

CHAPTER 22 NUISANCES

22.01 **PUBLIC NUISANCES PROHIBITED.** No person shall erect, contrive, cause, continue, maintain, or permit to exist, any public nuisance within the city, or within the police jurisdiction of the city.

22.02 **PUBLIC NUISANCES DEFINED.** (1) Generally. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

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

(2) Public Nuisances Affecting Health. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of subsection (1) of this section.

- (a) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
- (b) Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death;
- (c) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, abandoned vehicles or machinery, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed; or which may constitute a fire hazard;
- (d) All stagnant water in which mosquitoes, flies or other insects can multiply;
- (e) Garbage cans which are not fly-tight;
- (f) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the city limits in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property;
- (g) The pollution of any public well or cistern, stream, lake, canal or body of water by

sewage, creamery or industrial wastes or other substances;

- (h) Any use of property, substances or things within the city emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the city;
- (i) All abandoned wells not securely covered or secured from public use;
- (j) Any barn, stable or shed used for keeping animals, within 20 feet of any dwelling;
- (k) Any obstruction in or across any water course, drainage ditch or ravine;
- (l) The deposit of garbage, rubbish, or any offensive substance on any street, sidewalk or public place, or on any private property, except as may be permitted by ordinance;
- (m) Any rank growth of weeds on private property.
- (n) Any act, activity, or use that violates a public health order issued pursuant to Wis. Stats. 252.02 and 252.03. (CREATED 4/14/2020-ORDINANCE NO. 1418)

(3) Public Nuisances Offending Morals and Decency. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of subsection (1) of this section:

- (a) All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling;
- (b) All gambling devices and slot machines;
- (c) All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by this code;
- (d) Any place or premises within the city where city ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

(4) Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of subsection (1) of this section:

- (a) All buildings erected, repaired or altered within the fire limits of the city in violation of

the provisions of the ordinances of the city relating to materials and manner of construction of buildings and structures within the district;

- (b) All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing;
- (c) 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;
- (d) All limbs of trees which project over a public sidewalk less than eight feet above the surface thereof or less than 10 feet above the surface of a public street;
- (e) All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the city;
- (f) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use;
- (g) All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground;
- (h) All loud and discordant noises or vibrations of any kind;
- (i) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the city 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;
- (j) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;
- (k) All abandoned refrigerators or ice-boxes or containers from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside by pushing only, with the strength of a small child;
- (l) 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;
- (m) Any advertisements or signs affixed to any building, wall, fence, sidewalk, street or other private or public property without permission of the owner thereof;
- (n) Any sign, marquee, or awning which is in any unsafe condition, or which overhangs any roadway, or which overhangs any sidewalk less than eight feet above the sidewalk surface;

- (o) Any condition, thing or practice constituting a fire hazard;
- (p) Any nuisance so defined by the Wisconsin Statutes.

(5) Littering. 1) "Litter" means garbage, refuse and rubbish as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare, or tends to reduce property values.

- (a) It is unlawful for any person or persons to place or cause to be left any human waste products, or to put or throw or leave any litter which is unsightly or which may cause an unpleasant smell or sight or constitute a hindrance to the public use of the premises or public place upon which it is placed.
- (b) Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

2) Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way or upon any private property, shall clean up the same within 12 hours of the time the same is deposited. If any such litter is subject to being blown about it shall be picked up immediately. If any such litter is likely to attract animals such litter shall be picked up immediately.

3) If any person, firm, corporation or association fails to pick up litter as required by the preceding section within the time specified therein, the Director of Public Works shall arrange to have the same picked up by City crews or by private enterprise. The entire expense for picking up such litter, together with an additional charge of 20% for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, it shall be placed upon the tax roll of any property owned by the litterer pursuant to Wisconsin Statute 60(16). This charge shall be in addition to any fine or other penalty for violation of this ordinance.

4) Violations of this section shall be subject to forfeiture in an amount within the range shown in Chapter 42 of the Municipal Code for each day that a violation exists.

5) If any section of this Ordinance shall be deemed unenforceable, the remaining shall remain in effect. (SUBSECTION (5) CREATED 3/10/98-- ORDINANCE NO. E-397)

22.03 ABATEMENT OF PUBLIC NUISANCES. (1) Inspection of Premises. Whenever complaint is made to the Mayor that a public nuisance exists, or has existed, within the city, he shall promptly notify the Health Officer, the Building Inspector, or some other city official whom the Mayor shall designate, who shall forthwith inspect or cause to be inspected the premises and shall make a written report of his findings to the Mayor. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the City Clerk.

(2) Summary Abatement. (a) Notice to Owner. If the inspecting officer shall determine that a public nuisance exists on private property and that there is a great and immediate danger to the public health, safety, peace, morals or decency, the Mayor may direct the Chief of Police, or a Deputy Sheriff, to serve a 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 24 hours and shall state that unless such nuisance is so abated, the city will cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting or maintaining the same, as the case may be.

(b) Abatement by City. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Health Officer, the Building Inspector, or some other city official whom the Mayor shall designate, shall cause the abatement or removal of such nuisance.

(3) Abatement by Court Action. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the Mayor, who shall cause an action to abate such nuisance to be commenced in the name of the city.

22.04 COST OF ABATEMENT. In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the city shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as other special taxes.

22.05 JUNKED VEHICLES ON PRIVATE OR PUBLIC PROPERTY. (1) No disassembled, dismantled, junked, wrecked or inoperable and/or unlicensed motor vehicle shall be stored or allowed to remain in the open upon public or private property within the City of Hartford for a period in excess of 48 hours unless it is in connection with an automotive sales and repair business enterprise located in a properly zoned area.

(2) Whenever the Police Department shall find any such vehicle placed or stored in the open upon public property within the corporate limits of the City of Hartford, the Police Department shall cause such vehicle to be removed or stored in a junk or salvage yard or other suitable place for a period of 10 days, unless the Chief of Police determines that the cost of towing and storage charges for impoundment would exceed the value of the vehicle. The Police Department shall give notification of the impoundment of the vehicle pursuant to Wisconsin Statutes 342.40.

(3) Whenever the Police Department finds any such vehicle placed or stored upon private property within the corporate limits of the City, it shall notify the owner of the property upon which the vehicle is placed or stored, or the owner of the vehicle if ascertainable, of the intention of the City to remove such vehicle. If any such vehicle is not removed within 5 days

after such notice, the Police Department shall cause such vehicle to be removed, the cost of removal to be charged to the property owner from which it is removed, and if unpaid the charge shall be entered as a special charge on the tax roll. Upon removal the vehicle shall be stored in a junk or salvage yard or other suitable place for 10 days and the owner and lien holders shall be notified of its whereabouts pursuant to Wisconsin Statutes 342.40. At the end of 10 days, the vehicle shall be disposed of by auction, sale or junking as determined by the Chief of Police. If the vehicle is claimed by the owner, all reasonable charges for handling and storage shall be paid by the owner.

(4) In addition to the payment of storage and towing charges as determined in Chapter 42 of the Municipal Code, any person who is convicted of a violation of this section shall be subject to the penalties provided in Chapter 42 of the municipal code. (SECTION 22.05 AMENDED 2/9/93--ORDINANCE NO. E-234; AMENDED 6/11/96--ORDINANCE NO. E-335)

22.06 LOUD NOISES PROHIBITED. (1) General. No person shall unreasonably disturb the peace and quiet of any other person by making or causing to be made any unnecessary and excessive noise. Unnecessary and excessive noise shall include, but shall not be limited to, loud shouting, whistling, loud playing of phonographs, radios, television sets, music machines or musical instruments, or any other noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street, alley, or park or any private residence.

(2) Construction and Machinery Noise. Except for emergencies or snow removal or for municipal construction operations approved by the City Engineer and Police Chief, no person shall operate any loud vehicles or any other loud machinery between the hours of 6:00 p.m. and 6:00 a.m. Residential lawn mowers or chainsaws shall not be operated between the hours of 9:00 p.m. to 6:00 a.m. The provisions of this section shall be applicable to machinery noise emanating from industries which operate on distinct shifts, some of which overlap the prohibited hours of operation. Proximity of the industry to private residences shall be a factor on the issue of unreasonableness.

This Section shall be subject to the enforcement provisions of Sections 22.03 and 22.04. Violations of this Section shall be subject to forfeitures in an amount within a range shown in Chapter 42 of the Municipal Code for each day that a violation exists. (SECTION 22.06 CREATED 2/11/92--ORDINANCE NO. E-202; AMENDED 6/11/96--ORDINANCE NO. E-335; AMENDED 2/22/11—ORDINANCE NO. E-1254; AMENDED 7/14/15—ORDINANCE NO. 1329)

22.07 GRAFFITI VANDALISM PROHIBITED/ABATEMENT. (1) Purpose and Intent. The purpose and intent of this ordinance is to prohibit graffiti vandalism, and to provide a procedure requiring the removal of graffiti from property within the City of Hartford. Graffiti contributes to blight and deterioration of surrounding properties, and reduces the physical attractiveness to the neighborhoods, and is detrimental to the City. Graffiti constitutes a public nuisance and must be abated promptly in order to alleviate the detrimental impact it has on the neighborhoods, businesses, surrounding properties, and citizens and the City of Hartford, in general.

(2) Graffiti Vandalism Prohibited. (a) Graffiti Defined. "Graffiti" means any inscription, word, figure or design, marked, scratched, etches, drawn or painted with spray paint, liquid

paint, ink, chalk, dye, markers or other similar substances, on buildings, fences, structures, signs and other similar places, without the express permission of the owner or operator of the property.

(b) Graffiti Vandalism Prohibited. No person may write, paint or draw any inscription, figure or mark of any type on any public or private building or other real or personal property owned, operated or maintained by any private person or public entity, agency, firm or corporation, unless the express permission of the owner or operator has been obtained. This shall not be construed to prohibit the placement of temporary and easily removable chalk or other water soluble markings on public or private streets, sidewalks or other paved surfaces incident to youth activities such as hopscotch and various types of ball games or any lawful business activity.

(c) Penalty. 1. Any person who violates subsection 22.07(2)(b) shall be subject to a forfeiture of not less than \$500 per violation, in addition to any applicable fees, assessments and costs of prosecution. In addition, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property.

2. Parental Liability. Pursuant to Section 895.035, Wisconsin Statutes, the parent(s) of an unemancipated minor may be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed the amount specified in 799.01(1)(d).

(3) Graffiti Abatement. (a) Graffiti Prohibited. No private person or public entity, agency, firm or corporation who is the owner of any real or personal property where graffiti exists as defined in 22.07(2)(a) of this chapter, may maintain or allow any graffiti to remain upon such property for a period of more than ten (10) days.

(b) Abatement Notification. 1. Upon official and written notification, the Building Inspection Department shall, within five (5) days of receiving said notification, serve any property owner whose property has been affected by the application of graffiti, a written Notice to Abate requiring the property owner to remove, restore, clean up or repair such property within ten (10) days of the date of such Notice.

Content of Notice to Abate. The Notice shall identify the property affected, shall generally describe the location of the graffiti and direct that the graffiti be removed within ten (10) days of receipt of the Notice to Abate. The Notice shall also include that if the owner fails to remove graffiti within the time specified in the Notice, the owner may be subject to a forfeiture as provided in subsection (c).

2. Such Notice may be served personally by the Building Inspector or his/her authorized representative, or by registered, certified or regular mail, and service upon any one of joint or in-common owners shall constitute valid service upon all property owners.

- (c) Penalty. 1. Any person, entity, agency, firm or corporation who violates this section shall be subject to a forfeiture of not less than \$25, nor more than \$500, together with the cost of prosecution.
2. A violation of this section exists on the date that the citation is issued and continues to exist until remedied. Each day in which a violation continues shall be determined a separate and distinct offense.
 3. Payment of a monetary forfeiture does not relieve the owner or operator of the property of the duty to abate the graffiti nuisance.
 4. If, after thirty (30) days upon receipt of Notice to Abate, the property owner or operator fails to comply with the terms of said Notice, in addition to the penalties set forth under this subsection, the City may cause the removal, restoration, clean up or repair of such property affected by the graffiti. Pursuant to Wisconsin Statutes Section 66.60(16), the City may impose a special charge for services reflecting the actual costs of graffiti removal against the property.

(4) Severability. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect. (SECTION 22.07 CREATED 6/13/00--ORDINANCE NO. E-436)

22.08 **RESIDENCY AND SAFETY RESTRICTIONS FOR SEX OFFENDERS.** The Wisconsin Statutes govern the punishment of individuals who commit sex crimes. The City of Hartford has no authority or intent to intervene in either area. The City of Hartford recognizes statutory residency restrictions and the limited exemptions enumerated in Wisconsin § 980.135 for sex offenders released pursuant to Wisconsin § 980.08. Nothing in this ordinance should be construed to apply to an offender currently in compliance with all court orders issued under Chapter 980 of the Wisconsin Statutes or to a person providing housing to the offender in compliance with those court orders.

(1) **PURPOSE.** This ordinance is a non-punitive, civil regulatory measure aimed at protecting the public health, safety and welfare of the children and citizens of the City of Hartford from the risk that convicted sex offenders may re-offend in locations close to their residences. The City finds and declares that sex offenders who prey upon children are a serious threat to public safety and it is necessary for the City to enact reasonable measures to reduce the opportunity and minimize the risk of re-offense by protecting children where they congregate or play in public places in addition to the protections afforded by state law near schools and other places children frequent.

(2) **DEFINITIONS.**

(a) **Sex Offender.** A person who:

- (1) Is required to register under § 301.45, Wis. Stats., for any sexual offense against a child;
- (2) Is required to register under § 301.45, Wis. Stats., and who has been designated a special bulletin (SBN) sex offender pursuant to § 301.44 (2) and (2m), Wis. Stats; or

(3) Within the ten years prior to establishing a permanent or temporary residence within the City, has been convicted of or found not guilty by reason of disease or mental defect of a violation of § 940.30, Wis. Stats., False Imprisonment, if the Victim was a Minor and Not Offender's Child or § 940.31, Wis. Stats., Kidnapping, if the Victim was a Minor and Not Offender's Child.

(b) **Sexually Violent Offense.** Shall have the meaning set forth in § 980.01(6).

(c) **Prohibited Activity.** Distributing candy or other items to children or otherwise participating in trick or treat activities if the sex offender is not the parent or guardian of such children or participating in a haunted house or other Halloween related amusement activity.

(d) **Residence.** A place where a person sleeps, abides, lodges, or resides on a permanent or temporary basis. For purposes of this definition, a "permanent basis" means 14 or more consecutive days and a "temporary basis" means 14 or more aggregate days during any calendar year or four or more consecutive or nonconsecutive days in any month. A person may have more than one residence, and may be mobile or transitory.

(3) **RESIDENCY RESTRICTION.**

(a) Except as otherwise provided in this Ordinance, a Sex Offender may not establish a permanent or temporary residence within 1,000 feet of any real property upon which there exists any of the following uses:

- (1) A school for children.
- (2) A public park, parkway, parkland, park facility, or recreational trail.
- (3) A daycare licensed by the State of Wisconsin.
- (4) A public library.
- (5) A public playground.
- (6) A public athletic field used by children.
- (7) A residential care center for children.
- (8) A public swimming pool.
- (9) A public community center.
- (10) An aquatic facilities open to the public.
- (11) A movie theater.
- (12) Any specialized school for children, including, but not limited to, a gymnastics academy, dance academy or music school.

(b) For purposes of this section, distance is to be measured in a straight line from the closest boundary line of the real property upon which the residence is located to the closest boundary line of the real property of the applicable use. If any portion of a tax parcel contains a prohibited location, the entire tax parcel shall be considered a prohibited location.

(c) The City Clerk shall maintain an official map showing the prohibited locations and safety zones within the City. The City shall update the map at least annually to reflect any changes in the prohibited locations and safety zones. The map shall be available in the City Clerk's office and posted to the City website. A Sex Offender establishing a temporary or permanent

residence pursuant to this Section may rely on the most current map maintained by the City at the time of establishing a residence.

(4) **RESIDENCY RESTRICTION EXCEPTIONS.** A Sex Offender residing within an area otherwise prohibited by Sections 3 or 7 does not commit an offense if any of the following apply:

(a) The Sex Offender had established a Permanent Residence at the location prior to the effective date of this Ordinance.

(b) The Sex Offender had established a Permanent Residence prior to the date of the relevant offense as described in Section B (2) and/or (3), above, and maintained continuous ownership or leasehold of the Permanent Residence during any jail, prison or other sentence served for the offense.

(c) The use enumerated in Section 3 was established after the Sex Offender established a residence at the location.

(d) The Sex Offender establishes Permanent or Temporary Residence at a qualified dwelling that is occupied by a member of the Sex Offender's immediate family. For purposes of this section, a member of a Sex Offender's immediate family means the Sex Offender's current spouse, mother, father, brother, sister, child, or grandparent. A qualifying dwelling is a residence where the sex offender's family member(s) has resided continuously for a period of more than one (1) year at the time the Sex Offender occupies the residence.

(e) The Sex Offender is required to serve a sentence at a jail, prison, juvenile facility, or other facility located at the otherwise prohibited location.

(f) The Sex Offender is a minor or ward under guardianship.

(g) The Sex Offender is temporarily hospitalized.

(5) **SAFETY ZONES.**

(a) No Sex Offender may enter or be present on any real property upon which there exists any facility used for or which supports the use of:

- (1) A school for children.
- (2) A public park, parkway, parkland, park facility, or recreational trail.
- (3) A daycare licensed by the State of Wisconsin.
- (4) A public library.
- (5) A public playground.
- (6) A public athletic field used by children.
- (7) A residential care center for children.
- (8) A public swimming pool.
- (9) A public community center.
- (10) An aquatic facilities open to the public.

- (11) A movie theater.
- (12) Any specialized school for children, including, but not limited to a gymnastics academy, dance academy or music school.

(6) **SAFETY ZONE EXCEPTIONS.**

(a) A Sex Offender present in an area otherwise prohibited by Section 5 does not commit an offense if any of the following apply:

(1) The property supporting a use enumerated in Section 5 also supports a church, synagogue, mosque, temple, or other house of religious worship, subject to the following conditions:

- i. Entrance and presence on the property may occur only during hours of worship or other religious program of service; and
- ii. Written advanced notice is made from the person to an individual in charge of the church, synagogue, mosque, temple, or other house of religious worship and approval from an individual in charge of the church, synagogue, mosque, temple, or other house of religious worship as designated by the church, synagogue, mosque, temple, or other house of religious worship is made in return, of the attendance by the person; and
- iii. The person may not participate in any religious education programs that include individuals under the age of 18.

(2) The property supporting a use enumerated in Section 5 also supports a use lawfully attended by the Sex Offender's natural or adopted child or children, which child's use reasonably requires the attendance of the Sex Offender, provided that entrance and presence on the property occurs only during hours of activity related to the use by the child or children.

(3) The property supporting a use enumerated in Section 5 also supports a polling location in a local, state, or federal election, subject to the following conditions:

- i. The Sex Offender is eligible to vote.
- ii. The polling location is the designated polling location for the Sex Offender.
- iii. The Sex Offender casts his or her ballot with whatever usual and customary assistance is available and vacates the property immediately after voting.

(4) The property supporting a use enumerated in Section 5 also supports a school lawfully attended by the Sex Offender as a student, provided that the Sex Offender may only remain on the property at such times that are reasonably required for his or her educational purposes.

(5) The property supporting a use enumerated in Section 5 also supports a police station, City Hall, or other governmental building, provided that the Sex Offender vacates the property immediately after completing the activity that required his or her presence at the property.

(6) The Sex Offender was exercising his First Amendment rights protected by the U.S. Constitution or Wisconsin Constitution, including freedom of speech and the right of assembly.

(7) **PROHIBITED ACTIVITY.** It is unlawful for a sex offender to participate in a prohibited activity.

(8) **ORIGINAL RESIDENCY RESTRICTION.** Except as described in Section 4(d) above, No Sex Offender may establish a residence in the City of Hartford unless he or she was a resident of the City of Hartford at the time of the most recent offense resulting in the person's designation as a Sex Offender. This restriction does not apply if 10 years have passed since the date on which the person was released from prison or placed on parole, probation, extended supervision or other supervised release for the sex offense provided the Sex Offender has not been convicted of an additional sex offense as described in § 301.45 (1d) (b), Wis. Stats., a Sexually Violent Offense, Wis. Stats., or an offense described in Section 22.08(2)(a)(3) of the City of Hartford Municipal Code.

(9) **LOSS OF EXEMPTION OR ORIGINAL RESIDENCY.**

(a) Any Sex Offender maintaining a residence within the City of Hartford that is exempted from the restrictions of this ordinance pursuant to Sections 4.(a), (b) or (c) shall lose the exemption if the Sex Offender's ownership or leasehold of the property ceases at any point in time, at which time the Sex Offender shall be subject to the restrictions of Sections 3.

(b) Any Sex Offender maintaining a residence within the City of Hartford who ceases to maintain a Permanent Residence within the City shall be subject to the terms of Section 8.

(10) **RENTAL OF PROPERTY FOR USE BY SEX OFFENDERS.**

(a) No person may rent any place, structure, or part thereof with knowledge that it will be used as a residence by any Sex Offender that is prohibited from establishing residence therein by this Ordinance.

(b) Notice to Property Owner. A Sex Offender shall notify any property owner from whom the Sex Offender intends to lease, or rent any place, structure, mobile home, trailer, or any part thereof, that the Sex Offender is a Sex Offender as defined in paragraph (2)(a) of this Section, prior to entering into any lease or rental agreement.

(c) Notice to Police Department. A Sex Offender and any property owner who leases or rents any place, structure, mobile home, trailer, or any part thereof, with the knowledge that it will be used as a Permanent or Temporary Residence by a Sex Offender, must each notify the Hartford Police Department in writing a minimum of twenty-eight (28) days prior to entering into a lease or rental agreement establishing a Permanent or Temporary Residence within the City providing the term of the lease or rental agreement and prior to any renewal or extension of the lease or rental agreement providing the term thereof. Any property owner governed by this paragraph shall also provide notice upon the termination of the Sex Offender's tenancy for any reason whatsoever.

(11) **ENFORCEMENT**. Any person violating Section 22.08 may be required to forfeit an amount within the range shown in Chapter 42 of the Municipal Code for each violation plus the costs of prosecution (including reasonable attorneys' fees). For purposes of calculating forfeitures, each day that a violation exists shall constitute a separate offense. Violations of this Ordinance are also deemed public nuisances, and the City may bring an action in circuit court to enjoin or abate any violation.

(12) **SEVERABILITY**. The terms and provisions of this Ordinance are severable. Should any term or provision of this Ordinance be found invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect, or, to the extent permitted by law, the court is authorized to substitute an alternative term or provision for the invalid term or provision.

(13) **RULES OF CONSTRUCTION**. In the construction of this ordinance, references to the singular include the plural. References to "person" extends to natural persons, firms, corporations, partnerships, limited liability companies, or other entities.

(14) **APPEAL FOR AN EXEMPTION**.

(1) A designated offender may seek an exemption from this chapter by appealing to the Sex Offender Residency Board.

(2) The board shall consist of three citizens. After this initial appointment of members to a term of one, two and three years, the mayor shall annually, between the last Monday of April and the first Monday of May, appoint one member for a term of three years, subject to confirmation by the Common Council.

(3) The board shall approve of an official appeal form. An offender shall fill in the official form and submit it to the City Clerk, who shall forward it to the board. The board shall hold a hearing on each appeal, during which the board may review any pertinent information and may accept oral and written statements from any person. The board shall consider the public interest as well as the affected party's presentation and concerns. In making its determination under this provision, the board may consider the circumstances of the case(s) that have led to the designated offender status including, but not limited:

- a. Relationship of offender and victim.
- b. Presence or use of force.
- c. Presence of enticement.
- d. Proximity in time.
- e. Time out of incarceration.
- f. Credibility of offender.
- g. Remorse.
- h. Proximity of proposed residence to a child safety zone.
- i. Support network of offender.
- j. Counseling and treatment history.

(4) The board shall decide by majority vote whether to grant or deny an exemption. An exemption may be unconditional or to a certain address or time. A written copy of the decision

shall be provided to the police department for their information and to the affected party. Any decision of the board may be appealed to circuit court. (SECTION 22.08 CREATED 4/18/2017—ORDINANCE NO. 1366; AMENDED 10/10/2017—ORDINANCE NO. 1374)