



ORDINANCE 2025-10

AN ORDINANCE TO REPEAL SECTION 20 (CLEANUP OF CLANDESTINE DRUG LAB SITES AND CHEMICAL DUMP SITES) OF CHAPTER 221 (PEACE AND GOOD ORDER) AND REPEAL AND RECREATE CHAPTER 207 (NUISANCES) OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN

Purpose: The purpose of this Ordinance is to recreate the Nuisance Ordinance, include more than one option for abatement, and establish a public-generated complaint process.

The Village Board of the Village of Hobart, Brown County, Wisconsin, does ordain as follows:

Section 1: Section 20 (Cleanup of Clandestine Drug Lab Sites and Chemical Dump Sites) of Chapter 221 (Peace and Good Order) is hereby repealed in its entirety.

Section 2: Chapter 207 (Nuisances) is hereby repealed and recreated to read as follows:

§ 207-1. Public Nuisances Defined and Prohibited

A. Public nuisances defined. A public nuisance is a thing, act, occupation, condition or use of property which continues for such a 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.

B. Public nuisances prohibited. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village of Hobart.

§ 207-2. Public Nuisances Affecting Health.

Public nuisances affecting health. The following acts, omissions, places, conditions, and things are hereby specifically declared to be public nuisances but should not be construed to exclude other health related public nuisances coming within the definition of § 207-1 above.

(1) All decayed, harmfully adulterated, or unwholesome food or drink sold or offered for sale to the public.

(2) Carcasses of animals, birds, or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

(3) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin breed.

(4) All stagnant water in which mosquitoes, flies, or other insects can multiply.

(5) Garbage containers, rubbish bins, recycling containers, or similar receptacles which, by their use or lack of maintenance, attract, provide a food source, or provide a harborage for insects or rodents.

(6) All animals running at large, as defined in § 102-13 of the Hobart Municipal Code (Animals not to run at large).

(7) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Village in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

(a) Dense smoke. The emission of dense smoke from the smokestack of any engine or from the smokestack or chimney of any building within the Village is hereby declared to be a public nuisance and is prohibited.

(b) Stationary engine. The owner, lessee, or occupant of any building, or the fireman, engineer, or any other person having charge or control of any furnace or stationary engine who shall cause, permit, or allow dense smoke to issue or to be emitted from the smokestack or chimney connected with any such furnace or stationary engine within the Village shall be guilty of creating a public nuisance and of violating the provisions of this section.

(8) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes, refuse, garbage, or other substances.

(9) Any use of property, substances, or things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, 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 Village.

(10) Open cisterns, wells, basements or other dangerous excavations prohibited. No person may have or permit on any premises owned or occupied by any open cisterns, cesspools, wells, unused

basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fastened in such manner as to prevent injury to any person and any cover shall be of such design, size and weight that the same cannot be removed by small children.

(11) Any obstruction in or across any watercourse, drainage ditch or swale.

(12) The deposit of garbage, refuse, or any offensive substance on any public or private property except as may be permitted by ordinance.

(13) Offensive Industries. Any business considered to be nauseous or offensive is declared to be a public nuisance and an action for the abatement or removal thereof or to obtain an injunction to prevent the same may be authorized to be brought and maintained by the Village Board.

(a) Any business considered to be nauseous or offensive is deemed unlawful, and any person, firm, or corporation may, at the discretion of the court, upon conviction, be subject to the penalties provided in this chapter. Each day that a violation continues to exist constitutes a separate offense.

(b) All farm operations are to be excluded from this article.

§ 207-3. Public Nuisances Affecting Morals and Decency.

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 should not be construed to exclude other nuisances offending public morals and decency coming within the definition of § 207-1 above.

(1) All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structure kept or resorted to for the purposes of prostitution, drug use or sales, promiscuous sexual intercourse or gambling.

(2) All gambling devices and slot machines.

(3) 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 laws of the State of Wisconsin or ordinances of the Village of Hobart.

(4) Any place or premises with the Village of Hobart where Village ordinances or state laws, repeatedly and intentionally violated.

(5) 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 ordinances of the Village of Hobart.

§ 207-4. Public Nuisances Affecting Peace and Safety.

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 should not be construed to exclude other nuisances affecting public peace or safety within the definition of § 207-1 above.

(1) All ice not removed from the public sidewalks and all snow not removed from public sidewalks within 24 hours after it has ceased to fall thereon.

(2) All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public so situated or constructed as to endanger the public safety.

(3) All buildings erected, repaired or altered within the fire limits of the Village in violation of the provisions of the ordinances of the Village relating to materials and manner or construction of buildings and structures within said district.

(4) 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 the public highway or railway crossing.

(5) 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.

(6) All limbs of trees which project over a public sidewalk, less than eight feet above the surface thereof or less than 14 feet over the surface of a public street.

(7) All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Village.

(8) All buildings or structures so old, dilapidated or out of repair so as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use.

(9) All wires over streets, alleys or public grounds which are strung less than 18 feet above the surface of the street or ground.

(10) All loud, discordant and unnecessary noises or vibrations of any kind tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and the continuing of the same cannot be prevented and is necessary for the protection and preservation of the health, safety, life or limb of some person.

(a) No person occupying or having charge of any building or premises may cause, suffer or allow any loud, excessive or unusual noise in the operation or use of any radio, or other mechanical or electrical sound-making or -reproducing device or machine which loud, excessive or unusual noise may disturb the comfort, quiet, or repose of persons therein or in the vicinity.

(b) No person is allowed to operate in any public street or place or in front of or outside of any building, place or premises or in or through any window, doorway or opening of any building adjacent to any public street or place any device, apparatus, or instrument for the amplification of the human voice or sound or noise or other sound making or sound reproducing device. No person may make for the purpose of advertising any immoderate or excessive use of the voice of any bell, gong, horn, instrument, article or device.

(c) No person is allowed to park or leave standing for more than 15 minutes in any street in the Village a vehicle containing livestock, live fowl, or other living animals.

(d) Nothing in this section shall apply to the use of loud speaking or amplifying systems as follows:

[1] By a school when used in connection with an educational, athletic, entertaining or recreational purpose.

[2] By a church when used in connection with an educational, religious or recreational activity.

[3] Within a public park of the Village subject to the rules and regulations of the Village Board.

[4] The use of sound amplifying systems, after registering with the Police Department and the Village as prescribed in the Municipal Code, as follows:

[a] An amplifying system may be used on the public streets of the Village between the hours of 9:00 a.m. and 9:00 p.m., provided such use does not interfere with or annoy any religious, educational or recreational gathering and is not audible to the human ear for the distance of more than 300 feet. The use shall at all times be under the jurisdiction of the Police Department who are hereby given the authority to restrain the use if, in their opinion, the same is a public nuisance or a public annoyance.

[b] An amplifying system may be used in front of or outside a building between the hours of 9:00 a.m. and 9:00 p.m., provided that the same is not audible to the human ear at a distance of 100 feet. If the use becomes a public nuisance to disturb the peace and quiet of any persons, the use shall be discontinued.

(11) The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises which greatly annoy or disturb a neighborhood or any appreciable number of persons within the Village.

(12) The obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village 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.

(13) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

(14) Suffocation Hazards. No person may leave or permit to remain outside any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or other container having an airtight door or lid, snap lock or other locking device which may not be released from the inside unless such door or lid, snap lock or other locking device has been removed from such icebox, refrigerator or container or unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

(15) 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.

(16) Repeated or continuous violations of the ordinances of the Village or laws of the State of Wisconsin relating to the storage of flammable liquids.

(17) Any structure, material or condition which constitutes a fire hazard or will impair extinguishing of any fire.

(18) Any and all excavations, including basements, which have been abandoned or for which a building permit has become null and void, or which permit has been revoked by the Director of Planning and Code Compliance, or his/her designee.

(19) Unmanned aircraft systems (UAS). Using a UAS to damage or destroy property, using a UAS in a careless or reckless manner, using a UAS in a hazardous manner near other aircraft, using a UAS in violation of FAA airspace regulations, using a UAS in violation of FAA flight restrictions or temporary flight restrictions, using a UAS in violation of FAA temporary flight restrictions in the proximity of the President, other parties, or sporting events, using a UAS to cause a public disturbance or creating a risk to persons by; making unreasonable noise, creating a hazard or nuisance.

(20) Camping on Village-owned property. Camping means establishing or maintaining, at any time during the day or night, a temporary or permanent place for cooking or sleeping with the intent of remaining in that location overnight.

(21) Any construction debris or materials, unsightly debris, trash, wood, brick, washing machines, refrigerators or junk such as may tend to depreciate property values or be detriment to the appearance, neatness and cleanliness of the neighborhood, provided that nothing in this subsection shall prohibit reasonable storage of construction material during the construction of any building or structure.

(22) Depositing of snow on public rights-of-way.

(a) No person is allowed to remove or cause to be removed any snow or ice from a premise owned or occupied by that person or from any residence, parking lot, parking area, filling station, business property or other property owner occupied by said person by placing said snow onto any public right of way or property. Snow removed from public walks shall not be stored in any manner which will obstruct or limit vehicular or pedestrian vision, movement or access.

(b) The deposit of any snow or ice upon any sidewalk, alley or road or street of the Village contrary to the provisions of this section is hereby made to be a nuisance, and, in addition to the penalty provided for the violation of this section, the Village may summarily remove any snow or ice so deposited and cause the cost of said removal to be charged to the owner of the property from which said snow or ice has been removed, and upon failure to pay the same may be charged as a special assessment upon the tax bill to the owner of property from which the snow or ice removal was necessitated.

(23) Storage of junked vehicles.

(a) Definitions. Terms used in this section shall have the following meanings:

[1] "Junked vehicle" shall be defined as all junked, disassembled, inoperable or wrecked motor vehicles, or parts thereof, which have been allowed to remain outside of any building upon public or private property for a period in excess of three days, unless in connection with an automotive sales or repair business located in a properly zoned area. The definition shall also include any vehicles stored in the open without being licensed in excess of 30 days.

[2] "Owner" shall be defined to include owner, owners, tenants, lessees and/or occupants.

(b) Enforcement. In addition to any other remedies contemplated in this chapter, the following provisions apply to removal, abatement, and enforcement of junked vehicles

[1] Nuisance. No vehicle as hereinabove defined shall be stored or allowed to remain in the open upon public or private property within the Village, unless it is in connection with a duly authorized sales or repair business enterprise located in a properly zoned area. Any violation of this section is a nuisance.

[2] Abatement by owner. The Owner of any property within the Village upon which a vehicle as here and above defined is stored or permitted to remain and is also the owner of any such vehicle shall, jointly and severally, abate said nuisance by the prompt removal of such vehicle into a completely enclosed building authorized to be used for such storage purposes, if within the limits of the Village, or otherwise remove the same to a location outside the Village.

[3] Vehicle upon public property. Whenever the Director of Planning and Code Compliance, or his/her designee, or a Village Police Officer shall find any such vehicle place or stored in the open upon public property within the limits of the

Village, such vehicle shall be removed to a junk or salvage yard and stored therein for a period of 30 days. At the end of said time, such junk or salvage yard shall dispose of such vehicle unless it has previously been claimed by the owner.

[4] Vehicles upon private property. Whenever the Director of Planning and Code Compliance, or his/her designee, or a Village Police Officer shall find any such vehicle placed or stored in the open upon private property within the limits of the Village, the owner of such property and the owner of the vehicle, if he or she can be located, shall be given a three day written notice by certified mail to remove the same. If such vehicle is not removed within the time specified, the Village Police shall have it removed by a junk auto salvage dealer. The owner of the property upon which the vehicle has been placed restored and the owner of the vehicle, if he or she can be located, shall jointly and severally be liable for the cost of removal by such dealer.

[5] Storage cost. If such vehicles are claimed by the owner, the junk salvage yard shall charge a reasonable fee for handling and storing.

[6] Salvage yard excepted. The provisions of Subsection (b) shall not apply to auto salvage yards and/or junk yards that are duly authorized under the ordinances of the Village and have been issued a permit to operate as such salvage yard and/or junkyard under this code.

[7] Disposal of unclaimed vehicles. When any such vehicle has been removed and placed in storage by the Village as herein provided in such vehicle is not claimed within 30 days after such storage, it shall be sold by the Village. If the proceeds of such sale are insufficient to pay the cost for the removal and storage, any and all owners shall be jointly and severally shall be liable to the Village for the balance of the cost. If the proceeds are in excess of the cost of abatement, the balance shall be paid to set owners.

[8] Violation of this section shall be subject to a penalty as prescribed in §175.25(5), Wis. Stats.

(24) Abandoned vehicles.

(a) Section 342.40, Wis. Stats., Vehicle abandonment prohibited; removal; disposal, as amended from time to time, is incorporated herein by reference.

(b) Enforcement. In addition to any other remedies contemplated in this chapter, the following provisions apply to removal, abatement, and enforcement of junked vehicles

[1] Any vehicle deemed in violation of this section may be towed by licensed towing company approved by the Chief of Police and contracted with the Village for such purposes or towed by such other means deemed reasonable or necessary under the circumstances by the Chief of Police. Such vehicle will be held at the contractor's facility until lawfully claimed or disposed of in any lawful manner.

[2] The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all cost of impounding and disposing of the vehicle. Prior to reclamation of the vehicle, the owner or lien holder shall pay to the contracted towing company the towing and storage fees incurred by the towing company.

[3] Penalty period any person who shall cause your vehicle to become abandoned within the Village under the terms and conditions of this section and §342.40, Wis. Stats., shall, upon due conviction thereof, forfeit and amount as prescribed in the uniform forfeiture and bond schedule, together with cost of prosecution.

(25) Uncovered transporting or hauling to dump site. No person shall transport or haul to any dumping site in the Village any materials without covering the same.

(26) Vacant lots.

(a) Vacant lots become a public nuisance when said lots are not maintained or not smoothly graded as to provide for regular routine maintenance.

(b) Within ninety (90) days of purchase of vacant property within the Village, the new owner shall cause the vacant lot to be appropriately filled and graded so as to provide for routine maintenance. All debris is to be removed by the owner within said time period. Presently existing owners of vacant lots will have twenty-one (21) days to achieve compliance with this section upon issuance of an appropriate citation by the Director of Planning and Code Compliance, or his/her designee.

(c) Should any new or existing owner fail to come into compliance with this section, the Village Board may authorize Village employees to cause the appropriate filling and grading of the vacant lot in question to occur. Any and all costs associated with the same shall be assessed against the property in question and may be placed upon the tax rolls maintained by the Village.

(27) Compression brakes.

(a) Prohibited. No person is allowed to use motor vehicle brakes which are in any way activated or operated by the compression of the engine of the motor vehicle.

(b) Defense. It shall be an affirmative defense to the prosecution under this section that compression brakes were applied to an emergency and were necessary for the protection of persons or property.

(c) Emergency vehicles. Emergency vehicles shall be exempt from this section.

(28) Any nuisance defined by the Wisconsin Statutes.

§ 207-5. Public Nuisances Related to Property Maintenance.

A. Property Maintenance. It is the intent and purpose of this section to encourage and establish minimum standards for and provide for the enforcement of a minimum level of care and maintenance to buildings and properties throughout the Village. A violation of this section is declared a public nuisance.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

(1) "Developed Lot" shall be defined as a lot with a finished residential use, commercial use, institutional use or industrial use building or building under construction.

(2) "Noxious weeds" shall be defined as in § 66.0407 of the Wisconsin Statutes, which is hereby adopted and made a part of this article and shall also include common ragweed (*Ambrosia artemisiifolia*), giant ragweed (*Ambrosia trifida*) and burdock (*Actrium* spp.).

(3) "Undeveloped Lot" shall be defined as any lot not meeting the developed lot definition located within a platted subdivision or certified survey map.

C. Storage of junk. No person is allowed to store junked or discarded property, including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly debris which substantially depreciates property values in the neighborhood, except in an enclosure which screens such property from public view or upon permission granted by the Director of Planning and Code Compliance, or his/her designee. No owners or occupants of a property may permit or otherwise allow any storage of junk to remain on a property they own or control in violation of this section.

(1) All material not stored within a building shall be enclosed by a solid fence.

(a) The fence shall be constructed of materials and workmanship sufficient to be impervious to sight and to contain the stored materials without impact to surrounding properties.

(b) The fence shall be kept in good state of repair and maintained in uniform color.

(c) The fence shall not be less than six feet in height and of uniform height and material. If materials stored exceed six feet, such material shall be screened by natural objects or plantings.

(d) The fence shall be at least twenty-five (25) feet from the street, curb or road edge.

(e) No material shall rest upon the fence.

(f) Authority to retain. Any business engaged in automotive sales or repair may retain disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors or

trailers in the open, on private property, for a period not to exceed 30 days, after which such vehicles must be removed.

(2) No semitrailer or van box may be used for storage within the Village without first securing permission from the Director of Planning and Code Compliance, or his/her designee. The Director of Planning and Code Compliance, or his/her designee, may grant an extension if he or she believes it is warranted in circumstances including but not limited to storage of materials on a construction site or other temporary uses that are not unsightly or diminish the quality or aesthetics of the area.

(3) Lots in residential areas shall be kept free, by the owner, occupant, or person authorized to use same, of dirt piles, rubble, grass piles, leaf piles, and any other material or conditions which might hinder maintenance of the property, except as provided by the following:

(a) Dirt piles and materials used for landscaping the lot shall be leveled, used within 30 days of the date of delivery of the dirt.

(b) Dirt piles in commercially and industrially zoned areas shall be removed within one year of the date of deposit on the property, completion of site development or expiration of a Village building permit.

(c) Dirt piles and materials used for landscaping used in conjunction with properly zoned landscaping businesses or contractor's yards are permitted.

(d) Compost piles shall be allowed if they meet all of the following requirements:

[1] Located in the rear yard as defined by Chapter 295, Zoning.

[2] Located at least 10 feet from property lines, except for properties zoned A1 or A2 where the compost pile is not abutting a residentially zoned property.

[3] Confined in a bin meeting generally acceptable composting principles.

[4] Managed and maintained odor-free.

[5] Does not contain meat or other animal products.

[6] Kept free of vermin.

[7] Does not pose or create any nuisance condition.

D. Unkempt buildings. The exterior of every structure or accessory structure, residential and nonresidential, including fences, shall be maintained by the owner, occupant or person authorized to

use same, in good repair and all exterior surfaces thereof shall be kept painted or covered with exterior siding materials intended for that use by the manufacturer for purposes of preservation and appearance. The same shall be maintained by the owner, occupant or persons authorized to use same, free of broken or missing siding, shingles or exterior woodwork crumbling stone or brick, excessive chipped, peeling or lack of paint, missing, broken or deteriorating steps, porches, handrails and guardrails or any other conditions reflective of deterioration and/or inadequate maintenance or as may tend to depreciate property values in the area or create a nuisance or hazard.

E. Weed cutting and lawn care.

(1) Owner's responsibility.

[a] The owner of every parcel of land within the Village shall destroy or cause to be destroyed all noxious weeds on every parcel of land which he/she owns, occupies or controls.

[b] The owner of every parcel of land within the Village shall cut or cause all grass, noxious weeds and similar vegetative growth to be a height no more than six (6) inches in length/height for developed lots and no more than twelve (12) inches in length/height for undeveloped lots, including the public right-of-way adjoining said land, except as follows:

[1] Lands zoned A-1 or A-2 where the property contains a permitted principal use other than or in addition to a dwelling. For the purposes of this exception, the yard around any dwelling on such land is required to comply with the landscape maintenance provisions below.

[2] Lands, used principally for farming, agricultural, cultivation, harvesting operations, including, but not limited to, crops or livestock. For the purposes of this exception, the yard around any dwelling on such lands is required to comply with the landscape maintenance provisions below.

[3] Appropriately maintained natural landscaping as provided in the landscape maintenance provisions below.

[4] Wooded areas or tree lines where the distance between trees effectively prevents mowing.

[5] Hilly areas with severe slopes that would prevent safe mowing.

[6] Lands located in a designated floodplain and/or wetland area.

[7] Property or land areas with unusually unique terrain or circumstances as determined by Village personnel.

(2) Landscape maintenance.

(a) Purpose.

[1] The use of woodlands, prairies, wildflowers, natural grasses and other native plants in a managed landscape design can be economical, low-maintenance and effective in soil and water conservation. However, it is not the intent of this section to allow vegetated areas to be completely unmanaged or overgrown.

[2] Areas that present either a direct health hazard or provide a demonstrated breeding ground for insects or animals known to create a safety or health hazard will not be permitted. Certain noxious weeds defined in this section are recognized indicators of neglect. The Village recognizes the desirability of permitting natural vegetation within the Village limits while maintaining public health and safety at the same time.

(b) Managed and natural landscaping.

[1] Definition. Natural Landscaping includes native and naturalized plants, including, but not necessarily limited to, ferns, wildflowers, grasses, shrubs and trees may be grown in a managed landscape design or in naturally maintained conditions such as prairies, wooded areas, wetlands, provided said plants were not obtained, or are not growing, in violation of any local, state or federal laws.

[2] Nuisance weeds and noxious weeds as identified in this article are prohibited in all cases and shall be subject to abatement.

[3] Managed and natural landscape areas shall not be allowed to interfere with traffic vision.

(c) Yard neglect.

[1] The front, side and rear yards of a residence, commercial, institutional or industrial use, shall be maintained with a lawn, shrubbery, plantings or other surface treatment consistent with this section for an area equal to the property's zoning district minimum setback requirements, except as provided in Subsection E (1) (b).

[2] Unmanaged growth of vegetation identified in state or local codes is not permitted and is declared to be a public nuisance.

[3] Noxious weeds and uncut growth; public nuisance; abatement by the Village. All noxious weeds and uncut vegetative growth as outlined in this article is hereby declared to be a public nuisance and may be abated by the Village at its option if the owner fails to comply with this article. In addition to any other penalty provided in this article, the costs thereof, together with an administrative charge applied to the bill, imposed each time the growth is abated shall be charged against the property as a special tax.

§ 207-6. Chronic Nuisances.

A. Definitions. The following terms shall be defined as follows in this section:

(1) "Chief" shall be defined as the Chief of Police or his/her designee and the Fire Chief or his/her designee.

(2) "Department Head" shall be defined to include the Director of Planning and Code Compliance and/or the Public Works Director.

(3) "Effect of Property Conveyance" shall be defined as any nuisance activity at a property that occurred prior to a conveyance of said property may be used to establish a Chronic Nuisance Property if there is reason to believe the conveyance was made for the purpose of avoiding designation as a Chronic Nuisance Property. This determination will be made on a case-by-case basis and may include factors such as:

(a) The property was conveyed for less than fair market value.

(b) The property was conveyed to an entity controlled by the person conveying the property.

(c) The property was conveyed to a relative of a person conveying the property.

(4) "Enforcement Action" shall be defined as:

(a) A criminal arrest, including in-custody detention or a formal referral to a prosecutorial authority for criminal charges.

(b) The issuance of a municipal citation under the Village of Hobart Municipal Code or Wisconsin State Statutes.

(c) Written and/or Verbal warnings shall not constitute enforcement actions to ensure objective and consistent application.

(5) "Nuisance Activity" shall be defined as any of the following activities, behaviors, or conduct whenever engaged in by property owners, operators, tenants, occupants, or persons associated with premises, provided such activities are not exempted under Subsection A (5) (ee):

(a) An act of harassment, as defined in § 947.013, Wis. Stats.

(b) Disorderly conduct, as defined in § 947.01, Wis. Stats.

(c) Battery, substantial battery or aggravated battery, as defined in § 940.19, Wis. Stats.

(d) Lewd and lascivious behavior, as defined in § 944.20, Wis. Stats.

(e) Prostitution offenses, as defined in § 944.30 or § 944.34, Wis. Stats.

(f) Littering, as defined in Chapter 221-7, Hobart Municipal Code.

(g) Theft, as defined in § 943.20, Wis. Stats.

(h) Receiving stolen property, as defined in § 943.34, Wis. Stats.

(i) Arson, as defined in § 943.02, Wis. Stats.

(j) Possession, manufacture, or delivery of a controlled substance or related offenses, as defined in Ch. 961, Wis. Stats.

(k) Gambling, as defined in § 945.02, Wis. Stats.

(l) Animal violations, as defined in Chapter 102, Hobart Municipal Code.

(m) Trespass to land, as defined as § 943.13 and § 943.14, Wis. Stats.

(n) Weapons violations as defined in Chapter 170 and 215-9, Hobart Municipal Code.

(o) Noise violations as defined in Chapters 201, 215-5, and 221-5, Hobart Municipal Code.

(s) Alcohol violations, as defined in Chapter 189, Hobart Municipal Code and § 125.07, Wis. Stats.

- (t) Obstructing or resisting an officer as defined in § 946.61, Wis. Stats.
- (u) Misuse of emergency telephone numbers, as defined § 941.35 Wis. Stats.
- (v) Any act of being party to a crime, as defined in § 939.05, Wis. Stats., any of the activities in Subsection A(5)(a) through (l) above.
- (w) Any conspiracy to commit, as defined in § 939.31, Wis. Stats., or attempt to commit, as defined in § 939.32, Wis. Stats., any of the activities in Subsection A(5)(a) through (m) above.
- (x) The execution of arrest or search warrants at a particular location, provided it does not involve exempted activities under Subsection A (5) (ee).
- (y) Village of Hobart inspection-related calls where any public safety department responds, provided it does not involve exempted activities under Subsection A (5) (ee).
- (z) Village of Hobart building inspection related calls where any public safety department responds or any building inspection department response, provided it does not involve exempted activities under Subsection A (5) (ee).
- (aa) Brown County Health Officer related calls where any public safety department responds or any health department responds, provided it does not involve exempted activities under Subsection A (5) (ee).
- (bb) Reckless driving, as defined in §346.62, Wis. Stats.
- (cc) Drug or criminal gang house as defined by § 823.113, Wis. Stats. § 823.113, Wis. Stats., is hereby adopted by reference as a Village ordinance. At the discretion of the Chief of Police, the action provided therein may be in the name of the Village, county or state.
- (dd) Nuisances as defined by Ch. 823, Wis. Stats., which include but are not limited to:
 - [1] Flammable liquids § 823.065 (Repeated violations of a municipal ordinance a public nuisance)
 - [2] Noxious business § 823.07
 - [3] Bawdy houses § 823.09
 - [4] Disorderly house § 823.10

[5] Dilapidated buildings § 823.21

(ee) Exemptions: The following shall not be considered nuisance activities for the purposes of this section:

[1] Calls for assistance related to domestic abuse, as defined in § 813.12(1)(am), Wis. Stats.; sexual assault, as defined in § 940.225, § 948.02, or § 948.025, Wis. Stats.; or stalking, as defined in § 940.32, Wis. Stats., when made by or on behalf of the victim, owner, or occupant requesting a Law Enforcement Officer, medical, or emergency services.

[2] Calls for medical or emergency assistance related to disabilities, including but not limited to mental health crises, substance use disorders, overdoses, self-harm, welfare checks, or other health emergencies recognized as disabilities under the ADA or FHA.

[3] Any calls initiated by victims of crime or individuals seeking protection from harm, unless the underlying harm is non-existent or shown to be fabricated by the caller.

[4] Activities in supportive housing or facilities serving individuals with disabilities, where the conduct arises from a disability and reasonable accommodations can be made. These exemptions shall be reviewed by the Chief or designee, in consultation with the Village Attorney, before counting toward chronic nuisance status to ensure compliance with FHA, ADA, VAWA, and Title VI.

(ff) Violations of the Code of the Village of Hobart, excluding any violations that fall under the exemptions in Subsection A (5) (ee).

(6) "Owner" shall be defined as the owner of the premises and his/her agents.

(7) "Person associated with" shall be defined as any person who, whenever engaged in a nuisance activity, enters, occupies, patronizes, visits or attempts to enter, occupy, patronize or visit a property, where there is a direct nexus to the premises. This includes officers, directors, agents, employees, or independent contractors of the property owner, tenant, or occupant, but excludes transient visitors without involvement in the nuisance activity and/or whose presence is incidental and unrelated to the nuisance activity.

(8) "Premises" shall be defined as an individual dwelling unit, an apartment building (all units included as one premises), or an individual business premises and associated common areas located in the Village.

B. Notice. Whenever the Chief of Police or department head determines that three or more nuisance activities resulting in enforcement action have occurred at the premises during a twelve-month period, excluding any exempted activities under Subsection A (5) (ee), the Chief of Police or department head may notify the premises owner in writing. In calculating the requisite nuisance activities, the Chief of Police or department head may count separate qualifying nuisance activities resulting in enforcement action occurring on the same day, as long as they are distinct in time or nature, or on different days other than those exempted under Subsection A (5) (ee). The notice shall contain the street address or legal description sufficient to identify the premises, a description of the nuisance activities that have occurred at the premises, a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, and a notice as to the appeals rights of the owner. The Chief of Police shall conduct an individualized assessment impact on protected classes under FHA or Title VI.

C. Delivery of notice. The notice shall be deemed to be properly delivered if sent by certified mail to the property owner's last known address or delivered in person to the property owner. If the property owner cannot be located, the notice shall be deemed properly delivered if left at the property owner's usual place of residence in the presence of a competent family member at least 14 years of age or a competent adult currently residing there and who shall be informed of the contents of the notice. If a competent family member at least fourteen (14) years of age or a competent adult residing at the premises cannot be located, notice will be deemed proper if the property is posted with the notice at a primary entry point to the property or physical structure. If the current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by certified mail to the last known address of the owner as identified by the records of the tax roll.

D. Abatement plan. Any owner receiving notice pursuant to Subsections B and C shall meet with the Chief of Police, or his/her designee, within ten business days of receipt of such notice, or a longer period if reasonable accommodations are requested under the ADA or FHA. The parties shall review the problems occurring at the property and agree upon an abatement plan to end the nuisance activity on the property, considering reasonable accommodations for disabilities or protected activities. The plan shall also specify a name, address, and telephone number of a person living within 60 miles of the property who can be contacted in the event of further police, fire, or inspection contact. No plan shall require eviction in general and/or solely based on protected activities under Subsection A (5) (ee). Retaliation against tenants for reporting nuisances or seeking emergency assistance is prohibited, with a rebuttable presumption of retaliation if eviction occurs within 12 months of such a report. Nevertheless, nothing herein prohibits an owner from pursuing lawful remedies under Wis. Stat. Ch. 704, provided such actions are not based solely on protected activities under Subsection A (5) (ee).

E. Additional nuisance activity. Whenever the Chief of Police determines that additional nuisance activity has occurred at the premises not less than 15 business days after notice in Subsection C has been issued, considering any exemptions or accommodations, the Chief of Police may calculate the cost of police response and enforcement for this and any subsequent nuisance activities. The Chief of Police may also cause such charges and administrative costs to be assessed against the premises as a fee for current service authorized by § 61.34, 66.0628 and 744.01, Wis. Stats., and collect it as a special

charge which the Village may impose as a lien against the real estate upon which the premises is located. No costs should be applied to exempted activities.

F. Appeal. Appeal of the determination of the Chief of Police pursuant to either the notice, abatement plan, or the levying of special charges may be made under Ch. 68, Wis. Stats., for administrative procedure and review, or to the Village Board requesting a hearing before an impartial reviewer. Notice of appeal must be in writing and submitted to the Village Board in care of the Village Clerk with a copy submitted to the Chief of Police within 10 business days.

G. Additional enforcement authority. The Village hereby adopts and incorporates the authority granted the Village pursuant to § 823.01, Wis. Stats., and adopts and authorizes enforcement procedures as set forth in §§ 823.015, 823.02, 823.03, 823.04, 823.05 and 823.06, Wis. Stats., consistent with exemptions and safeguards in this section. Enforcement shall not conflict with federal housing protections or standard landlord-tenant laws.

H. Penalty.

(1) Any person who shall violate any provision of this section shall, upon due conviction thereof, forfeit not less than an amount set forth in § 207-16 for each such offense, together with recoverable costs of enforcement. In the event of nonpayment, such forfeiture and costs may be collected pursuant to the procedures authorized under Wisconsin Law for the collection of municipal forfeitures, including but not limited to the use of civil judgments and liens. This Subsection does not limit the Village's authority under Subsection E to recover costs of enforcement as a special charge against the premises.

(2) In addition to the imposition of a fee for services constituting a special charge against the real estate under this section, the Village may pursue appropriate civil remedies, including injunctive relief in the Circuit Court for Brown County, to abate or prevent continued nuisance activity. The Village may also recover its reasonable legal costs and attorney fees as determined by the court, with judgment for such obligations obtainable in either small claims court or the Circuit Court for Brown County. No penalties, fees, or charges shall be imposed for exempted activities under Subsection A (5) (ee)

§ 207-7. Abatement of Public Nuisances.

A. Abatement of public nuisances. Unless otherwise prescribed in this Section, the following process shall be employed to abate public nuisances:

(1) Public Complaint. Upon sufficient credible written public complaint(s) related to property maintenance, the Director of Planning and Code Compliance, or his/her designee, may investigate the complaint. If a violation is found, the Director of Planning and Code Compliance, or his/her designee, may engage in enforcement including but not limited to: issuance of citations in conformity with this chapter, issuance of a notice to abate the conditions, cause the

violation to be corrected, and/or any other enforcement mechanism as allowed by law or local code.

(2) The Director of Planning and Code Compliance, or his/her designee, may also cause the abatement of public nuisance conditions without public complaint if the Director of Planning and Code Compliance, or his/her designee, have grounds to believe there is violation of the property maintenance code, § 207-5, or state laws related to property maintenance. The Director of Planning and Code Compliance, or his/her designee, may engage in enforcement including but not limited to issuance of a citation, issuance of a notice to abate the conditions, causing the violation to be corrected or abated, and/or any other enforcement mechanism as allowed by law or local code.

(3) For property maintenance violations that remain uncorrected after prior enforcement actions or there is a health or safety issue that requires immediate abatement, the Director of Planning and Code Compliance, or his/her designee, shall have the alternative option to instruct the Department of Public Works to correct said violation and charge the actual costs incurred against the property owner. If such charges are not paid by November 1 of the year in which they are billed, such charges shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes, pursuant to § 66.98, Wis. Stats.

(4) A property owner subject to a notice to abate or that has been billed for actual costs and charges of remedial work charged by the Village may appeal within ten (10) days of the issuance of any notice by the Director of Planning and Code Compliance, or his/her designee, or bill, the recipient of the notice may apply to the Village Board for a hearing for consideration of the alleged violation(s) enumerated in the notice. The applicant of such appeal shall be advised of the time and place of the hearing at least seven (7) working days prior to the hearing; and shall be given an opportunity to be heard and to show cause why such notice should be modified, extended, withdrawn or a variance granted. Citations issued for code violations cannot be challenged in this capacity and can only be challenged through local and statutory court mechanisms.

(5) Violations and Penalties. Any person or business that violates any provision of this subsection or fails to comply with any order, rule or regulation made hereunder shall be subject to a daily penalty of twenty-five (25) dollars per violation. Subsequent violations of the same provision within one (1) calendar year shall carry an additional penalty of fifty (50) dollars per day per violation.

(6) Summary abatement.

(a) Nuisance condition causing great and immediate danger: If the Director of Planning and Code Compliance, or his/her designee, 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 Director of Planning and Code Compliance, or his/her designee, may direct the appropriate personnel to immediately abate the nuisance condition without notice.

(b) General nuisance conditions: For all nuisance conditions falling under this chapter that do not pose a great and immediate danger to the public health, safety, peace, morals, or decency, the Director of Planning and Code Compliance, or his/her designee, may serve notice on the owner, or, if the owner cannot be found, on the occupant or person causing, permitting, or maintaining such nuisance and to post a copy of the 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 a reasonable time in consideration of the violations and conditions, but not less than 24 hours. The notice must identify that failure to comply with the notice issued under this subsection will be deemed to grant the Village staff or designee authority to abate the violations and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same. Said notice may be challenged in the same procedure identified in section 207-7(4).

(c) Abatement by Village. If the nuisance is not abated within the time provided, or if the owner, occupant or person causing the nuisance cannot be found, the Village Administrator shall direct the abatement or removal of such nuisance.

B. Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.

§ 207-8. Cleanup of Clandestine Drug Lab Sites and Chemical Dump Sites.

A. Cleanup of clandestine drug lab sites and chemical dump sites. The provisions herein shall be construed to protect the public health, safety and welfare. Where the conditions imposed by any provision of this section are either more or less restrictive to the public than comparable provisions imposed by any other law, ordinance, statute, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements on the public shall prevail. Should any court of competent jurisdiction declare any section or subpart of this section to be invalid, such decision shall not affect the validity of the section as a whole or any part thereof, other than the provision declared invalid.

B. Definitions. For the purposes of this section, the following terms or words shall be interpreted as follows:

(1) "Chemical Dump Site" shall defined as any place or area where chemicals or other waste materials used in a clandestine drug lab operation have been located.

(2) "Clandestine Drug Lab Operation" shall be defined as the unlawful manufacture or attempt to manufacture a controlled substance.

(3) "Clandestine Drug Lab Site" shall be defined as any place or area where law enforcement has determined that an unlawful clandestine drug lab operation exists or existed. A clandestine drug lab site may include, but is not limited to, dwellings, accessory buildings, structures or units, vehicles, boats, trailers or any other area or locations.

(4) "Controlled Substance" shall be defined as any drug, substance or immediate precursor in Ch. 961, Wis. Stats., together with any amendments or modifications thereto. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.

(5) "Household Hazardous Waste" shall be defined as waste generated from a clandestine drug lab operation.

(6) "Manufacture" shall be defined as, in places other than a pharmacy, the production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, and the packing, repacking, tableting, encapsulating, labeling, relabeling, or filling of a controlled substance.

(7) "Owner" shall be defined as any person(s), firm(s), corporation(s) or other entity who or which owns, in whole or in part, the land, building, structure, vehicle, boat, trailer or other location associated with a site.

(8) "Site" shall be defined as a chemical dump site and/or clandestine drug lab site.

C. Declaration of public health nuisance. A site, all areas in proximity to a site, and all personal property located on areas in proximity to a site, are potentially unsafe due to health hazards and are hereby declared to be a public health nuisance.

D. Law enforcement action.

(1) When a Law Enforcement Authority determines the existence of a site, the site and all personal property located in proximity to the site shall be declared a public health nuisance. Law enforcement authorities, or designees, are authorized to take the following action:

(a) Promptly notify appropriate agencies including but not limited to the Director of Planning and Code Compliance, or his/her designee, child protection officials, public health authorities, and the appropriate enforcement division of the Drug Enforcement Administration of the United States Justice Department. This notice must, at a minimum, identify the location of the site, the property owner, if known, and the conditions found on the site.

(b) Treat, store, transport or dispose of all household hazardous waste found at the site in a manner consistent with state and federal rules and regulations.

(c) Issue a temporary declaration of public health nuisance for the site and post a copy of the declaration on all doorway entrances to the site or, in the case of bare land, post the declaration in several conspicuous places on the property. This temporary declaration of public health nuisance issued by Law Enforcement shall not expire until after the Director of Planning and Code Compliance, or his/her designee, inspects the site and either issues a permanent declaration of public health nuisance or withdraws the temporary declaration of public health nuisance.

(d) Notify all persons occupying the site that a temporary declaration of public health nuisance has been issued.

(e) Require all persons occupying the site to immediately vacate the site, to remove all pets from the site, and not to return to the site without written authorization from the Director of Planning and Code Compliance, or his/her designee, or authorized court order.

(f) Notify all occupants vacating the site that all personal property at the site may be contaminated with dangerous chemical residue.

(g) After all occupants have vacated the site, put locks on each doorway entrance to any buildings located on the site to prohibit unauthorized access to the site.

(2) Prompt notification of the persons and organizations mentioned above may be delayed to accomplish appropriate Law Enforcement objectives, but only to the extent that public health and child protection responsibilities are not unnecessarily compromised.

E. Seizure of property. When the site is inside a vehicle, boat, trailer or other form of movable personal property, Law Enforcement Authorities may immediately seize it and not allow it to be transported except to a more secure location. In such circumstances, all other requirements of this section should be followed as closely as possible given the specific type of property on which the site is discovered.

F. Action by Director of Planning and Code Compliance or his/her designee.

(1) Inspection and declaration of nuisance. Within 48 hours of notification that Law Enforcement Authorities have determined the existence of a site, the Director of Planning and Code Compliance, or his/her designee, shall cause the site to be inspected to determine whether a permanent declaration of public health nuisance should be issued. Based on the results of the inspection, the Director of Planning and Code Compliance, or his/her designee, may then promptly issue a permanent declaration of public health nuisance and a do-not-enter, unsafe-to-occupy order for the site to replace the temporary declaration issued and posted by a Law

Enforcement Agency. A copy of the permanent declaration and order shall be posted on all doorway entrances to the site or, in the case of bare land, shall be posted in several conspicuous places on the property. These notices may be reapplied from time to time as needed or if removed.

(2) Abatement order. Upon issuance of a permanent declaration of public health nuisance being issued and posted, the Director of Planning and Code Compliance, or his/her designee, shall, as soon as practicable, send written notice to the site owner ordering abatement of the public health nuisance. The abatement order must include the following information:

- (a) A copy of the declaration of public health nuisance and do-not-enter, unsafe-to-occupy order and a copy of this section;
- (b) Information about the potentially hazardous condition of the site;
- (c) Notification of the immediate suspension of the site's rental license if applicable; and
- (d) Information that may help the owner locate appropriate services necessary to abate the public health nuisance.

(3) Notice to concerned parties. Within three days after the permanent declaration of public health nuisance has been issued and posted, the Director of Planning and Code Compliance, or his/her designee, shall also mail a copy of the permanent declaration of public health nuisance, a copy of this section, and a notification of the suspension of the site's rental licenses, if applicable, to the following concerned parties at their last known address:

- (a) Occupants or residents of the site if the identities of such persons are known; and
- (b) Neighbors in proximity to the site who may be affected by the conditions found, as determined by the Director of Planning and Code Compliance, or his/her designee; and
- (c) The Hobart Village Administrator; and
- (d) The Hobart Chief of Police or his/her duly authorized representative(s); and
- (e) The Drug Enforcement Administration of the United States Justice Department; the Brown County Health Department, the Wisconsin Department of Health, and the Wisconsin Department of Natural Resources.

(4) Modification or removal of declaration. The Director of Planning and Code Compliance, or his/her designee, is authorized to modify or remove the permanent declaration of public health nuisance after he or she receives documentation from a Village-approved environmental hazard

testing and cleaning firm stating that the suspected health and safety risks, including those to neighbors and potential dwelling occupants, have been sufficiently abated or corrected to justify amendment or removal of the declaration.

G. Site owner's responsibility to act. Within 10 business days of the date the abatement order is mailed to the owner of the site, the owner shall accomplish the following:

(1) Provide the Director of Planning and Code Compliance, or his/her designee, with written notification:

- (a) That the owner has confirmed that all persons and their pets have vacated the site;
- (b) Of the name(s) of all children who the owner believes were residing at the site; and
- (c) That the site will remain vacated and secured until the public health nuisance is completely abated as required by this section.

(2) Contract with one or more Village-approved environmental hazard testing and cleaning firms to conduct the following work in accordance with the most current state and federal health guidelines, and as required by the Director of Planning and Code Compliance, or his/her designee:

- (a) A detailed on-site assessment of the extent of contamination at the site and the contamination of the personal property therein;
- (b) Soil testing of the site and testing of all property and soil in proximity to the site which the environmental hazard testing and cleaning firm determines may have been affected by the conditions found at the site;
- (c) A complete cleanup of the site (including but not limited to the cleanup or removal of plumbing, ventilation systems, fixtures and contaminated soil) or a demolition of the site and a complete cleanup of the demolished site;
- (d) A complete cleanup, or disposal at an approved dump site, of all personal property in the site;
- (e) A complete cleanup of all property and soil in proximity to the site which is found to have been affected by the conditions found at the site;
- (f) Remediation testing and follow-up testing, including but not limited to testing of the ventilation system and plumbing, to determine that all health risks are sufficiently reduced, according to state and federal health guidelines, to allow safe human

occupancy and use of the site and use of the personal property therein and of all property and soil in proximity to the site;

(g) Provide the Director of Planning and Code Compliance, or his/her designee, with the identity of the testing and cleaning firm with which the owner has contracted for abatement of the public health nuisance as required above; and

(h) Provide the Director of Planning and Code Compliance, or his/her designee, with a written cleanup schedule with reasonable deadlines for completing all actions required by the abatement order.

H. Site owner's verification of compliance. The site owner must meet all deadlines established on the cleanup schedule. Pursuant to the deadlines established by the cleanup schedule, the site owner is required to provide the Director of Planning and Code Compliance, or his/her designee, with a signed statement from a Village-approved environmental hazard testing and cleaning firm that the site, all personal property therein and all property and soil in proximity to the site, is safe for human occupancy and use and that the cleanup was conducted in accordance with the most current state and federal health guidelines.

I. Site owner's responsibility for costs. The site owner is responsible for all costs, including those of the Village, of dealing with and abating the public health nuisance, including contractors' fees and the Village's costs for services performed in association with the site. The Village's costs may also include, but shall not be limited to:

(1) Posting of the site;

(2) Notification of affected parties;

(3) Securing the site, providing limited access to the site, and prosecution of unauthorized persons found at the site;

(4) Expenses related to the recovery of costs, including the assessment process;

(5) Laboratory fees;

(6) Cleanup services;

(7) Administrative fees;

(8) Legal fees; and

(9) Other associated costs.

J. Village action and recovery of costs.

(1) If the site owner fails to comply with any of the requirements of this section, the Director of Planning and Code Compliance, or his/her designee, is authorized to take all reasonable actions necessary to abate the public health nuisance, including, but not limited to, contracting with a Village-approved environmental hazard testing and cleaning firm to conduct the work outlined above.

(2) If the costs to clean the site or to clean or dispose of the personal property at the site are prohibitively high in relation to the value of the site or the personal property, the Village is authorized to remove or demolish the site, structure or building and/or dispose of the personal property therein. These actions shall be taken in accordance with the provisions of § 66.0413, Wis. Stats., together with any amendments or modifications thereto.

(3) If the Village abates the public health nuisance, in addition to any other legal remedy, the Village shall be entitled to recover all of its out-of-pocket costs plus an additional 25% of such costs for administrative and legal expense. The Village may recover its costs both by civil action against the owner of the site, and by assessing such costs as a special charge against the site to be collected at the time real estate taxes are due and payable. The Director of Planning and Code Compliance, or his/her designee, is authorized to notify any lien and/or mortgage holders of the circumstances affecting the site.

K. Recovery of costs from persons causing damage. No provision of this section shall limit the ability or right of any impacted individual(s) or entity to recover costs specified under this section from any person(s) or other entity contributing to the creation of a public health nuisance, such as the operators of the site, and/or from other lawful sources.

L. Site owner and address. When the site is real property and the owner or the address of the owner of the site is unknown, the owner and the owner's address is deemed to be that of the property's taxpayer's name and address as that information is maintained by the county auditor's office. When the site is a vehicle, boat or trailer and the owner or the address of the owner of the site is unknown, the owner and the owner's address is deemed to be that of the person on file as the owner on the current or most recent title to the vehicle, boat or trailer.

M. Unauthorized removal of postings. It is unlawful for any person, except those authorized by the Village, to remove a temporary or permanent declaration of public health nuisance and/or do-not-enter, unsafe-to-occupy order from a site.

N. Entry into or onto site. While a declaration of public health nuisance for an affected site is in effect and has been posted at the site, no persons are permitted inside the site or on the site property without the prior written consent of the Director of Planning and Code Compliance, or his/her designee, or as otherwise authorized by this section. To confirm compliance with this section and to execute their duties under this section, law enforcement officers, the Director of Planning and Code Compliance, or his/her

designee, and any persons designated by the Director of Planning and Code Compliance, or his/her designee, may enter onto the site property or enter into the site at any time while a declaration of public health nuisance is in effect for the site.

O. Removal of personal property from the site. While a declaration of public health nuisance for an affected site is in effect and has been posted at the site, no personal property may be removed from the site without prior written consent from the Director of Planning and Code Compliance, or his/her designee. Consent to remove personal property shall only be granted at the discretion of the Director of Planning and Code Compliance, or his/her designee, and only in cases of hardship after:

(1) A Village-approved environmental hazard testing and cleaning firm has advised the Village, in writing, that the item(s) of personal property can be sufficiently cleaned to remove all harmful contamination; and

(2) The owner of the personal property agrees in writing:

(a) That the owner is aware of the danger of using the contaminated property;

(b) That the owner will thoroughly clean the property to remove all contamination before the property is used; and

(c) That the owner releases and agrees to indemnify the Village, its agents, employees, assigns and the Village of Hobart Board of Trustees from all liability to the owner and/or third persons for injuries or damages caused, or alleged to have been caused, by the contaminated property.

P. Penalties. Any person(s), firm(s), corporation(s), or other entity/entities violating any provision of this section shall, in addition to any costs above set forth, also be subject to the penalties as provided in § 1-3 of this Code together with the costs of prosecution. The default of payment of such forfeiture and costs of prosecution may result in imprisonment in the Brown County jail until said forfeiture and costs are paid, but not to exceed six months.

§ 207-9. Transfer of Ownership of Non-Complying Buildings.

It shall be unlawful for the owner of any building, structure or premises upon whom a notice of violation of this chapter has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the notice of violation have been complied with, or until such owner shall first furnish to the Director of Planning and Code Compliance, or his/her designee, signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

§ 207-10. Suspension and Revocation of Permits and Licenses.

A. Suspension and revocation of permits and licenses. In the event that any owner of property or operator of a business in the Village creates or maintains a public nuisance, for which property or business a license or permit has been granted by the Village, upon a majority vote of the Village Board such license or permit may be suspended, revoked, or denied renewal. Licenses and permits which are subject to this section involve all licenses and permits issued by the Village, including but not limited to licenses issued pursuant to Ch. 40 of this Code and alcoholic beverage licenses issued in accordance with and subject to the provisions of Ch. 125, Wis. Stats. Any suspension, termination or nonrenewal of licenses issued pursuant to Ch. 125, Wis. Stats., shall be undertaken in accordance with the procedures set forth in Ch. 125, Wis. Stats.

B. Upon suspension, termination or nonrenewal, the business and property owner shall immediately cease all operations for which such license or permit is required.

C. As a prior condition for the Village Board to take action for suspension, revocation or nonrenewal, the Village Clerk shall issue a written notice generally describing the alleged nuisance and advising said owner or operator of the next regularly scheduled Village Board meeting for which an agenda item shall be established to give said owner or operator an opportunity to show cause to the Village Board why suspension, revocation or termination should not take place. This notice shall be in writing and may be served by regular mail to either the address of the property or business or to the last known address of the owner or operator, based upon tax billing records in the Village offices or the address shown on the permit or license application.

§ 207-11. Cost of Abatement.

A. Cost of abatement. In addition to any other penalty imposed by this Code for the erection, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, or shall be assessed against the real estate. Cost recovery means those costs for service incurred by the Village in connection with a response to any public safety or fire incident, including, but not limited to, the actual labor and material costs of the Village (including, without limitation, employee wages, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of all materials, costs of transportation, costs of material disposal and costs of contracted labor) whether or not the services are provided by the Village or by a third party on behalf of the Village, service charges and interest; attorney fees, litigation costs and any costs, charges, fines or penalties to the Village imposed by any court or state or federal governmental entities.

B. Wherever this article imposes the cost of abatement as a special charge against the premises, the Village elects not to be subject to the administrative review provisions contained within Chapter 68 of the Wisconsin Statutes, and establishes the following as a complete and final review procedure: As a condition precedent to challenging any special charge, the owner of the premises must timely pay the charge in full under protest to the Village, unless waived for good cause by the Village Administrator. An appeal shall be made to the Village Administrator and can be undertaken only by filing a written appeal

with the Village Clerk-Treasurer concurrent with the date of payment. The written appeal shall specify all grounds for challenge to the amount of the special charge and shall state the amount of charge that the appellant considers to be appropriate. Failure to timely and properly appeal shall deprive the Village Administrator of jurisdiction to hear the appeal.

(1) The Village Administrator shall have 60 calendar days to consider an appeal under this subsection. In considering an appeal, the Village Administrator shall determine whether the charge is fair and reasonable and, in the event the appeal is granted, whether or not a refund is due the appellant and the amount of the refund. The Village Administrator shall conduct a formal or informal hearing at such time and place as designated in a hearing notice to the appellant, providing at least five business days' notice to the appellant. The Village Administrator is tasked with obtaining sufficient facts upon which to make a determination. The decision shall be based upon the evidence presented. The Village Administrator shall notify the appellant in writing of the determination by first class mail addressed to the individual and at the address listed within the appeal. Service is conclusive upon mailing.

(2) The decision of the Village Administrator is final except if the owner of the premises appeals the decision to a court of competent jurisdiction. Any such appeal shall be filed in accordance with Wis. Stat. 68.13. Such appeal shall be by writ of certiorari and the reviewing court shall be limited solely to the record created before the Village Administrator. Costs, but not attorney fees, shall be awarded to the prevailing party, at the sole discretion of the court. Failure to timely and properly appeal shall deprive the court of jurisdiction to hear the appeal.

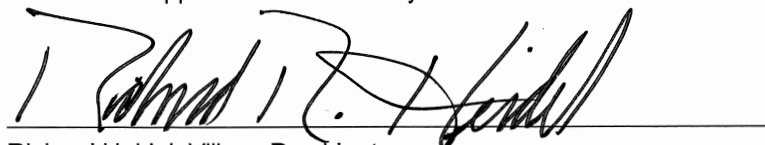
§ 207-12. Violations and Penalties.

Any person who shall violate any provision of this chapter shall, upon due conviction thereof, forfeit an amount as prescribed in the Uniform Forfeiture and Bond Schedules for each such offense, together with the costs of prosecution. Each day that a violation exists shall constitute a new offense.

Section 3: Any Ordinance or parts thereof, inconsistent herewith are hereby repealed.

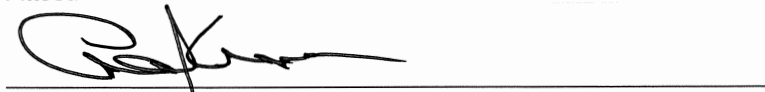
Section 4. This Ordinance shall be effective from and after its passage by the Village Board and publication as required by law.

Passed and approved on this 7th day of October 2025.



Richard Heidel, Village President

Attest:



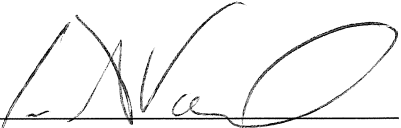
Aaron Kramer, Village Administrator

CERTIFICATION

The undersigned, being the duly appointed Clerk of the Board of the Village of Hobart, certifies that the aforementioned is the original ordinance adopted by the Village Board.

IN WITNESS WHEREOF, I have executed this Certificate in my official capacity on October 7, 2025.

(Seal)



Lisa Vanden Heuvel, Village Clerk