CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
207 S Forrest Street, Stoughton, WI. 53589

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RODNEY J. SCHEEL
DIRECTOR

Date: March 24, 2022

To: Plan Commissioners and Common Council

From: Rodney J. Scheel
Director of Planning & Development

Michael P. Stacey
Zoning Administrator/Assistant Planner

Subject: Agenda Item for the April 11, 2022 Plan Commission Meeting and Common Council Meetings of April 26 and May 10, 2022.

Proposed ordinance amendment to section 78-920 and 58-2, relating to the abatement of zoning violations.
This ordinance amendment is proposed by City Attorney Matt Dregne to clean up the abatement of zoning violations language in the ordinances to allow staff to more effectively abate violations. A public hearing and recommendation to Council is necessary. The ordinance is provided.

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:	Plan Commission recommends Common Council approval - 0	
Fiscal Impact:	None	
File Number:	O - - 2022	**Date Introduced:**

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~~ provision~~s~~ 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~~ there~~of~~fore, 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