proof condition, extermination shall be the responsibility of the owner or occupant.

- D. Accessory structures. All accessory structures, including detached garages, shall be maintained structurally sound and in good repair.
- E. Lawn Maintenance and Noxious Weeds. All exterior premises and land shall be maintained in compliance with the following minimum requirements:

(1) Definitions.

TURF GRASS means grass commonly used in regularly cut lawns or play areas such as, but not limited to, blue grass, fescue and rye grass-blends.

LAND MANAGEMENT PLAN means a written plan relating to management of a natural lawn or natural landscape area which contains a lot survey showing the area of the natural lawn or natural landscape area upon which the grass will exceed six (6) inches in length, a statement of intent and purpose for the natural lawn or natural landscape area, a general description of the vegetation types, plants, and plant succession involved, materials used to delineate the natural lawn or natural landscape area, and the specific management and maintenance techniques to be employed. The management plan must include provisions for cutting at a length not greater than six (6) inches a strip not less than fifteen (15) feet wide adjacent to any street right-of-way, and at least a ten (10) foot wide strip adjacent to neighboring property lines unless waived by the abutting property owner.

NATURAL LAWN or NATURAL LANDSCAPE AREA means any land managed to preserve or restore native Wisconsin grasses and forbs, native trees, shrubs, wildflowers and aquatic plants.

NON-ORNAMENTAL GRASS means any grass or other growth that is not located in an area with an approved Land Management Plan.

NOXIOUS WEEDS means any weed enumerated in Wis Stat. §§ 23.235 and 66.0407(1)(b).

- (2) General Lawn Requirements. Except as provided in subsection (3) below, the owner or occupant of any premises in the Town shall install and maintain landscaping, plantings, and other decorative surface treatments, including turf grass, to present an attractive appearance in all yard areas in accordance with generally accepted landscaping practices. Lawns shall be maintained to a length not to exceed six (6) inches. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained to enhance the appearance and value of the

property on which located and thereby the appearance and value of the neighborhood and the Town.

- (3) Natural Lawn or Natural Landscape Area. An owner or occupant of two or more acres of land in the Town may apply for approval of a Land Management Plan for a natural lawn or natural landscape area with the Ordinance Enforcement Officer or designee. Each application for a Land Management Plan shall be on a form provided by the Ordinance Enforcement Officer. The Ordinance Enforcement Officer shall review the Land Management Plan and notify the owner or occupant of approval or denial of a Land Management Plan for a natural lawn or natural landscape area within 30 days of submittal. Any denial must state the reason for denial, including any missing information required for the Land Management Plan. Natural lawn or Natural Landscape Areas shall not be allowed on lots or lands of less than two acres.
- (4) Noxious Weeds and Rank Growth Prohibited. Any person owning, occupying, or controlling premises or land (the "responsible party") shall destroy all noxious weeds on the premises or land. Should any responsible party fail to destroy noxious weeds or fail to cut non-ornamental grass to a length of six inches or less within five days after notice of violation from the Town shall be a violation of this ordinance which authorizes the Town to cause the violation to be corrected. The cost of correcting the violation may be imposed as a special charge against the real property. A special charge not paid within thirty (30) days of invoice shall be delinquent. A delinquent special charge becomes a lien in favor of the Town on the property against which it is imposed as of the date of delinquency. The delinquent special charge shall be included in the current or next tax roll for collection as a special charge pursuant to Wis. Stat. § 66.0627.
- (5) Objection by Neighboring Property Owners. A copy of the Land Management Plan application shall be mailed by the Town Clerk, or designee, to each of the owners of record, of all neighboring properties that abut the property of the land management plan. If, within fifteen (15) days of the date of mailing of notice of the application, fifty-one percent (51%) or more of the abutting property owners file written objections to the application with the Ordinance Enforcement Officer, the Ordinance Enforcement Officer shall refer the application to the Plan Commission for public hearing and decision.
- (6) Revocation of Land Management Plan. A Land Management Plan may be revoked by the Ordinance Enforcement Officer upon not less than fifteen (15) days written notice to the applicant for failure to comply with the requirements of this section or the requirements of an approved Land Management Plan.
- (7) Appeal. An applicant may appeal a decision of the Ordinance Enforcement Officer refusing to grant or revoking a Land Management

Plan. All appeals shall be to the Plan Commission. All applications for appeal shall be submitted to the Ordinance Enforcement Officer and the Town Clerk within fifteen (15) days of the written notice of the denial of a Land Management Plan or notice of intent to revoke a Land Management Plan.

§ 226-4. Violations and penalties.

Any person, corporation, limited-liability company, partnership, or other entity violating any provision of this chapter of the Code shall, upon conviction, be subject to the following penalties:

- A. For the first violation and conviction in a calendar year, a forfeiture not to exceed \$150, plus costs of prosecution, and in default of payment, 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.
- B. For the second violation and conviction in a calendar year, a forfeiture not to exceed \$500, plus costs of prosecution, and in default of payment, 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. For the third and each subsequent violation and conviction in a calendar year, a forfeiture not to exceed \$750, plus costs of prosecution, and in default of payment, 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.”

Section 9. Amending Code. The Code of Ordinances of the Town of Sheboygan, more particularly section 257-32 C., Placement Of Materials For Collection, is hereby created to reads as follows:

“C. No cart or container used for the storage or accumulation of refuse or recyclables may be kept, placed, maintained, or stored directly in front of a residential property or on a front porch or in the public right-of-way, except when placed for collection in accordance with §257-32 A. and B. No cart or container shall be kept, placed, maintained, or stored in any side yard or alongside a building unless the cart or container is completely screened from view of an observer located at the public street right-of-way. Acceptable screening devices include bushes, fences, or other enclosures that visually block the view of any cart or container from the public street right-of-way.”

Section 10. Amending Code. The Zoning Code of Ordinances of the Town of Sheboygan, more particularly Section 335-29 D, *R-1 Single Family Residence District* thereof, is hereby amended as follows (deletions indicated by ~~strike through~~; insertions by underline):

- “D. Building bulk limitations.

- (1) Maximum building height: 35 feet.
- (2) Lot coverage: No more than 30% of the area of a lot shall be occupied by a building or structure with its accessory buildings.
- (3) Yard requirements:
 - (a) A front yard not less than 30 feet in depth;
 - (b) A side yard on each side of lot not less than 10 feet;
 - (c) A rear yard not less than 50 feet in depth.
- (4) No residential dwelling shall contain less than 1,200 square feet of floor area.

Section 11. Amending Code. The Zoning Code of Ordinances of the Town of Sheboygan, more particularly Section 335-30 D, *R-1 Rural Standard District (R-1/RS)* thereof, is hereby amended as follows (deletions indicated by ~~striketrough~~; insertions by underline):

"D. Building bulk limitations.

- (1) Maximum building height: 35 feet.
- (2) Lot coverage: No more than 30% of the area of lot shall be occupied by a building or structure with its accessory buildings.
- (3) Yard requirements:
 - (a) A front yard not less than 30 feet in depth.
 - (b) A side yard on each side of lot not less than 15 feet.
 - (c) A rear yard not less than 50 feet in depth.
- (4) No residential dwelling shall contain less than 1,200 square feet of floor area.

Section 12. Amending Code. The Zoning Code of Ordinances of the Town of Sheboygan, more particularly Section 335-31 D, *R-1 Rural Suburban District (R-1/RSUB)* thereof, is hereby amended as follows (deletions indicated by ~~striketrough~~; insertions by underline):

"D. Building bulk limitations.

- (1) Maximum building height: 35 feet.
- (2) Lot coverage: No more than 30% of the area of lot shall be occupied by a building or structure with its accessory buildings.

- (3) Yard requirements:
 - (a) A front yard of not less than 75 feet in depth.
 - (b) A side yard on each side of lot not less than 25 feet.
 - (c) A rear yard not less than 50 feet in depth.
- (4) No residential dwelling shall contain less than 1,200 square feet of floor area.

Section 13. Amending Code. The Zoning Code of Ordinances of the Town of Sheboygan, more particularly Section 335-32 D, *R-1 Rural Estate District (R-1/RE)* thereof, is hereby amended as follows (deletions indicated by ~~strikethrough~~; insertions by underline):

"D. Building bulk limitations.

- (1) Maximum building height: 35 feet.
- (2) Lot coverage: No more than 30% of the area of lot shall be occupied by a building or structure with its accessory buildings.
- (3) Yard requirements:
 - (a) A front yard of not less than 75 feet in depth.
 - (b) A side yard on each side of lot not less than 40 feet.
 - (c) A rear yard not less than 75 feet in depth.
- (4) No residential dwelling shall contain less than 1,200 square feet of floor area.

Section 14. Amending Code. The Zoning Code of Ordinances of the Town of Sheboygan, more particularly Section 335-33 G, *Rural Residential Cluster (RRC) Development District* thereof, is hereby amended as follows (deletions indicated by ~~strikethrough~~; insertions by underline):

"G. Density and dimensional standards.

- (1) The following density and dimensional standards shall apply to residential cluster development:

Factors	Single-Family Residences on Lots or Parcels Served by Private On-Site Waste Treatment Systems	Single-Family Residences on Lots or Parcels Served by Common or Municipal Sanitary Sewer Systems
Minimum gross acres per dwelling ^a	5	1.5
Minimum common open	60%	50%

Factors	Single-Family Residences on Lots or Parcels Served by Private On-Site Waste Treatment Systems	Single-Family Residences on Lots or Parcels Served by Common or Municipal Sanitary Sewer Systems
space (% of gross acres)		
Minimum lot area ^a	20,000 square feet	10,000 square feet
Minimum lot width:		
Measured at building setback line	100 feet	80 feet
Measured at front lot line	50 feet	50 feet
Minimum front yard depth	30 feet	30 feet
Minimum rear yard depth	50 feet	25 feet
Minimum side yard	10 feet	10 feet
Accessory building, minimum setback ^c		
From side lot lines	5 feet	5 feet
From rear lot line	5 feet	5 feet
Maximum height		
Principal structure	35 feet	35 feet
Nonagricultural accessory structures	20 feet	20 feet
Agricultural accessory structures	2 times the distance from the nearest lot line with a maximum set back of 60 feet	2 times the distance from the nearest lot line with a maximum set back of 60 feet
Maximum building coverage per lot	30%	30%
<u>Minimum principal structure size</u>	<u>1,200 square feet</u>	<u>1,200 square feet</u>

Section 15. Amending Code. The Zoning Code of Ordinances of the Town of Sheboygan, more particularly Section 335-34 D, *R-2 Two-Family Residence District* thereof, is hereby amended as follows (deletions indicated by ~~strikethrough~~; insertions by underline):

“D. Building bulk limitations.

- (1) Maximum building height: 35 feet.
- (2) Lot coverage: No more than 40% of the area of the lot shall be occupied by a principal building and its accessory buildings.
- (3) Yard requirements:
 - (a) A front yard not less than 30 feet.

(b) A side yard on each side of lot not less than 10 feet.

(c) A rear yard not less than 50 feet.

(4) No residential dwelling shall contain less than 1,200 square feet of floor area.

Section 16. Amending Code. The Zoning Code of Ordinances of the Town of Sheboygan, more particularly Section 335-35 D, *R-3 General Residence District* thereof, is hereby amended as follows (deletions indicated by ~~striketrough~~; insertions by underline):

"D. Building bulk limitations.

(1) Maximum building height: 35 feet.

(2) Lot coverage:

(a) No more than 50% of the area of an interior lot nor more than 60% of the area of a corner lot shall be occupied by a residential building or structure with its accessory buildings.

(b) No more than 35% of the area of an interior lot nor more than 45% of the area of a corner lot shall be occupied by any other building structure with its accessory buildings.

(3) Yard requirements:

(a) A front yard not less than 30 feet.

(b) A side yard on each side of lot not less than 10 feet.

(c) A rear yard not less than 50 feet.

(4) No residential dwelling shall contain less than 1,200 square feet of floor area.

Section 17. Amending Code. The Zoning Code of Ordinances of the Town of Sheboygan, more particularly Section 335-61, *Conditional Uses in R- Residence Districts* thereof, is hereby amended as follows (deletions indicated by ~~striketrough~~; insertions by underline):

"§ 335-61 Conditional uses in R- Residence Districts.

A. In R-1 and R-2 Residence Districts:

(1) Fire stations (satellite).

(2) Public utilities.

(3) Dog grooming facilities.

- (4) Solar energy systems as defined by Wis. Stat. §13.48(d)(h)1. g.
 - (a) Ground mounted solar energy systems shall be allowed in rear yards only and shall be subject to a setback of not less than 50 feet from any property line.
 - (b) Solar energy systems shall not be placed so as to cause glare or any other public health or safety impact to any adjacent properties.

B. In R-3 Residence District:

- (1) Multiple-family dwellings containing no more than 12 dwelling units.
- (2) Professional offices. (No professional office building shall contain more than 3,000 square feet of floor area.)
- (3) Solar energy systems as defined by Wis. Stat. §13.48(d)(h)1. g.
 - (a) Ground mounted solar energy systems shall be allowed in rear yards only and shall be subject to a setback of not less than 50 feet from any property line.
 - (b) Solar energy systems shall not be placed so as to cause glare or any other public health or safety impact to any adjacent properties.

C. In R-4 Residence District:

- (1) Hotels and motels.
- (2) Governmental buildings, excluding incinerators and tool houses.
- (3) Multiple-family dwellings.
- (4) No sale of products shall be allowed from any roadside stands.
- (5) All animals and poultry, except household pets, shall be kept within a structure or other enclosure. See §335-67 for keeping horses.
- (6) Any other conditions deemed necessary to carry out the intent of this chapter.
- (7) Solar energy systems as defined by Wis. Stat. §13.48(d)(h)1. g.
 - (a) Ground mounted solar energy systems shall be allowed in rear yards only and shall be subject to a setback of not less than 50 feet from any property line.

- (b) Solar energy systems shall not be placed so as to cause glare or any other public health or safety impact to any adjacent properties.

Section 18. Amending Code. The Zoning Code of Ordinances of the Town of Sheboygan, more particularly Section 335-61, *Conditional Uses in R- Residence Districts* thereof, is hereby amended to add the following (deletions indicated by ~~strike through~~; insertions by underline):

J. In R-5 Residence District:

- (1) Solar energy systems as defined by Wis. Stat. §13.48(d)(h)1. g.
- (a) Ground mounted solar energy systems shall be allowed in rear yards only and shall be subject to a setback of not less than 50 feet from any property line.
- (b) Solar energy systems shall not be placed so as to cause glare or any other public health or safety impact to any adjacent properties.

Section 19. Creating Code. The Zoning Code of Ordinances of the Town of Sheboygan, more particularly Section 335-84 H., *Signs excepted*, thereof, is hereby created to read as follows:

H. Temporary signs not to exceed 625 square feet of gross surface area carrying the name of a new residential subdivision or development are allowed until eighty percent (80%) of the lots or dwelling units have been sold or leased.”

Section 20. Severability. Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 21. Effective Date. This Ordinance shall take effect upon enactment and publication as required by law.

Enacted this 9th day of April, 2024.

TOWN OF SHEBOYGAN

By: 

Daniel W. Hein, Chairperson

CERTIFICATE OF CLERK

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 9th day of April, 2024.


Peggy Fischer, Town Clerk

ROLL CALL VOTE

	<u>Aye</u>	<u>Nay</u>
Chairperson Daniel W. Hein	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Supervisor Tim Winkel	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Supervisor James Schwinn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Supervisor Pat Schmidt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Supervisor Bradley Lambrecht	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Published: April 9th, 2024.

R:\CLIENT\08272100001\00228152.DOCX