

**\*\*\*ATTACHMENTS\*\*\***

**CITY OF SHEBOYGAN**

**REQUEST FOR STRATEGIC FISCAL PLANNING COMMITTEE CONSIDERATION**

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**ITEM DESCRIPTION:** Res. No. 181-16-17 by Ald. Donohue, Wolf, Thiel, Belanger and Holzschuh eliminating and re-establishing various committees and amending the composition of others

Gen. Ord. No. 39-16-17 by Ald. Donohue, Wolf, Thief, Belanger and Holzschuh to repeal and recreate various Municipal Code sections to implement provisions of Res. No. 141-16-17, effective April 2017

Gen. Ord. No. 40-16-17 by Ald. Donohue, Wolf, Thief, Belanger and Holzschuh to repeal and recreate Section 74-2 of the Municipal Code to implement provisions of Res. No. 141-16-17, effective April 2017

Gen. Ord. No. 41-16-17 by Ald. Donohue, Wolf, Thief, Belanger and Holzschuh to repeal and recreate Section 15.915 of the Municipal Code to remove duties of the Housing Rehabilitation Loan Program from the Historic Preservation Commission

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**REPORT PREPARED BY:** Darrell Hofland, City Administrator

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**REPORT DATE:** March 15, 2017

**MEETING DATE:** March 20, 2017

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**FISCAL SUMMARY:**

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

**STATUTORY REFERENCE:**

Wisconsin Statutes: N/A  
Municipal Code: Miscellaneous

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**BACKGROUND / ANALYSIS:**

On November 16, 2015, the Common Council approved a charter ordinance to reduce the number of Alderpersons from 16 to 10, effective with the 2018-2019 Council year.

On March 21, 2016, the Common Council created a Committee Structure Subcommittee to address the impact of this reduction in Alderpersons on the committees, commissions and boards, effective April 2018. The Subcommittee's charter included a date of September 30, 2016 for the Subcommittee to complete its analysis and forward a recommendation to the Strategic Fiscal Planning Committee (SFPC).

The SFPC and its subcommittee met on numerous occasions since June 2016.

In February 6, 2017, the Common Council referred Res. No. 181-16-17, Gen. Ord. No. 39-16-17, Gen. Ord. No. 40-16-17, and Gen. Ord. No. 41-16-17 to eliminate and reestablish various committees, commissions and board structures.

**STAFF COMMENTS:**

Attached are ordinances to incorporate changes to the municipal code as recommended by the SFPC and the Committee of the Whole.

Although the effective date of the reduction in the size of the Common Council is April 2018, the ordinance changes will affect the committee structure associated with the new legislative session, effective April 2017.

**ACTION REQUESTED:**

Motion to recommend the Common Council approve:

- Res. No. 181-16-17 to eliminate and re-establishes various committees and amending the composition of others
  
- Gen. Ord. No. 39-16-17 to repeal and recreate various Municipal Code sections to implement provisions of Res. No. 141-16-17, effective April 2017
  
- Gen. Ord. No. 40-16-17 to repeal and recreate Section 74-2 of the Municipal Code to implement provisions of Res. No. 141-16-17, effective April 2017
  
- Gen. Ord. No. 41-16-17 to repeal and recreate Section 15.915 of the Municipal Code to remove duties of the Housing Rehabilitation Loan Program from the Historic Preservation Commission

**ATTACHMENTS:**

- I. Res. No. 181-16-17
- II. Gen. Ord. No. 39-16-17
- III. Gen. Ord. No. 40-16-17
- IV. Gen. Ord. No. 41-16-17
- V. Changes to Committee Structure, effective April 2017

## APRIL 2017 MODIFICATIONS TO COMMITTEE STRUCTURE

### A. No Council Member Modification to:

#### Architectural Review Board (7 Members)

- Alderperson
- Plan Commissioner
- Licensed Real Estate Broker
- General Contractor Licensed by the City of Sheboygan
- Licensed Architect
- Licensed Architect
- Licensed Architect

#### Board of Appeals (5 Members/2 Alternates)

- Citizen
- Citizen
- Citizen
- Citizen
- Architect/Structural Engineer
- Alternates
  - Alternate 1
  - Alternate 2

#### Board of License Examiners (5 Members)

- Alderperson
- Citizen
- Citizen
- Citizen
- Citizen

(Receive duties of Board of Contractor's Examiners)

(Receive duties of Electrical and Heating Examiners)

#### Board of Police and Fire Commissioners (5 Members)

- Citizen
- Citizen
- Citizen
- Citizen
- Citizen

#### Board of Review (5 Members)

- Citizen
- Citizen
- Citizen
- Citizen
- Citizen

**Board of Water Commissioners (3 Members)**

- Citizen
- Citizen
- Citizen

**Business Improvement District (11 Members)**

- City Government Representative
- Business Owner
- Business Owner
- Business Owner
- Business Owner
- Business Owner
- Property Owner Representing Commercial Property Owner
- Property Owner Representing Commercial Property Owner
- Property Owner Representing Commercial Property Owner
- Property Owner Representing Commercial Property Owner
- Property Owner Representing Commercial Property Owner
- Ex-Officio Member
  - BID Manager

**Capital Improvements Commission (7 Members)**

- Mayor
- Alderperson (Member of Finance and Personnel Committee)
- Alderperson
- Alderperson
- Plan Commissioner
- Citizen
- Citizen
- Ex-Officio Members
  - Director of Finance
  - City Engineer
  - Director of Planning and Development

**City-County Shared Service Committee (11 Members)**

- Mayor
- Alderperson – Chair of Public Safety Committee
- Alderperson - Chair of Public Works Committee
- Alderperson – Chair of Finance and Personnel Committee
- Business Person
- Business Person
- Business Person
- County Board Chair
- County Board Supervisor
- County Board Supervisor
- County Board Supervisor

**Plan Commission (7 Members)**

- Mayor
- Alderperson
- City Engineer
- Citizen
- Citizen
- Citizen
- Citizen

**Finance and Personnel Committee (5 Members)**

- Alderperson
- Alderperson
- Alderperson
- Alderperson
- Alderperson

(Receive duties of Strategic Fiscal Planning Committee)

(Receive duties of Salaries and Grievances Committee)

**Joint Review Board (5 Members)**

- City Government Representative
- Sheboygan Area School District Representative
- Lakeshore Technical College Representative
- Sheboygan County Representative
- Public Member

**Law and Licensing Committee**

- Alderperson
- Alderperson
- Alderperson
- Alderperson
- Alderperson

**Library Board (10 Members)**

- Alderperson
- Sheboygan County Supervisor
- Superintendent – Sheboygan Area School District or Designee
- Citizen
- Citizen
- Citizen
- Citizen
- Citizen
- Citizen
- Citizen
- Ex-Officio Member
  - Library Director

**Mayor's International Committee (Up to 17 Members)**

- Alderperson
- Citizen
- Citizen
- Citizen
- Citizen
- Citizen
- Citizen
- Citizen
- Citizen
- Citizen
- Citizen
- Citizen
- Citizen
- Citizen
- Citizen
- Citizen
- Citizen

**Mayor's Neighborhood Leadership Cabinet (13 Members)**

- Mayor
- Alderperson
- Director of Planning and Development or Designee
- Chief of Police or Designee
- Gateway Neighborhood Association Representative
- Ellis Historical Neighborhood Representative
- North Flats Neighborhood Association Representative
- Indiana Avenue Corridor Neighborhood Association Representative
- Sheboygan Neighborhood Pride Board President or Designee
- Neighborhood Association Alternates
  - Gateway Neighborhood Association Representative Alternate
  - Ellis Historical Neighborhood Representative Alternate
  - North Flats Neighborhood Association Representative Alternate
  - Indiana Avenue Corridor Neighborhood Association Rep. Alternate

**Public Safety Committee (5 Members)**

- Alderperson
- Alderperson
- Alderperson
- Alderperson
- Alderperson

**Public Works Committee (5 Members)**

- Alderperson
- Alderperson
- Alderperson

- Alderperson
- Alderperson

(Receive duties of Building Use Committee and Board of Marina, Parks and Forestry Commissioners)

**Redevelopment Authority (7 Members)**

- Alderperson
- Citizen
- Citizen
- Citizen
- Citizen
- Citizen
- Citizen

**B. Council Member Modification to:**

**Historic Preservation/~~Housing Rehabilitation~~ Loan Committee (5 ~~7~~ Members)**

- ~~Alderperson~~
- Registered Architect
- Historian
- Licensed Real Estate Broker
- ~~Citizen~~
- Citizen
- Citizen

**Housing Rehabilitation Loan Committee (5 Members)**

- Alderperson
- Citizen
- Citizen
- Citizen
- Citizen

**Senior Activity Center Commission (9 Members)**

- Alderperson
- Alderperson
- Citizen – Member of Friends of Senior Activity Center
- Citizen – Member of Friends of Senior Activity Center
- Citizen – Member of Friends of Senior Activity Center
- Citizen
- Citizen
- Citizen
- Citizen

### **Transit Commission (9 Members)**

- Mayor
- Alderperson – ~~Chair~~ Member of Finance and Personnel Committee
- Alderperson – ~~Chair~~ Member of Public Safety Committee
- Alderperson – ~~Chair~~ Member of Public Works Committee
- Director of Planning and Development or Delegate
- Chief of Police or Delegate
- Citizen
- Citizen
- Citizen
- Ex-Officio Member
  - Director of Transit and Parking

### **Sustainable Sheboygan Task Force (17 Members)**

- Alderperson
- ~~➤ Alderperson~~
- Director of Public Works or Designee
- Director of Planning and Development or Designee
- Sheboygan County Government Representative
- Sheboygan Area School District Representative
- University of Wisconsin – Sheboygan Representative
- Sheboygan County Chamber of Commerce Representative
- Utility Company Representative
- Utility Company Representative
- Environmental Group Representative
- Small Business Owner
- Large Business Owner
- Private Industry Representative – Non-City Resident
- Private Industry Representative – Non-City Resident
- Private Industry Representative – City Resident
- Private Industry Representative – City Resident
- Private Industry Representative – City Resident

### **Housing Authority (5 Members)**

- Alderperson
- Citizen
- Citizen
- Citizen
- Citizen
- ~~➤ Citizen~~

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## **C. Elimination of:**

### **Board of Contractor's Examiners**

- Duties shifted to Board of License Examiners

Board of Electrical and Heating Examiners

- Duties shifted to Board of License Examiners

Board of Housing Appeals and Fair Housing Practices

- Duties shifted to Plan Commission (fair housing) and Board of Appeals (housing appeals)

Board of Marina, Park and Forestry Commissioners

- Duties shifted to Public Works Committee

Building Use Committee

- Duties shifted to Public Works Committee

Civil Service Commission

- Duties shifted to an Employee Based Committee

Collective Bargaining Committee

- Duties shifted to an Employee Based Committee

Emergency Planning and Preparedness Committee

- Duties shifted to an Employee Based Committee

Group Health Insurance and Wellness Committee

- Duties shifted to an Employee Based Committee

Salaries and Grievances Committee

- Duties shifted to Finance and Personnel Committee

Strategic Fiscal Planning Committee

- Duties shifted to Finance and Personnel Committee

**III**

4.1

Res. No. 181 - 16 - 17. By Alderpersons Donohue, Wolf, Thiel, Belanger and Holzschuh. February 6, 2017.

A RESOLUTION eliminating and re-establishing various committees and amending the composition of others.

WHEREAS, the Common Council desires to reduce the number of its committees and instead permit the powers exercised by those committees to be exercised by staff members and members of the public with special expertise at the discretion of the City Administrator.

NOW, THEREFORE, BE IT RESOLVED: That the following committees are hereby eliminated and abolished and the associated authorizing resolutions repealed:

<u>Committee</u>	<u>Authorizing Resolution(s)</u>
Building Use Committee	Subs. of 56-14-15
Emergency Planning and Preparedness Committee	76-15-16 50-16-17
Group Health Insurance and Wellness Committee	368-95-96 377-95-96 261-99-00 195-06-07 115-07-08 146-07-08 (as amended) 156-07-08 25-08-09 187-11-12
Strategic Fiscal Planning Committee	188-89-90 123-93-94 409-94-95 19-04-05

BE IT FURTHER RESOLVED: That the Housing Rehabilitation Committee, which was dissolved via Res. No. 188-11-12, is hereby reinstated as follows:

- A. Membership. The Housing Rehabilitation Committee shall consist of the following members, as appointed by the Mayor and approved by the Common Council:
1. One member of the common council appointed for a one-year term; and
  2. Four citizen members appointed for one-year terms with various backgrounds in areas such as finance, housing, construction, and low-to-moderate income programs.

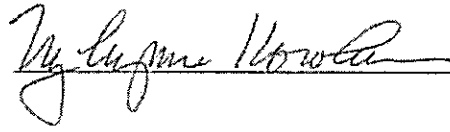
*Strategic Fiscal*

B. Procedures. At its organizational meeting, and annually thereafter, the Housing Rehabilitation Committee shall select a Chairperson. The Commission shall be guided by the Housing Rehabilitation Loan Program Guidelines and Procedure Manual, as approved by the Department of Housing and Urban Development (HUD), in the performance of its duties under the housing rehabilitation loan program.

BE IT FURTHER RESOLVED: That Subs. of Res. No. 22-08-09, as amended by Res. No. 54-08-09, establishing a Sustainable Sheboygan Task Force is hereby amended so as to decrease the composition of the Task Force by the elimination of one of two alderperson from the committee, leaving the committee with one alderperson.

BE IT FURTHER RESOLVED: That nothing in this resolution shall prevent the City Administrator from creating teams of employees or persons with special expertise whose role shall be to advise the City Administrator on matters over which the City Administrator may make reports or recommendations to the Mayor or Common Council.

BE IT FURTHER RESOLVED: That this Resolution shall be in effect from and after its passage and as of April 18, 2017.

  
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\_\_\_\_\_  
\_\_\_\_\_

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Dated \_\_\_\_\_ 20\_\_\_\_, \_\_\_\_\_, City Clerk

Approved \_\_\_\_\_ 20\_\_\_\_, \_\_\_\_\_, Mayor

IX

6.1

Gen. Ord. No. 39 - 16 - 17. By Alderpersons Donohue, Wolf, Thiel, Belanger and Holzschuh. February 6, 2017.

AN ORDINANCE repealing and recreating various sections of the Municipal Code so as to implement the provisions of Res. 141-16-17 implementing changes to the City of Sheboygan committee, commission, and board structure, effective April 2017 and April 2018.

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

Section 1. Section 2-72 of the Municipal Code entitled "Standing committees" is hereby repealed and recreated to read as follows:

"Sec. 2-72. Standing committees.

(a) The following standing committees of the council shall be appointed by the mayor, subject to confirmation of the council, on the third Tuesday of April of each year, or as soon thereafter as may be possible:

(1) Finance and personnel; five aldermen.

(2) Public safety; five aldermen.

(3) Public works; five aldermen.

(4) Law and licensing; five aldermen.

(b) Each alderman shall be appointed to at least one but not more than two of the standing committees. Each committee shall consist of five members, which shall include a chairman and a vice-chairman. The chairman and vice-chairman for each committee shall be designated by the mayor. No alderman shall chair more than one committee.

(c) A quorum for each committee shall consist of three members."

Section 2. Section 2-397 of the Municipal Code entitled "Director" is hereby repealed and recreated in sections (a) and (b) thereof to read as follows:

"Sec. 2-397. Director.

(a) Qualifications. The director of public works shall be a graduate of an accredited university with a major in civil

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engineering, public works administration or a closely related field or shall have related experience in public works management.

- (b) Appointment. The director of public works shall be appointed by the common council based on the recommendation of the city administrator and the mayor. The appointment shall be an at-will appointment, removable by the appointing authority at pleasure.

..."

Section 3. Section 2-415 of the Municipal Code entitled "City assessor" is hereby repealed and recreated in section (a) thereof to read as follows:

"Sec. 2-415. City assessor.

- (a) Appointment. The city assessor shall be appointed by the common council based on the recommendation of the city administrator and the mayor. The appointment shall be an at-will appointment, removable by the appointing authority at pleasure.

..."

Section 4. Section 2-419 of the Municipal Code entitled "Director" is hereby repealed and recreated in section (b) thereof to read as follows:

"Sec. 2-419. Director.

...

- (b) Appointment. The director of information technology ("IT") shall be appointed by the common council based on the recommendation of the city administrator and the mayor. The appointment shall be an at-will appointment, removable by the appointing authority at pleasure.

..."

Section 5. Section 2-420 of the Municipal Code entitled "Director of human resources and labor relations" is hereby repealed and recreated to read as follows:

"Sec. 2-420. Director of human resources and labor relations.

- (a) Established. The position of director of human resources and labor relations is hereby established for the city service.
- (b) Appointment. The director of human resources and labor relations shall be appointed by the common council based on the recommendation of the city administrator and the mayor.
- (c) Duties and powers.
  - (1) The director shall be responsible for labor contract negotiations, administration of the employee benefit and salary plans, and related work. The director shall make recommendations regarding reorganization and personnel policies to the finance and personnel committee.
  - (2) The director shall be the official upon or with whom all personnel-related notices, requests for hearings, complaints, or other official documents shall be served or filed, except those complaints, notices or other official documents which are prescribed by law to be served upon other city officials.
  - (3) The director shall have access to all necessary records and papers, the examination of which will aid in the disposition of said complaints and notices and in the discharge of the director's duties.
  - (4) The director shall be responsible for such other policies, rules and regulations not inconsistent with this chapter and other personnel-related ordinances as the director deems necessary for its enforcement and administration.
  - (5) The director shall be the administrative officer of the civil service system. The director shall render such additional services in connection with the civil service system or may be requested by the city administrator and common council.
  - (6) The director shall have charge of recruitment, applications for employment, and the examination of applicants for positions, and shall be the custodian of the personnel records."

Section 6. Section 2-428 of the Municipal Code entitled "Residency requirement" is hereby repealed and recreated to read as follows:

"Sec. 2-428. Residency requirement.

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

Section 7. Section 2-558 of the Municipal Code entitled "Composition; appointment; terms" is hereby repealed and recreated in subsection (a) thereof to read as follows:

"Sec. 2-558. Composition; appointment; terms.

- (a) The transit commission shall consist of nine commissioners. Six of the members shall be the mayor, a member of the finance and

personnel committee of the common council, a member of the public safety committee of the common council, a member of the public works committee of the common council, the chief of police and the director of city development, who shall be members by virtue of their office. The other commissioners shall be three citizen members.

. . ."

Section 8. Division 9 of Article V of Chapter 2 of the Municipal Code entitled "Collective Bargaining Committee" is hereby repealed.

Section 9. Section 2-726 of the Municipal Code entitled "Composition" is hereby repealed and recreated to read as follows:

"Sec. 2-726. Composition.

The senior activity center commission shall consist of nine voting members, composed of eight citizen members and one council member. The senior activity center supervisor shall be a non-voting ex-officio member. A minimum of three of the citizen members shall be members of the Friends of the Senior Activity Center. The names of the citizen members shall be recommended to the mayor by the SACC, and shall represent a cross-section of the community. Final appointments shall be made by the mayor, subject to approval by the common council."

Section 10. Section 2-727 of the Municipal Code entitled "Appointment" is hereby repealed and recreated to read as follows:

"Sec. 2-727. Appointment.

The citizen members of the senior activity center commission shall serve for a term of three years, and may be reappointed for not more than one consecutive three-year term. After the second three-year term, the individual must remain off the commission for one year before being eligible for reappointment. The council member shall serve a one-year term, to expire at the end of the council year for which the council member was appointed. The mayor may reappoint the council member at his/her discretion, subject to council approval."

Section 11. Division 11 of Article V of Chapter 2 of the Municipal Code entitled "Board of Marina, Park and Forestry Commissioners" is hereby repealed.

Section 12. Division 12 of Article V of Chapter 2 of the Municipal Code entitled "Civil Service Commission" is hereby repealed.

Section 13. Division 13 of Article V of Chapter 2 of the Municipal Code entitled "Board of Housing Appeals and Fair Housing Practices" is hereby repealed.

Section 14. Section 2-901 of the Municipal Code entitled "Goals and objectives" is hereby repealed and recreated to read as follows:

"Sec. 2-901. Goals and objectives.

On or before the date established each year by the common council, the finance and personnel committee of the city shall meet with the city administrator to project goals and objectives to be included in the ensuing budget year."

Section 15. Section 2-937 of the Municipal Code entitled "Finance director/treasurer" is hereby repealed and recreated in subsection (a) thereof to read as follows:

"Sec. 2-937. Finance director/treasurer.

- (a) Appointment. The finance director/treasurer shall be appointed by the common council based on the recommendation of the city administrator and the mayor. The appointment shall be an at-will appointment, removable by the appointing authority at pleasure.

..."

Section 16. Section 26-5 of the Municipal Code entitled "Board of Examiners" is hereby created to read as follows:

"Sec. 26-5. Board of Examiners.

- (a) There is hereby established a board of examiners of contractors in and for the city, hereinafter referred to as the board.
- (b) The board shall consist of five voting members who shall be residents of the city. The members shall be appointed by the mayor and shall be as follows:
- one alderperson, who shall be the chairperson of the board;
  - one electrical contractor who shall be actively established in the electrical contracting business in the city;
  - one person who shall be a licensed journeyman electrician, a licensed master electrician, or a regular plant electrician;
  - one licensed heating contractor;

- one person actively engaged in the general contracting business.
- (c) The mayor shall appoint, subject to common council confirmation, one alternate member of the board who shall be actively engaged in the contracting business, in addition to the five members above provided for. The alternate member shall act, with full power, only when a member of the board refuses or declines to vote, is disqualified because of interest, or when a member is absent.
- (d) The members of the board shall be appointed by the mayor for two-year terms, subject to confirmation by the council. Two of the members shall be appointed on the third Tuesday in April of the even-numbered years, and two members shall be appointed on the third Tuesday in April of the odd-numbered years. The council member shall be elected by the council at its first regular meeting of each year.
- (e) Vacancies on the board shall be filled for the unexpired term in the same manner as for regular appointments. Members shall hold office until their successors are appointed and qualified.
- (f) All members of the board shall have qualified in accordance with the requirements governing their classifications before confirmation by the council.
- (g) Each member of the board shall, before entering upon the discharge of his duties, take and file the official oath.
- (h) Meetings
- (1) The board shall meet at least bimonthly.
  - (2) Special meetings and hearings may be called by the city planner or his designee or by the chairman of the board. The board may consider and decide at any regular or special meeting or hearing, any matter within its jurisdiction.
  - (3) Three voting members of the board shall constitute a quorum for the transaction of business.
  - (4) At the May meeting in each year, the board shall elect officers to serve for a term of one year. The officers shall consist of a chairman and a vice-chairman; the city planner or his designee shall act as the secretary.

- (j) The secretary of the board shall keep a record of all the proceedings of the board, together with the necessary registers showing all applications for the examination and license and showing thereon for each the date of application, name, qualifications, place of business, place of residence and whether the application was granted or refused. The books and registers of the board shall be prima facie evidence of all matters recorded therein. The secretary shall prepare a roster of all licensed contractors, and shall file a copy of the same with the city clerk and the inspection office. It shall be his/her duty to promptly notify each of said officers of a revocation or reissuance of a license.
- (k) The board shall have the power to make such bylaws, rules and regulations governing the conduct of its meetings and hearings as it may deem necessary, provided the same do not conflict with the laws of the city and state."

Section 17. Section 26-68 of the Municipal Code entitled "Appointment of inspectors" is hereby repealed.

Section 18. Subdivision II of Division 3 of Article II of Chapter 26 of the Municipal Code, entitled "Board of Examiners," is hereby repealed.

Section 19. Division 3 of Article III of Chapter 26 of the Municipal Code, entitled "Board of Electrical and Heat Examiners," is hereby repealed.

Section 20. Section 26-701 of the Municipal Code entitled "Issuance of order when emergency exists" is hereby repealed and recreated to read as follows:

"Sec. 26-701. Issuance of order when emergency exists.

Whenever the housing inspector finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order citing the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this article, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the zoning board of appeals shall be afforded a hearing in the manner prescribed in section 26-869. After such hearing, depending upon the findings of the zoning board of appeals as to whether the provisions of this article and of the rules and regulations adopted pursuant thereto have been complied with, the zoning board of appeals shall continue such order in effect, modify it or revoke it."

Section 21. Section 26-703 of the Municipal Code entitled "Abatement of nuisances" is hereby repealed and recreated in subsection (c) thereof, to read as follows:

"Sec. 26-703. Abatement of nuisances.

. . . .

(c) Any person to whom such order is directed shall comply therewith immediately but, upon petition to the zoning board of appeals, shall be afforded a hearing in the manner prescribed in section 26-869. After such hearing, depending upon the findings of the zoning board of appeals as to whether the provisions of this article and of the rules and regulations adopted pursuant thereto have been complied with, the zoning board of appeals shall continue such order in effect, modify or revoke it.

. . . ."

Section 22. Section 26-836 of the Municipal Code entitled "Denial; hearing" is hereby repealed and recreated to read as follows:

"Sec. 26-836. Denial; hearing.

Any person whose application for a permit to operate a roominghouse has been denied may request and shall be granted a hearing on the matter before the board of housing appeals and fair housing practices under the procedure provided by section 26-870."

Section 23. Section 26-842 of the Municipal Code entitled "Hearing upon suspension; revocation" is hereby repealed and recreated to read as follows:

"Sec. 26-842. Hearing upon suspension; revocation.

Any person whose permit to operate a roominghouse has been suspended, or who has received notice from the housing inspector that his permit is to be suspended unless existing conditions or practices at his roominghouse are corrected, may request and shall be granted a hearing on the matter before the zoning board of appeals; provided, however, that if no petition for such hearing is filed within 20 days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked. Upon receipt of notice of permit revocation, the operator shall cease operation of such roominghouse within a reasonable period of time, to be determined by the housing inspector. If an operator's roominghouse permit has been revoked because he has been

convicted of letting any dwelling, room or other premises for prostitution or lewdness, the housing inspector shall not subsequently issue a permit to the operator for the operation of any dwelling for which a permit is required in accordance with the provisions of this division."

Section 24. Section 26-869 of the Municipal Code entitled "Petition for hearing" is hereby repealed and recreated to read as follows:

"Sec. 26-869. Petition for hearing.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this article excluding division 3 of this article, or of any rule or regulation adopted pursuant thereto, excluding division 3 of this article, may request and shall be granted a hearing on the matter before the zoning board of appeals; provided, however, that such person shall file in the office of the housing inspector a written petition requesting such hearing and setting forth a statement of the grounds therefor within 20 days after the day the notice was served. Within ten days of receipt of such petition, the zoning board of appeals shall set a time and place for such hearing and shall give the petitioner written notice. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should be modified or withdrawn. The hearing before the zoning board of appeals shall be commenced not later than 30 days after the date on which the petition was filed; provided, however, that upon written application of the petitioner to the zoning board of appeals, the zoning board of appeals may postpone the date of the hearing for a reasonable time beyond such 30-day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement. Any notice served pursuant to division 2 of this article shall automatically become an order if a written petition for a hearing is not filed in the office of the housing inspector within 20 days after such notice is served. The zoning board of appeals shall have the power to administer oaths and affirmations in connection with the conduct of any hearing held in accordance with the provisions of this article."

Section 25. Section 26-871 of the Municipal Code entitled "Sustaining, modifying or withdrawing notices" is hereby repealed and recreated to read as follows:

"Sec. 26-871. Sustaining, modifying or withdrawing notices.

After hearing, the zoning board of appeals shall sustain, modify or withdraw the notice, depending upon its finding as to whether the provisions of this article and of the rules and regulations adopted pursuant thereto have been complied with. The zoning board of appeals may also modify any notice so as to authorize a variance from the provisions

of this article when, because of special conditions, literal enforcement of the provisions of this article will result in practical difficulty or unnecessary hardship; provided, that the spirit of this article will be observed, public health and welfare secured, and substantial justice done. If the zoning board of appeals sustains or modifies such notice, it shall be deemed to be an order, and the owner, operator or occupant, as the case may require, shall comply with all provisions of such order within a reasonable period of time as determined by the zoning board of appeals."

Section 26. Section 26-872 of the Municipal Code entitled "Review by circuit court by certiorari" is hereby repealed and recreated to read as follows:

"Sec. 26-872. Review by circuit court by certiorari.

The hearing proceedings, including the findings and decision of the zoning board of appeals, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the housing inspector. Such record shall also include a copy of every notice or order issued in connection with the matter. A copy of the written decision of the zoning board of appeals shall then be served, in the manner prescribed under division 2 on the person who filed the petition for hearing. Any persons, jointly or severally, aggrieved by the decision of the zoning board of appeals, or any taxpayer, or any officer, department, board or bureau of the city, may seek relief therefrom by having the decision reviewed by the circuit court by certiorari, if the petition for the writ is presented to the court within 20 days after the date on which the zoning board of appeals decision was served on the person who filed the petition for hearing, and if the person aggrieved notifies the zoning board of appeals, within ten days after the zoning board of appeals decision was served on him, of his intentions to present such petition to the court. Such petition, duly verified, shall set forth that such decision is illegal, in whole or in part, or does not comply with the provisions of section 26-871, specifying the grounds thereof."

Section 27. Section 34-92 of the Municipal Code entitled "Administrative duties" is hereby repealed and to read as follows:

"Sec. 34-92. Administrative duties.

The cemetery and parks supervisor shall employ necessary help; shall have charge and care of the cemetery buildings and equipment, the selling of lots and graves, the keeping of records of interment and orders for work on private lots; and shall have charge of all funerals entering the cemetery."

Section 28. Section 46-1 of the Municipal Code entitled "Definitions" is hereby repealed and to read as follows:

"Sec. 46-1. Definitions.

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

*Board* means the City Plan Commission.

*Complainant* means a person who files a complaint alleging discrimination in housing.

*Disability* means a physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. Disability does not include the current illegal use of a controlled substance, as defined in W.S.A. § 961.01(4), or a controlled substance analog, as defined in W.S.A. § 961.01(4m), unless the individual is participating in a supervised drug rehabilitation program.

*Discriminate* means to segregate, separate, exclude, or treat a person or class of persons unequally in a manner described in section 46-3 or 46-4 because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry.

*Dwelling unit* means a structure or that part of a structure that is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons who are maintaining a common household, to the exclusion of all others.

*Family* includes one natural person.

*Family status* means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:

- (1) A person is pregnant.
- (2) A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.

- (3) A person's household includes one or more minor or adult relatives.
- (4) A person's household includes one or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.
- (5) A person's household includes one or more adults or minor children placed in his or her care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.

*Hearing* means a hearing under the jurisdiction of the board, except where otherwise indicated.

*Housing* means any improved property, or any portion thereof, including a mobile home as defined in W.S.A. § 101.91(10), manufactured home, as defined in W.S.A. § 101.91(2), or condominium, that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence. Housing includes any vacant land that is offered for sale or rent for the construction or location thereon of any building, structure or portion thereof that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.

*Housing* for older persons has the meaning as defined by federal or state law.

*Probable cause* means reasonable grounds to believe that one or more persons has, may have, or may be violating one or more provisions of this chapter.

*Respondent* means the person accused in a complaint of discrimination in housing filed with the board.

*Sexual orientation* has the meaning given in W.S.A. § 111.32(13m).

*Status as a victim of domestic abuse, sexual assault, or stalking* means the status of a person who is seeking to rent or purchase housing or of a member or prospective member of the person's household having been, or being believed by the lessor or seller of housing to be, a victim of domestic abuse, as defined in W.S.A. § 813.12(1)(am), sexual assault under W.S.A. §§ 940.225, 948.02, or 948.025, or stalking under W.S.A. § 940.32.

Section 29. Section 46-41 of the Municipal Code entitled "Administration-Powers and duties" is hereby repealed and recreated to read as follows:

"Sec. 46-41. Administration—Powers and duties.

- (a) The purposes and provisions of this chapter shall be administered by the plan commission and, where necessary, the city attorney.
- (b) In administering this chapter, the plan commission shall have the power and duty to:
  - (1) Adopt, amend, publish and modify any and all administrative policies and procedures as may, from time to time, be necessary, useful, helpful, or desirable in the administration and/or enforcement of this chapter;
  - (2) Appoint such number and types of employees, agents and staff, subject to a table of organization and budget approval by the common council, as are necessary to promote the purposes of this chapter and/or the administration and/or enforcement of this chapter, and prescribe their duties;
  - (3) Receive, initiate and investigate complaints alleging any discrimination or discriminatory practice prohibited by this chapter if the complaint is filed with the board not later than one year after the alleged discrimination occurred or terminated;
  - (4) Appoint, from time to time, subject to a table of organization and/or budget approval by the common council, one or more investigators to gather facts, evidence and information, and otherwise investigate complaints, and/or one or more mediators who initially shall seek a settlement agreeable to both the complainant and the respondent by means of information conferences or other meetings or means;
  - (5) Refer settlement agreements to the city attorney for approval as to form;
  - (6) If necessary, hold hearings after efforts at settlement, based on complaints made against any person and a determination of probable cause; administer oaths and take testimony; compel the production of books, papers and any other documents relating to any matters involved in the complaint; and subpoena witnesses and compel their attendance. If a witness either fails or refuses to obey a subpoena issued by the board, the board may order

attendance. At any time after it has issued such an order, the board may petition a court of competent jurisdiction for its enforcement;

- (7) Issue, after hearing, such final orders as are necessary to promote the purpose of this chapter;
- (8) Issue temporary orders effective for a maximum of 20 days, absent extraordinary circumstances, restraining the respondent from taking any action that would tend to render ineffective or unenforceable any order which the board might issue;
- (9) Refer orders to the city attorney to be enforced by him in the name of the city;
- (10) Except as provided in W.S.A. §§ 19.31, et seq., or 106.50, make available to the public, in writing, copies of:
  - a. Transcripts of all of its proceedings except initial settlement efforts by its mediators;
  - b. All temporary and final orders; and
  - c. All decisions and opinions rendered.

No publicity, however, shall be given a complaint in those cases where the board obtains compliance with this chapter or the board finds that the complaint is without foundation;

- (11) Require a written report of the manner of compliance with any final order it may issue; and
- (12) Recommend to the mayor and common council any legislation necessary to further promote the purposes of this chapter and file annual written reports of its work to the mayor and common council."

Section 30. Section 46-67 of the Municipal Code entitled "Investigation and finding of probable cause" is hereby repealed and recreated to read as follows:

"Sec. 46-67. Investigation and finding of probable cause.

- (a) The board or its designated agent shall investigate all complaints that allege a violation of this chapter and that are

timely filed. The board or its designated agent may subpoena persons or documents for the purpose of investigation.

- (b) At the conclusion of the investigation of the allegations, the board or its designated agent shall make a determination as to whether probable cause exists to believe that discrimination has occurred or is about to occur.
- (c) If a determination is made that there is no probable cause to believe discrimination in violation of this chapter has been or is being committed, the complainant shall be afforded an opportunity to appeal such decision to the full plan commission. If the full board decides there is no probable cause, the complainant may appeal to either:
  - (1) A court of competent jurisdiction for the county in which the alleged discrimination took place; or
  - (2) A court of competent jurisdiction for the county in which the property or property interest in question is located.
- (d) If a determination is made that there is probable cause to believe discrimination in violation of this chapter has been or is being committed, an agent designated by the plan commission shall endeavor, by means of conference, conciliation or persuasion, to eliminate the alleged discrimination or discriminatory practice."

Section 31. Section 46-68 of the Municipal Code entitled "Hearing on failure to settle" is hereby repealed and recreated to read as follows:

"Sec. 46-68. Hearing on failure to settle.

When efforts at settlement have failed to eliminate the discrimination or discriminatory practice alleged by the complainant under this chapter, the plan commission shall promptly cause to be issued a notice of a hearing before a hearing examiner, acting as an agent of the board, to determine the merits of the complaint."

Section 32. Section 46-69 of the Municipal Code entitled "Findings of examiner" is hereby repealed and recreated in subsection (b) thereof to read as follows:

"Sec. 46-69. Findings of examiner.

. . .

- (b) If, after hearing and on the basis of the official record made therein, the examiner finds by a fair preponderance of the evidence that the respondent has engaged in or is engaged in any discrimination prohibited by this chapter, he shall make and recommend to the plan commission written findings of fact and conclusions thereon and shall recommend such action to be taken by the respondent and, where necessary, by the complainant, as will effect the purposes of this chapter by eliminating the discrimination found.

..."

Section 33. Section 46-70 of the Municipal Code entitled "Appeal from examiner's findings" is hereby repealed and recreated to read as follows:

"Sec. 46-70. Appeal from examiner's findings.

Under this chapter, if within 30 days following the mailing of the examiner's decision, the complainant or respondent serves notice of appeal, such appeal may be had to the full plan commission. The board shall have the power to affirm, reverse or modify the determination of the hearing examiner. After final determination by the board, either party may appeal by certiorari to a court of competent jurisdiction. In the alternative, either party may receive a trial de novo on all issues relating to any alleged discrimination and a further right to a trial by jury."

Section 34. Section 46-71 of the Municipal Code entitled "Transfer of proceedings" is hereby repealed and recreated to read as follows:

"Sec. 46-71. Transfer of proceedings.

At any time after a finding of probable cause under this chapter, the plan commission, with appropriate notice to the complainant and respondent, may transfer the proceedings to itself."

Section 35. Section 46-72 of the Municipal Code entitled "Judicial enforcement" is hereby repealed and recreated to read as follows:

"Sec. 46-72. Judicial enforcement.

Whenever, in the judgment of the plan commission, judicial enforcement of a board order is necessary to enforce this chapter, the board shall in writing request the city attorney to commence proceedings in a court of competent jurisdiction to enforce such orders in the name of the city. Upon receipt of any such request, the city attorney shall have

the duty to seek enforcement of such orders in a court of competent jurisdiction."

Section 36. Section 46-73 of the Municipal Code entitled "Remedies" is hereby repealed and recreated to read as follows:

"Sec. 46-73. Remedies.

- (a) The plan commission shall have the power and duty, after investigation and hearing, to issue and implement such orders as may be necessary to effect the purposes of this chapter. Such orders may include the following:
  - (1) Cease and desist orders;
  - (2) Affirmative action by the respondent and, where necessary, by the complainant; and
  - (3) Any other orders which may be necessary to effect the purpose of this chapter.
- (b) Any of the orders of the board shall be stayed during the period in which any appeal may be taken and during the pendency of any appeal."

Section 37. Section 82-2 of the Municipal Code entitled "Medical Insurance" is hereby repealed and recreated in subsection (b) thereof to read as follows:

"Sec. 82-2. Medical insurance.

. . . .

- (b) Payment of premiums. Such employees shall pay monthly, via direct deposit, the entire rate for medical plan coverage, as established from time to time by the city or its insurance carrier to the finance director/treasurer on or before the fifteenth day of the month preceding coverage, and will not benefit by any city contributions except where otherwise provided for in ordinances, resolutions or labor agreements. Upon failure to pay by the fifteenth, or if the direct deposit rejects, a late payment fee of \$50.00 shall be added to the established premium. Failure to pay the premium and late payment fee by the last day of the month shall result in termination from the plan effective the first day of the following month, absent extraordinary circumstances totally beyond the control of

such employee as determined by the common council upon recommendation of the finance and personnel committee.

...."

Section 38. Section 82-3 of the Municipal Code entitled "Residency requirement" is hereby repealed.

Section 39. Section 82-25 of the Municipal Code entitled "Hiring of new employees generally" is hereby repealed and recreated in subsection (a) thereof to read as follows:

"Sec. 82-25. Hiring of new employees generally.

(a) When any department head learns that a vacancy has occurred or is about to occur in any full-time position in the city service in his or her department, except those employees of city boards, utilities or authorities, he or she shall forward a written request, along with the city administrator's recommendation, justifying the filling of the vacancy to the human resources department. If the position is already part of the department's table of organization and included in the budget, the human resources department may proceed with the hiring process and fill the position. If the position is not budgeted, approval needs to be granted by the finance and personnel committee. Within 30 days after receipt of such request, the finance and personnel committee shall approve or reject the request in writing. If refused, the reason should be stated for such refusal. Any department head may appeal any decision made under this section to the common council. If approved by either the finance and personnel committee or the common council, certification shall be made in accordance with the following procedure:

(1) When filling a vacancy by selection of an eligible candidate from a list established on the basis of an open competitive examination, the appointing authority, subject to the approval of the director of human resources and labor relations, may specify requirements of particular experience, education, skill and/or physical requirements necessary for successful performance. The director of human resources and labor relations shall certify the name or names of those persons categorized as best qualified to fill the vacancy in accordance with these requirements. The appointing authority shall make the appointment from those certified.

- (2) In promotional examinations, appropriate consideration shall be given to employee qualifications, record of performance and ability.
- (3) For protective service vacancies, the selection shall be in accordance with police and fire commission regulations and any labor agreement.
- (4) The appointing authority, subject to the approval of the director of human resources and labor relations, may make a provisional appointment from an eligible list in accordance with items (1) or (2) of subsection (a) even though the incumbent has not yet vacated the position provided approval has been received in accordance with subsection (a). The eligible person so appointed will be accorded all the benefits of a regular appointee and shall retain all rights of certification to the permanent appointment.

..."

Section 40. Section 82-29 of the Municipal Code entitled "Class specifications-Amendments" is hereby repealed and recreated to read as follows:

"Sec. 82-29. Class specifications-Amendments.

Class specifications for newly created positions shall be approved by the common council. Any additions or deletions in the class specifications which change the class grade or any substantive changes in the minimum requirements of existing positions shall also be approved by the common council. Other changes in the class specification shall be made by the finance and personnel committee."

Section 41. Section 82-61 of the Municipal Code entitled "Elected Officials" is hereby repealed and recreated to read as follows:

"Sec. 82-61. Elected officials.

The finance and personnel committee shall recommend for common council approval the initial salary for all full-time elective positions and any and all in-term increases for same at least 13 months prior to the election date for each office. The common council shall act on such recommendations and establish the salaries for full-time elective positions not later than the final meeting of the council year preceding the year of election."

Section 42. Section 82-63 of the Municipal Code entitled "Starting rates on initial employment" is hereby repealed and recreated to read as follows:

"Sec. 82-63. Starting rates on initial employment.

Original hires who have all the qualifications to any position shall be offered the minimum pay for that position. In the case where a potential employee has the majority of qualifications, that employee may be offered an amount less than minimum until the point that he/she achieves the qualification, at which time the employee will be brought to the minimum. In the case an employee is hired who already has advanced training and/or experience required for a position, the initial rate offered upon hire may be greater than minimum but will be within the range of a position. At any time a salary offer is identified that is greater than midpoint of a salary range, the director of human resources and labor relations must attain advance approval from the finance and personnel committee. At no time will an employee receive greater than the top pay in a salary grade."

Section 43. Section 82-67 of the Municipal Code entitled "Increases in compensation" is hereby repealed and recreated is subsection (a) thereof to read as follows:

"Sec. 82-67. Increases in compensation.

- (a) The director of human resources and labor relations has the authority to identify minor adjustments to position descriptions without approval from the finance and personnel committee and/or council. However, major changes in position descriptions which subsequently modify the salary grades to city employees, including department heads and supervisory personnel, shall be approved by both the finance and personnel committee and by the common council.

..."

Section 44. Section 82-93 of the Municipal Code entitled "Training leave" is hereby repealed and recreated in subsection (b) thereof to read as follows:

"Sec. 82-93. Training leave.

...

- (b) (1) For periods not to exceed three calendar weeks in any one calendar year, with the approval of the city administrator.

- (2) For periods exceeding three calendar weeks but not exceeding 12 calendar weeks, upon the recommendation of the city administrator, subject to the approval of the finance and personnel committee."

Section 45. Section 86-92 of the Municipal Code entitled "Appointment" is hereby repealed and recreated to read as follows:

"Sec. 82-92. Appointment.

The director of planning and development shall be appointed by the common council based on the recommendation of the city administrator and the mayor. The appointment shall be an at-will appointment, removable by the appointing authority at pleasure."

Section 46. Section 138-4 of the Municipal Code entitled "Municipal sealer" is hereby repealed and recreated to read as follows:

"Sec. 138-4. Municipal sealer.

A municipal sealer/inspector position is established in the department of city development. The selection of the municipal sealer/inspector shall be from a list of applicants whose qualifications have been certified by the state, pursuant to civil service rules and regulations."

Section 47. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication and as of April 18, 2017.

*My Name Here*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Dated \_\_\_\_\_ 20\_\_\_\_, \_\_\_\_\_, City Clerk

Approved \_\_\_\_\_ 20\_\_\_\_, \_\_\_\_\_, Mayor

X

6.2

Gen. Ord. No. 40 - 16 - 17. By Alderpersons Donohue, Wolf, Thiel,  
Belanger and Holzschuh. February 6, 2017.

AN ORDINANCE repealing and recreating Section 74-2 of the Municipal Code relating to parks so as to implement the provisions of Res. No. 141-16-17 implementing changes to the City of Sheboygan committee, commission, and board structure, effective April 2017 and April 2018.

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

Section 1. Section 74-2 of the Municipal Code entitled "Establishment of parks" is hereby repealed and recreated in subsection (a) thereof so as to read as follows:

"Sec. 74-2. Establishment of parks.

- (a) The city shall establish, maintain and preserve its parks in perpetuity for the benefit and enjoyment of all generations of the city's residents. The taking of a park for any non-park use, either public or private, is a serious matter and shall not be done without the recommendation of the public works committee by a three-fourths vote, after three public hearings have been held regarding whether or not a park should be taken or a referendum held. A recommendation of the public works committee to take a park for any non-park use must be confirmed by a three-fourths vote of the common council. A recommendation to hold a referendum may be approved by a majority vote of the common council.

...."

*Strategic Fiscal*

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Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication and as of April 18, 2017.

Thylyme Howden  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Dated \_\_\_\_\_ 20\_\_\_\_, \_\_\_\_\_, City Clerk

Approved \_\_\_\_\_ 20\_\_\_\_, \_\_\_\_\_, Mayor

**X**

6.3

Gen. Ord. No. 41-16-17. By Alderpersons Donohue, Wolf, Thiel,  
Belanger and Holzschuh. February 6, 2017.

AN ORDINANCE repealing and recreating Section 15.915 of the City of Sheboygan Zoning Ordinance so as to remove the duties of the Housing Rehabilitation Loan Program from the Historic Preservation Commission.

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

Section 1. Section 15.915 of the City of Sheboygan Zoning Ordinance entitled "Historic Preservation Regulations and Housing Rehabilitation Loan Program" is hereby amended to read as follows:

"Section 15.915 Historic Preservation Regulations"

- (1) **Purpose and Intent:** It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this Section is to:
  - (a) Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which represent or reflect elements of the City of Sheboygan's cultural, social, economic, political and architectural history.
  - (b) Safeguard the City of Sheboygan's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
  - (c) Stabilize and improve property values and enhance the visual and aesthetic character of the City of Sheboygan.
  - (d) Protect and enhance the City of Sheboygan's attractions to residents, tourists and visitors, and serve as a support and stimulus to business industry.

- (2) **Definitions:** The definitions shall be as follows:

*City Plan  
Strategic Fiscal*

- (a) **Certificate of Appropriateness** means the certificate issued by the Historic Preservation Commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.
  - (b) **Commission** means the City of Sheboygan Historic Preservation Commission.
  - (c) **Historic district** is an area designated by the City Council on recommendation of the Commission that contains two or more historic improvements or sites.
  - (d) **Historic site** means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.
  - (e) **Historic structure** means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City of Sheboygan, state or nation and which has been designated as a historic structure pursuant to the provisions of this Section.
  - (f) **Improvement** means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.
- (3) **Historic Preservation Commission Composition:** A Historic Preservation Commission is hereby created, consisting of five (5) voting members. Of the membership, if available in the community, one shall be a registered architect; one shall be a historian; one shall be a licensed real estate broker; and two shall be citizen members. The Mayor shall appoint the commissioners subject to confirmation by the City Council. The term of each member shall be three years.

(4) **Historic Structure, Historic Site and Historic District Designation Criteria:**

(a) For purposes of this Section, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic architectural, archeological or cultural significance to the City of Sheboygan such as historic structures, sites, or districts which:

1. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
2. Are identified with historic personages or with important events in national, state or local history; or
3. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
4. Are representative of the notable work of a master builder, designer or architect who influenced his age; or
5. Have yielded, or may be likely to yield, information important to prehistory or history.

(b) The Commission may adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this Section.

(5) **Powers and Duties:**

(a) **Designation:** The Commission shall have the power subject to subsection 15.915(6), to designation historic structures and historic sites and to recommend designation of historic districts within the City of Sheboygan limits. Such designations shall be made based on subsection 15.915(4). Historic districts shall be approved by the City Council. Once designated, such

historic structures, sites and districts shall be subject to all the provisions of this Section.

(b) **Regulation of Construction, Reconstruction, Alteration, and Demolition:**

1. No owner or person in charge of a historic structure, historic site or structure within a historic district shall be issued a permit to reconstruct, alter or demolish all or any part of the exterior of such property or to construct any exterior improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a Certificate of Appropriateness has been granted by the Commission. Also, unless such certificate has been granted by the Commission, the building inspector shall not issue a permit for any such work.
2. Upon filing of any application for a Certificate of Appropriateness with the Historic Preservation Commission, the Historic Preservation Commission shall approve the application unless:
  - a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvements or site upon which said work is to be done;
  - b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;
  - c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this Section and to the objectives and design criteria of the historic preservation plan for said district;

- d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City of Sheboygan and State of Wisconsin;
- e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.
3. If the Commission determines that the application for a Certificate of Appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the Certificate of Appropriateness. The Commission shall make this decision within forty-five (45) days of the filing of the application.
4. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City of Sheboygan. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.
5. Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.
- (c) **Appeals:** Should the Commission fail to issue a Certificate of Appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the City Council within thirty (30) days. In addition, if the Commission fails to issue a Certificate of Appropriateness, the Commission shall,

with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this Section.

- (d) **Recognition of Historic Structures, Sites and Districts:**  
At such time as a historic structure, site or district has been properly designated, the Commission, in cooperation with the property owner may cause to be prepared and erected on such property at City expense, a suitable plaque declaring that such property is a historic structure, site or district.

**(6) Procedures:**

**(a) Designation of Historic Structures and Historic Sites:**

1. The Commission may, after notice and public hearing, designate of historic structures and historic sites or rescind such designation or recommendation, after application of the criteria in subsection 15.915(4). At least ten (10) days prior to such hearing, the Commission shall notify the owners of record, as listed in the office of the City of Sheboygan assessor, who are owners of property in whole or in part situated adjacent to the boundaries of the property affected.
2. The Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Commission may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the commission may designate the property as either a historic structure or historic site, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the City Clerk, Building Inspector, Plan Commission and City Assessor. The Commission shall cause the designation or rescission to be recorded, at the City of Sheboygan's expense, in the County Register of Deeds Office.

(b) **Creation of Historic District:**

1. For preservation purposes, the Commission shall select geographically defined areas within the City of Sheboygan to be designated as Historic Districts and shall, with the assistance of the City of Sheboygan Department of Community Development, prepare a historic preservation plan for each area. A Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the City of Sheboygan, after the application of the criteria in 15.915(4), above. Each historic preservation plan prepared for or by the Commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.
2. **Review and Adoption Procedure:**
  - a. **Historic Preservation Commission:** The Commission shall hold a public hearing when considering the plan for a Historic District. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official City paper. Notice of the time, place and purpose of the public hearing shall also be sent by the City Clerk to the 318 Alderperson of the Aldermanic District or Districts in which the Historic District is located, and the owners of record, as listed in the office of the City Assessor, who are owners of the property within the proposed Historic District or are situated in whole or in part adjacent to the boundaries of the proposed Historic District. Said notice is to be sent at least ten (10) days prior to the date of the public hearing. Following the public hearing, the Commission shall vote to recommend, reject or withhold action on the plan.
  - b. **The City Council:** The City Council, upon receipt of the recommendations from the Commission shall hold a public hearing, notice

to be given as notice in subsection 15.915(6)(b)2.a., above, and shall following the public hearing either designate or reject the Historic District. Designation of the Historic District shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.

- (7) **Interim Control:** No building permit shall be issued by the Building Inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Commission at which a nomination form is first presented until the final disposition of the nomination by the Commission or the City Council unless such alteration, removal or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare or safety. In no event shall the delay be for more than one hundred eighty (180) days.
- (8) **Penalties for Violations:** Any person or persons violating any provision of this Section shall be fined fifty dollars (\$50) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the Building Inspector.
- (9) **Separability:** If any provision of this Section or the application thereof to any person or circumstances is held invalid, the remainder of this Section and the application of such provisions to other persons or circumstances shall not be affected thereby.

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Section 3. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication and as of April 18, 2017.

Mr. Eugene Howland  
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I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Dated \_\_\_\_\_ 20\_\_\_\_\_, \_\_\_\_\_, City Clerk

Approved \_\_\_\_\_ 20\_\_\_\_\_, \_\_\_\_\_, Mayor