

## NOTICE OF PUBLIC HEARING

The City of Stoughton Plan Commission will hold a **Hybrid Public Hearing** on **Monday, April 11, 2022 at 6:00 o'clock p.m.**, or as soon after as the matter may be heard, to consider a proposed zoning ordinance amendment to the City of Stoughton Municipal Code of Ordinances, Sections 78-920 and 58-2. The proposed amendments are related to abatement of zoning violations.

See additional information at: <http://stoughtoncitydocs.com/planning-commission/>

**In-Person:** Council Chambers (2<sup>nd</sup> floor of the Public Safety Building)

321 S. Fourth Street, Stoughton, WI

**Virtual:** You can join the meeting using a computer, tablet or smartphone via Zoom  
<https://zoom.us/j/92518762219?pwd=VDZkZkd1Y0RWRkp3S3d0OFJRb2FtUT09>

Phone in: +1 312 626 6799

Meeting ID: 925 1876 2219 Passcode: 788399

If you wish to call in and speak at the meeting, please register at: <http://speak.cityofstoughton.com> by 5:45 on or before the day of the meeting. Any written comments will be forwarded on to the “Organizer” and Commissioners.

For questions regarding this notice please contact Michael Stacey, Zoning Administrator at 608-646-0421.

Published March 17 and 24, 2022 Hub

CITY OF STOUGHTON, 207 S. Forrest Street, Stoughton, WI 53589

| ORDINANCE OF THE COMMON COUNCIL   |            |
|---|------------|
| Amending Sections 78-920 and 58-2 of the Stoughton Municipal Code relating to the abatement of zoning violations. |            |
| Committee Action:   |            |
| Fiscal Impact:  | None       |
| <b>File Number:</b>   | O - - 2022 |
| <b>Date Introduced:</b>   |            |

The Common Council of the City of Stoughton do ordain as follows:

1. Section 78-920 of the Stoughton Municipal Code is amended to provide as follows:

**Sec. 78-920 Violations and penalties.**

- (1) *Violation of this chapter.* It ~~is shall be~~ unlawful to ~~construct or use any land,~~ engage in any development activity (including disruption of protected vegetation), or construct or use any structure, land or water in violation of any ~~of the provisions~~ of this chapter, ~~or otherwise neglect, refuse or fail to comply with this chapters requirements.~~ Any person ~~who violates or fails to comply with any of the provisions of the chapter shall, upon conviction thereof, be subject to the penalties set forth in subection (2), below, and in addition, shall pay all costs and expenses, including reasonable attorney and other fees involved in the case. Each day a violation exists or continues shall constitute a separate offense.~~
- (2) *Penalties.* Any person, firm or corporation who ~~violates any provision of this chapter fails to comply with the provisions of this Code or any order of the zoning administrator shall, upon conviction~~ ~~fiscation~~ thereof, ~~be subject to a forfeiture pursuant to section 1-3 of this Code. forfeit a fee according to the city's current deposit schedule.~~ Each day a violation exists or continues shall constitute a separate offense.
- (3) *Stoughton promulgated correction of violation.* ~~In addition to any other penalty imposed by this Subchapter for a violation of the provisions of the chapter, the city reserves and maintains the continued right to abate violations of this chapter.~~
  - ~~a. Hazardous condition caused by violation of this chapter. If the zoning administrator determines that a violation of this chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals or decency, the zoning administrator shall cause the violation to be abated. Costs associated with said abatement shall~~

~~be charged to the owner of the property on which said violation has occurred per subsection (c), below. The zoning administrator is hereby authorized to abate a violation of this chapter.~~

~~*b. Non-hazardous condition caused by violation of this chapter.* If the zoning administrator determines that a violation of this chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals or decency, the zoning administrator shall serve written notice by registered mail on the current owner of the property (as indicated by current City of Stoughton tax records) on which said violation is occurring to remove said violation within ten working days. If such violation is not removed within such ten working days, the zoning administrator shall cause the violation to be abated per subsection (a), above. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per subsection (c), below.~~

~~*c. Cost of abatement.* In addition to any forfeiture imposed by this subchapter for a violation of the provisions of this chapter, the cost of abating a violation of this chapter per subsections (a) and/or (b), above, may be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the city to abate the violation shall be kept and such expenses may be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by Registered Mail, and shall be payable within 30 calendar days from the receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the city clerk shall enter such charges onto the tax roll as a special tax as provided by State Statute 66.615(5).~~

2. Section 58-2 of the of the Stoughton Municipal Code is amended to provide as follows:

**Sec. 58-2. Public nuisance defined.**

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

Any of the following is a public nuisance:

(a) Any act, occupation, condition or use of property which shall continue for such length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
- (2) In any way render the public insecure in life or in the use of property.
- (3) Greatly offend the public morals or decency.
- (4) 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 or the use of public property.

(b) A violation of this Chapter 58.

(c) A violation of Section 10-318.

(d) A violation of this Code that continues for more than one day, or that is repeated more than one time.

3. This ordinance shall be in full force and effect from and after its date of publication.

Dates

Council Adopted: \_\_\_\_\_

Mayor Approved: \_\_\_\_\_

\_\_\_\_\_

Tim Swadley, Mayor

Published: \_\_\_\_\_

Attest: \_\_\_\_\_

\_\_\_\_\_

Candee Christen, City Clerk