

**CHAPTER 41
OFFENSES AGAINST PUBLIC
PEACE, SAFETY AND MORALS**

41.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE. The following Wisconsin Statutes defining offenses against the peace and good order of the State, and following the prefix "41" are adopted by reference to define offenses against the peace and good order of the City provided the penalty for commission of such offenses shall be limited to a forfeiture imposed under Chapter 42 of this Code.

(1) PRELIMINARY PROVISIONS.

41.939.05 Parties to Crime

(2) OFFENSES AGAINST PUBLIC HEALTH AND SAFETY.

41.450.11(7)(h) Unlawful Possession of a Prescription Drug
41.940.19 Battery
41.941.01 Negligent Operation of Vehicle Not Upon Highway
41.941.10 Negligent Handling of Burning Materials
41.941.13 False Alarms and Interference with Firefighting
41.941.23 Carrying Concealed Weapons
41.941.24 Possession of Switch Blade Knife
41.941.295 Possession of Electric Weapons
41.941.35 Emergency Telephone Calls
41.941.375 Throwing or Discharging Bodily Fluids at Public Safety Workers
41.942.10 Use of Drones

(3) OFFENSES AGAINST PROPERTY.

41.943.01 (1) Criminal Damage to Property
41.943.03 Arson of Property Other Than Buildings
41.943.07 Criminal Damage to Railroads
41.943.11 Entry into Locked Vehicle
41.943.125 Entry into Locked Coin Box
41.943.13 Trespass to Land
41.943.14 Trespass to Dwellings
41.943.15 Entry on to a Construction Site or into a Locked Building, Dwelling or Room
41.943.017 Graffiti
41.943.20 Theft
41.943.201 Identity Theft
41.943.21 Fraud on Hotel or Restaurant Keeper
41.943.24 Issuance of Worthless Checks
41.943.34 (1) Receiving Stolen Property
41.943.37 Alteration of Property Identification Marks
41.943.45 Theft of Telecommunications Service
41.943.46 Theft of Cable Television Service

41.943.50 Shoplifting
41.943.55 Removal of Shopping Cart
41.943.61 Theft of Library Materials
41.948.63 Receiving Property from Children

(4) GAMBLING.

41.945.01 Definitions Relating to Gambling
41.945.02 Gambling

(5) OFFENSES AGAINST GOVERNMENT AND ITS ADMINISTRATION.

41.946.40 Refusing to Aid Officer
41.946.41 Resisting or Obstructing Officer
41.946.70 Impersonating a Peace Officer

(6) OFFENSES AGAINST PUBLIC PEACE.

41.947.01 Disorderly Conduct
41.947.012 Unlawful Use of Telephone
41.947.0125 Unlawful Use of Computerized Communications Systems
41.947.013 Harassment
41.947.06 Unlawful Assemblies
41.948.45 Contributing to Truancy

(7) OFFENSES AGAINST ANIMALS.

41.951.01 Definitions Relating to Crimes Against Animals
41.951.02 Mistreating Animals
41.951.03 Dognapping and Catnapping
41.951.04 Leading Animal from Motor Vehicle
41.951.05 Transportation of Animals
41.951.06 Use of Poisonous and Controlled Substances
41.951.07 Use of Certain Devices Prohibited
41.951.08 Instigating Fights Between Animals
41.951.09 Shooting at Caged or Staked Animals
41.951.10 Sale of Baby Rabbits, Chicks and Other Fowl
41.951.11 Artificially Colored Animals; Sale
41.951.13 Providing Proper Food and Drink to Confined Animals
41.951.14 Providing Proper Shelter
41.951.15 Animals; Neglected or Abandoned; Police Powers

(8) OFFENSES AGAINST SEXUAL MORALITY.

41.944.20 Lewd and Lascivious Behavior

(SECTION 41.01 AMENDED 7/8/08—ORDINANCE NO. 1183; 2/23/16-ORDINANCE NO. 1343)

41.02 DISCHARGING AND CARRYING FIREARMS: PROHIBITIONS. To further public health and safety and to the extent not otherwise specifically permitted by Wisconsin Statutes:

(a) No person, except a Peace or Law Enforcement Officer or member of the Military in the line of duty as defined in Wisconsin Statutes, shall fire or discharge any firearm, rifle, spring gun, air gun (whether a missile is expelled by compressed air, gas or chemical), electric weapon, bow and arrow, crossbow, sling shot, or blow gun within the City of Hartford except:

1. in areas designated as a shooting range by the Common Council.
2. in areas approved by any school authority or the Recreation Department.
3. when lawfully hunting with a bow and arrow or crossbow at a distance greater than 100 yards, from a building located on another person's land as described in **§29.038(3)(b)1.a.** This restriction does not apply if the person who owns the land on which the building is located allows the hunter to hunt within 100 yards of the building. A person who discharges a bow and arrow or crossbow within the City of Hartford is required to discharge the arrow or bolt from the respective weapon toward the ground.

(b) No person, except a Peace or Law Enforcement Officer or member of the Military in the line of duty or person acting within the terms of a license to carry a concealed weapon as defined in Wisconsin Statutes, shall have any spring gun, air gun (whether a missile is expelled by air, gas or chemical), or electric weapon in his or her possession or under his or her control unless it is both unloaded and locked or enclosed within a carrying case or other suitable container.

(c) No weapon other than a weapon carried by a peace or law enforcement officer may be carried, open or concealed, beyond the dispatch center controlled entry to the police department or any other entrance to the secure portion of the police facility. It is not a violation of the Section to lawfully carry a weapon into any other portion of the building so long as it has not been posted to prohibit the carrying of a weapon.

Penalty. Any person who violates the provisions of this Ordinance shall be subject to a penalty in an amount as shown in Chapter 42 of the Municipal Code, together with costs of prosecution.

Severability. In the event that any provision of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion of this Ordinance shall be deemed separate, distinct and independent provisions of the Ordinance and all remaining portions of this Ordinance shall remain in full force and effect. (SECTION 41.02 AMENDED 1/14/14—ORDINANCE NO. 1306; AMENDED 1/13/15—ORDINANCE NO. 1321)

41.03 LOITERING IN SCHOOLS AND ON SCHOOL GROUNDS. It shall be unlawful for any person not in official attendance, on official school business, or attending an official school sanctioned event to enter into, congregate, loiter, wander, stroll, stand, or in any other way create a disturbance in any school building in the City or in or about any area of school grounds at any time.

41.04 CURFEW FOR MINORS. 1) Curfew Established. a) Minors Under 14 Years. No minor under 14 years of age shall be or remain in or upon the streets, alleys or public places in the City between 11:00 p.m. and 4 a.m. unless:

1. accompanied by a parent, guardian or other person having legal custody of such minor;
2. upon an emergency errand directed by a parent, guardian or person having legal custody;
3. returning home from associational activities within thirty minutes of their termination;
4. engaged in legitimate employment making it necessary to be in public places at such times.

b) Minors 14 Years to 17 Years. No minor between the ages of 14 years and 17 years of age shall be or remain in or upon the streets, alleys or public places in the City between 12:00 a.m. and 4:00 a.m. unless:

1. accompanied by a parent, guardian or other person having legal custody of such minor;
2. upon an emergency errand directed by a parent, guardian or person having legal custody;
3. returning home from associational activities within thirty minutes of their termination;
4. engaged in legitimate employment making it necessary to be in public places at such times.

2) Duty of Parents and Guardians. No parent, guardian or person having legal custody of any minor referred to in subsection (1) shall allow any such child to be in or upon any of the streets, alleys or public places in the City in violation of the preceding subsection.

3) Enforcement by Police. The Police Department shall take into custody any minor found on the streets, alleys or public places in violation of subsection (1) (a), (b) and shall immediately notify the parent, guardian or legal custodian to appear at the police station and take proper charge of the minor.

4) Penalty. a) For those minors 14 to 18 years, a forfeiture in an amount within a range as shown in Chapter 42 of the Municipal Code may be required as provided in State Statutes (Chapter 48-Childrens Code). (AMENDED 6/11/96--ORDINANCE NO. E-335)

b) Any parent, guardian or legal custodian of any minor who upon subsequent violations of curfew ordinance by said minor, may be required to forfeit an amount within a range as shown in Chapter 42 of the Municipal Code. (AMENDED 6/11/96--ORDINANCE NO. E-335)

41.05 SMOKE NUISANCE. (1) Definition. The emission of dense smoke, soot, cinders, fly ash or coal dust from the smoke stacks of any locomotive or engine or from the smoke stack on any stationary engine or from the smoke stack or chimney of any factory, mill, or building anywhere within the corporate limits of the city for exceeding five minutes in any two hour period, day or night, shall be deemed and is declared to be a public nuisance and is prohibited.

(2) Violations. The owner, lessee, or occupant of any building or the fireman, engineer or any other person having charge or control of any furnace or engine who shall cause, permit, or allow dense smoke, soot, cinders, fly ash, or coal dust to be emitted from the smoke stack or chimney connected with any such furnace or engine within the corporate limits of the city, in

violation of this section shall be deemed guilty of creating a public nuisance and violating the provisions of this section.

(3) Enforcement. It shall be the duty of the Building Inspector to cause this section to be enforced and to prosecute all persons violating these provisions.

41.06 HAND BILL DISTRIBUTION. No person shall place, scatter, or throw any hand bills, circulars, placards, posters, cards, waste papers, leaflets, or pamphlets into or upon any sidewalk, street, alley, or other public highway, or into or on vehicles parked upon the street or into or upon any yard, lawn, driveway, porch, or mail box, or into the vestibule of any hall or building, or attach them to or hang them on the door of any premises if they will likely be scattered by the wind or if they are of such nature or character to be normally or probably discarded by the occupants of the vehicle or of the premises upon the sidewalks, streets, or other public highways, or likely to clog the sewers or create fire hazards or filthy and unclean conditions. This section shall not apply to newspapers or magazines, or to anything carried or delivered by the postal service of the United States.

41.07 BILL POSTING. No person shall post or in any manner put up any written or printed bill, notice, advertisement or other literature, except legal notices required to be posted by law, upon any building or fence without the consent of the owner, or upon any tree, post or pole in the city or on any public property.

41.08 CONSUMPTION OF FERMENTED MALT BEVERAGES AND/OR INTOXICATING LIQUORS ON ANY PUBLIC WAY, SIDEWALK, THOROUGHFARE OR PARKING LOT. (1) No person shall consume or possess any open container of fermented malt beverages and/or intoxicating liquors on any public way, sidewalk, thoroughfare or parking lot within the city limits of Hartford, whether in or upon a vehicle or not.

41.09 CONSUMPTION OF INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES ON THE PREMISES OF THE LINCOLN ATHLETIC FIELD COMPLEX AND NEARBY PUBLICLY-OWNED LANDS. (1) Intoxicating Liquor. No person shall consume or possess any open container of intoxicating liquors on land owned by the City of Hartford and/or Common School District #1 or High School, and used for park purposes and/or athletic events, within the area bounded by South Main Street, West Monroe Avenue, Cedar Street, West Lincoln Avenue, and South Rural Street, nor within lands owned by the Hartford Union High School District to the southwest and northwest of the intersection of Cedar Street and Monroe Avenue, nor within the parking lot at the southeast corner of Cedar Street and Monroe Avenue.

(2) Fermented Malt Beverage. During hours that the concession stand located between the football field and softball diamond is open, no person shall carry fermented malt beverages away from the concession stand.

(3) Penalty. Any person violating Section 41.09 (1) and (2) may be required to forfeit an amount within a range as shown in Chapter 42 of the Municipal Code for the first offense and shall also be required to forfeit an amount for the second or subsequent offense within a year. (AMENDED 6/11/96--ORDINANCE NO. E-335)

41.10 SALE OF BEVERAGES IN PAPER OR PLASTIC CONTAINERS ON CITY-OWNED LANDS.

It shall be illegal to sell fermented malt beverages, soda, or other beverages in metal containers or glass bottles in City parks, without first transferring the contents to paper cups, or plastic cups which are not capable of causing injury from sharp edges.

41.11 SALE OF TOBACCO OR TOBACCO PRODUCTS TO MINORS FORBIDDEN. No person, by himself, his servant or agent, or as the servant or agent of any other person, shall sell, give away, or otherwise dispose of, by vending machine or otherwise, any tobacco or tobacco products to any person under the age of eighteen (18) years.

41.12 UNLAWFUL USE OF MOTORBOATS. The use of motorboats in the Hartford Millpond is a threat to public health, safety, and welfare; therefore, no person shall use a motorboat as defined in Wisconsin Statutes Section 30.50 on the waters of the Hartford Millpond.

41.13 LOITERING. 1) Definition. As used in this section, loitering shall mean remaining idle in essentially one location and shall include the concept of spending time idling, loafing, or walking about aimlessly.

2) Conduct Prohibited. No person shall loiter in a public place in such a manner as to: a) create or cause to be created a danger of a breach of the peace; b) create or cause to be created any disturbance or annoyance to the comfort and repose of any person; c) obstruct the free passage of pedestrians or vehicles; d) obstruct, molest or interfere with any person lawfully in any public place. This paragraph shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature, or which are calculated to annoy or disturb the person to or in whose hearing they are made.

3) Request to Leave. Whenever the presence of any person in any public place is causing any of the conditions enumerated in Section 2, any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.

41.132 PROWLING. (1) Definition. As used in this section, “prowling” shall mean engaging in conduct on public or private property which is furtive and is directed towards other persons or property in a manner which arouses alarm.

(2) No person shall prowl in a place, at a time and in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police officer or manifestly endeavors to conceal themselves or any object. Unless flight by the person or other circumstance makes it impractical a police officer shall, prior to any arrest for an offense under this subsection, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting them to identify themselves and explain their presence and conduct.

(3) Penalty. Any person violating Section 41.132 may be required to forfeit an amount within the range shown in Chapter 42 of the Municipal Code. (SECTION 41.132 CREATED 3/13/07—ORDINANCE NO. 1139)

41.14 SMOKING PROHIBITED ON CERTAIN PREMISES. (1) Adoption of Clean Indoor Air Act. The provisions of Section 101.123, Wisconsin Statutes, as amended by 2009 Wisconsin Act 12 and Act 276, and as it may be amended in the future, relating to the prohibition of smoking in various enclosed places, is hereby adopted and made part of this Code by reference. Penalties for violation shall be as provided in Section 1.12. As prescribed by State Statutes, a warning notice shall be issued to the "person in charge" for the first violation.

(2) Penalty. A violation of the provision of Section 41.14(1) of the Municipal Code relating to the prohibition of smoking in various enclosed places shall be \$100 for each violation except that the forfeiture for a "person in charge" cannot exceed \$100 per day, plus costs and charges per Chapter 42 of this Code. (SECTION 41.14 AMENDED 6/11/96--ORDINANCE NO. E-335; AMENDED 6/22/10—ORDINANCE NO. 1245)

41.15 POSSESSION OF MARIJUANA PROHIBITED. (1) It is unlawful for any person to possess or use marijuana unless the marijuana was obtained directly from, or pursuant to, a valid prescription or order of, a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Chapter 161, Wisconsin Statutes.

(2) Definitions. For the purpose of this section, the following definitions shall apply:

(a) "Marijuana" means all parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fibre produced by the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalk (except the resin extracted therefrom), fibre, oil or cake or the sterilized seeds of the plant, which is incapable of germination.

(b) "Practitioner" means:

1. A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this county.

2. A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice of research in this county. (SECTION 41.15 CREATED 2/13/89--ORDINANCE NO. E-127)

41.16 DRUG PARAPHERNALIA. (1) Definition. In this section "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance, as defined in Wisconsin Statutes Chapter 161 in violation of this section. It includes, but is not limited to:

- (a) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
- (b) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- (c) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
- (d) Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
- (e) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
- (f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances.
- (g) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
- (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances.
- (i) Capsules, balloons, envelopes or other containers used, intended for use or designed for use in packaging small quantities of controlled substances.
- (j) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
- (k) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parentally injecting controlled substances into the human body.
- (l) Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, including but not limited to:
 - 1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - 2. Water pipes.
 - 3. Carburetion tubes and devices.
 - 4. Smoking and carburetion masks.
 - 5. Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
 - 6. Miniature cocaine spoons and cocaine vials.
 - 7. Chamber pipes.

8. Carburetor pipes.
9. Electric pipes.
10. Air-driven pipes.
11. Chillums.
12. Bongs.
13. Ice pipes or chillers.

(2) Determination of Drug Paraphernalia. In determining whether an object is drug paraphernalia, the following shall be considered:

- (a) Statements by an owner or by anyone in control of the object concerning its use.
- (b) Prior convictions, if any, of an owner or of anyone in control of the object, under any county, state or federal law relating to any controlled substance.
- (c) The proximity of the object in time and space to a direct violation of this section.
- (d) The proximity of the object to controlled substances.
- (e) The existence of any residue of controlled substances on the object.
- (f) Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this section. The innocence of an owner or of anyone in control of the object as to a direct violation of this section shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
- (g) Oral or written instructions provided with the object concerning its use.
- (h) Descriptive materials accompanying the object which explain or depict its use.
- (i) National and local advertising concerning its use.
- (j) The manner in which the object is displayed for sale.
- (k) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.
- (l) The existence and scope of legitimate uses for the object in the community.
- (m) Expert testimony concerning its use.

(3) Prohibited Activities. (a) Possession of Drug Paraphernalia. No person may use, or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this section.

- (b) Manufacture, Sale or Delivery of Drug Paraphernalia. No person may sell, deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this section.
- (c) Delivery of Drug Paraphernalia to a Minor. Any person eighteen (18) years of age or over who violates Subsection (b) by delivering drug paraphernalia to a person under eighteen (18) years of age is guilty of a special offense.
- (d) Advertisement of Drug Paraphernalia. No person may place in any newspaper, magazine, handbill or other publication, or upon any outdoor billboard or sign, any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.
- (e) Exemption. This subsection does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Wisconsin Statutes Chapter 161. This subsection does not prohibit the possession, manufacture or use of hypodermics in accordance with Wisconsin Statutes Chapter 161.

(4) Penalties. (a) Any drug paraphernalia used in violation of this section shall be seized and forfeited to the City.

- (b) Any person who violates Subsection (3)(a), (b) or (d) shall, upon conviction, be subject to a forfeiture in an amount within a range as shown in Chapter 42 of the Municipal Code, together with the costs of prosecution, and upon default of payment be imprisoned in the County Jail until the costs are paid, but not to exceed twenty (20) days. (AMENDED 6/11/96--ORDINANCE NO. E-335)
- (c) Any person who violates Subsection (3)(c) shall, upon conviction, be subject to a forfeiture in an amount within a range as shown in Chapter 42 of the Municipal Code, together with the costs of prosecution, and upon default of payment be imprisoned in the County Jail until the costs are paid, but not to exceed forty (40) days. (SECTION 41.16 CREATED 3/26/90--ORDINANCE NO. E-150; AMENDED 6/11/96--ORDINANCE NO. E-335)

41.17 FAILURE TO PAY FARE. (a) No person shall neglect or refuse to pay for the service of any public transportation or taxi vehicle, providing the rates charged are in conformance with those posted in the vehicle.

(b) Every driver of a public transportation vehicle shall have the right to demand payment of the posted fare in advance and may refuse employment unless so prepaid, but no driver shall otherwise refuse or neglect to convey any orderly person upon request.

(c) Persons in violation of this Section shall, upon conviction, forfeit an amount as shown in Chapter 42 of the Municipal Code together with costs of prosecution. (SECTION 41.17 CREATED 8/14/89--ORDINANCE NO. E-133; AMENDED 6/11/96--ORDINANCE NO. E-335)

41.18 TRUANCY OR HABITUAL TRUANCY PROHIBITED. (1) A child is prohibited from being a truant or habitual truant.

(2) Definitions. (a) "Habitual truant" shall mean a pupil who is absent from school without an acceptable excuse part or all of five or more days on which school is held during a school semester.

(b) "Acceptable excuse" shall mean an acceptable excuse as defined in Sections 118.15 and 118.64 (4), Wis. Stats.

(c) "Truant" is defined to mean a pupil who is absent from school without an acceptable excuse for all or part of any day on which school is held during a school semester.

(3) Truancy Prohibited. Upon finding that a child is a truant, the court may enter an order making one or more of the following dispositions:

(a) An order for the period to attend school.

(b) A forfeiture of not more than \$50 plus costs for a first violation or a forfeiture of not more than \$100 plus costs for any second or subsequent violation committed within 12 months of the first. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person or both.

(4) Habitual Truancy Prohibited. Upon finding that a child is a habitual truant, the court may enter an order making one or more of the following dispositions:

(a) Suspend the person's operating privilege for not less than 30 days nor more than one year.

(b) An order for the person to attend school.

(c) A forfeiture of not more than \$500 plus costs, which may be assessed against the person, the parents or guardian of the person or both.

(d) Other reasonable conditions including a curfew, restrictions as going to or remaining on specified premises, and restrictions to associating with other children or adults.

(e) An order placing the person under formal or informal supervision for a period of up to one year.

(f) An order for the person's parent, guardian or legal custodian to participate in counseling at their expense or to attend school with the person or both.

(g) Any other sanctions as provided in Section 118.163, Wis. Stats.

(SECTION 41.18 REPEALED AND RECREATED 10/27/98--ORDINANCE NO. E-406)

41.19 MISUSE OF E911. (1) No person shall utilize the E911 emergency telephone number system for any purpose other than to report an emergency.

(2) It shall be unlawful to report an alleged emergency knowing that the fact situation which he or she reports does not exist.

(3) An "emergency" under this section exists when the person reasonably believes that immediate response by public safety personnel is essential due to the risk or actual occurrence of:

- (a) Death or great bodily harm.
- (b) Property damage.
- (c) Any other situation which mandates the immediate response of public safety personnel.

(4) Any person violating this section shall, upon conviction, be subject to a forfeiture in an amount within a range as shown in Chapter 42 of the Municipal Code, together with the costs of prosecution. (SECTION 41.19 CREATED 2/4/92--ORDINANCE NO. E-201; AMENDED 6/11/96--ORDINANCE NO. E-335)

41.20 PURCHASE OR POSSESSION OF CIGARETTES OR TOBACCO PRODUCTS BY PERSON UNDER 18 PROHIBITED.

(1) No person under 18 years of age may falsely represent his or her age for the purpose of receiving any cigarette, nicotine product, or tobacco product.

(2) No person under 18 years of age may purchase, attempt to purchase, or possess any cigarette, nicotine product, or tobacco product except as follows:

- a) A person under 18 years of age may purchase or possess cigarettes, nicotine products, or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer.
- b) A person under 18 years of age, but not under 15 years of age, may purchase, attempt to purchase, or possess cigarettes, nicotine products, or tobacco products in the course of his or her participation in an investigation under s. 254.916 that is conducted in accordance with s. 254.916 (3).

(3) Any person who violates the provisions of this ordinance shall be subject to a penalty in an amount as shown in Chapter 42 of the Municipal Code, or counseling of the child or parents, or suspension of driver's license for a period of not less than thirty (30) or more than ninety (90) days as provided in Chapter 48 of the Wisconsin Statutes. (SECTION 41.20 REPEALED AND RECREATED 4/15/14—ORDINANCE NO. 1310)

41.21 USE OF STREETS. No person shall be permitted to sell any goods, merchandise or farm produce of any kind from any location in the public streets or highways. (SECTION 41.21 CREATED 10/11/94--ORDINANCE NO. E-276)

41.22 LIVE PUBLIC NUDITY PROHIBITED. (1) No person within the City of Hartford shall knowingly or intentionally appear in a state of nudity in any public place.

(2) "Nudity" means: the showing of the human male or female genitalia, pubic area, or anus with less than a fully opaque covering, and/or the showing of the female breast with less than fully opaque covering of any part of the nipple or areola.

(3) "Public Place" includes all outdoor places and all buildings or enclosed places which are owned by or open to the general public, including those limited to specific classes of the general public, such as patrons, members, or adults over a certain age.

(4) The prohibitions as set forth in Section (1) shall not apply to:

- (a) private residences;
- (b) the normal use of public restrooms;
- (c) the normal use of a privately rented hotel/motel rooms and campsites;
- (d) any child under ten years of age;
- (e) any female exposing a breast to breastfeed an infant under two years of age;
- (f) medical examinations or demonstrations; and/or
- (g) dramatic performances of serious artistic merit.

(5) Any person violating this ordinance shall be subject to a forfeiture not to exceed \$1,000 for each offense.

(6) If any section or portion of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections or portions shall not be affected. (SECTION 41.22 CREATED 4/13/04—ORDINANCE NO. E-543)

41.23 CHRONIC NUISANCE PREMISES. (1) Definitions. The words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized official means singularly or collectively, the Police Chief, Fire Chief, Building Inspector or their designee with jurisdiction to enforce the various statutes and ordinances prohibiting nuisance activities.

Chief of Police means the City of Hartford Police Department Chief of Police or his/her designee thereof.

Person means any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying or using property in the City of Hartford.

Person associated with means any person who, whenever engaged in a nuisance activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a premises or person present on a premises, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner of a premises.

Person in charge means any person, in actual or constructive possession of a premises including, but not limited to, an owner or occupant of premises under his or her ownership or control.

Premises means a commercial business, public or private clubhouse, a place of abode, a residence, a house or multiple dwelling unit for one (1) or more persons, including lodging houses, hotels, motels and tourist rooming houses, and associated common areas, yards and parking lots in the case of multiple dwelling units. "Premises," as used in this section, may consist of any single unit providing complete, independent living facilities for one (1) or more persons, including provisions for living, sleeping, eating, cooking and sanitation.

Chronic Nuisance Premises Notice (CNP Notice) means the notice issued by the Chief of Police and/or his or her designee.

Enforcement action means any of the following: The physical arrest of an individual(s), the issuance of a citation for a law violation, and/or referral of charges by the police to the City Attorney or District Attorney for prosecution for nuisance activities.

Chronic nuisance premises means a premises that meets any of the following criteria:

- A) A premises which has generated three (3) or more calls for police services that have resulted in enforcement action for nuisance activities on three (3) separate days within a ninety (90) day period or six (6) such calls within a one (1) year period. This includes enforcement action taken against any person associated with the premises while at or within two hundred feet (200) of the premises for a nuisance activity; or
- B) A premises for which a court of law has determined that, pursuant to a search warrant request, probable cause exists that manufacture, distribution or delivery of a controlled substance has occurred on or in association with the premises with thirty (30) days prior to the date of the search warrant application; or
- C) Is a premises which has had one (1) enforcement action associated with the premises resulting from the manufacture, delivery or distribution of a controlled substance(s) as defined in Wisconsin §961.

(2) Nuisance activities may include any of the following activities, behaviors or conduct:

- A. An act of harassment as defined in Wisconsin §947.013 or Hartford Municipal Code 41.947.013.
- B. Disorderly conduct as defined in Wisconsin §947.01 or Hartford Municipal Code 41.947.01.
- C. Crimes of violence as defined in Wisconsin §940.
- D. Resisting or obstructing an officer as prohibited by Wisconsin §946.41 or Hartford Municipal Code 41.946.41.
- E. Indecent conduct as prohibited by Wisconsin §944.20 or Hartford Municipal Code 41.944.20.
- F. Damage to property as prohibited by Wisconsin §943.01 or Hartford Municipal Code 41.943.01.
- G. The production or creation of noises disturbing the peace, as prohibited by Hartford Municipal Code 22.02(4)(h), 22.06(1), 22.06(2), or 340.0009.
- H. Discharge or improper possession of a dangerous weapon as prohibited by Wisconsin §941.23, 941.295, or Hartford Municipal Code 41.941.23, 41.941.295, or 41.02.

- I. Crimes involving illegal possession of firearms as defined in Wisconsin §941.23, 941.26, 941.28, 941.29 and 948.60.
- J. Trespass to land as defined in §943.13 or criminal trespass to dwelling as defined in Wisconsin §943.14 or Hartford Municipal Code 41.943.14.
- K. Loitering, obstructing a street or sidewalk, as prohibited by Hartford Municipal Code 41.03 and 41.13.
- L. Theft as defined in Wisconsin §943.20 or Hartford Municipal Code 41.943.20.
- M. Arson as defined in Wisconsin §943.02 or Hartford Municipal Code 41.943.02.
- N. Depositing rubbish as prohibited by Hartford Municipal Code 7.10(1), 22.02(5), and 26.07.
- O. Keeping a place of prostitution as defined in Wisconsin §944.34.
- P. Prostitution as prohibited by Wisconsin §944.30.
- Q. Soliciting prostitutes as prohibited by Wisconsin §944.32.
- R. Pandering as prohibited by Wisconsin §944.33.
- S. Procuring/Furnishing Intoxicants to Underage Persons as prohibited by Wisconsin §125.07(1)(a)(1) or as prohibited by Hartford Municipal Code 35.11(1).
- T. Permit Consumption by Underage Person as prohibited by Wisconsin §125.07(1)(a)(3) or as prohibited by Hartford Municipal Code 35.11(2).
- U. Possession/Consumption of Intoxicants by Underage Person as prohibited by Wisconsin §125.07(4)(b) or as prohibited by Hartford Municipal Code 35.11(8).
- V. Selling, offering for sale or giving away of any intoxicating liquors or fermented malt beverages without a license as prohibited by Wisconsin §125.04(1).
- W. Possession, manufacture, distribution or delivery of a controlled substance or related offenses as defined by Wisconsin §961.
- X. Maintaining a drug dwelling as defined in Wisconsin §961.42.
- Y. Illegal gambling as defined in Wisconsin §945.02.
- Z. Owning, keeping or harboring a dangerous animal or prohibited dangerous animal contrary to Hartford Municipal Code 26.08.

(3) Procedures

A. When a premise meets the definition, and is declared a chronic nuisance, the authorized official shall provide written notice of the declaration to the premises owner. A courtesy copy will also be sent to the alderperson of the affected district. The Chronic Nuisance Premises Notice ("CNP Notice") shall be deemed delivered if sent either by first class mail to the premises owner's last-known address or delivered in person to the premises owner. If the premises owner cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the premises owner's usual place of abode in the presence of some competent member of the family at least 14 years of age, or a competent adult currently residing there and who shall be informed of the contents of the CNP Notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the CNP Notice is sent by first class mail to the last-known address of the owner as identified by the records of the City Assessor. The CNP Notice shall contain the following information:

- (1) Street address, parcel number or a legal description sufficient to identify the premises.
- (2) A concise statement, including a description of the relevant activities supporting the determination that the premises is a chronic nuisance premises.

(3) A statement that the owner shall immediately notify the authorized official of any change in address to ensure receipt of future notices.

(4) A statement that the actual costs of future enforcement may be assessed as a special charge against the premises.

(5) A statement that the owner shall, within ten (10) days of the date the CNP Notice is mailed, contact the authorized official and schedule a meeting with that official to develop a written action plan to abate the nuisance, or notify the official in writing of the intention to appeal.

(6) A statement that the premises owner shall at all times comply with the fair housing requirements contained in Chapter 17, Article XIII, of the Hartford Municipal Code when considering any action against a tenant based upon a CNP Notice.

(7) A statement that additional violations will be subject to forfeitures described in Section 42.02(1) of the Hartford Municipal Code.

B. In reaching a determination that a premises is a chronic nuisance premises, activities that were reported to the Police or other City departments by the premises owner or on-site premises manager shall not be included as nuisance activities.

(1) Wisconsin §968.075, broadly defines "domestic abuse". Therefore, in reaching a determination that a premises is a chronic nuisance premises, activities that are "domestic abuse" incidents pursuant to Wisconsin §968.075, shall not be included as nuisance activities unless the incidents have been reviewed by the Chief of Police and the Office of the City Attorney and a determination is made that, based upon the specific facts of each incident, the activities should be deemed nuisance activities. In determining whether to include such activities, the Chief of Police and Office of the City Attorney shall consider the strong public policy in favor of domestic victims reporting alleged abuses, and this ordinance shall not operate to discourage such reports.

(2) If the owner responds to the CNP Notice with a written action plan to abate the nuisance, the authorized official may accept, reject or work with the owner to modify the action plan. The plan is acceptable if it can reasonably be expected to result in abatement of the nuisance activities described in the CNP Notice within fifteen (15) calendar days of the mailing of the CNP Notice in Section 3.)A.)5.).

(3) Premises owners shall be counseled regarding nuisance abatement methods and strategies and shall be encouraged to submit a comprehensive nuisance abatement action plan that considers alternatives to eviction in situations where eviction is not the sole remedy available to abate the nuisance activity.

(4) If the premises owner meets with the authorized official and presents an acceptable abatement action plan and implements the terms of the action plan, the authorized official will delay further enforcement of this ordinance, including cost recovery.

(5) If the premises owner ceases to cooperate with the efforts to abate the nuisance activities, the authorized official may reinstitute enforcement of this ordinance and the premises owner may be sent a change in status letter. This letter will document the authorized official's efforts to contact and/or obtain cooperation of the owner.

C. Whenever the authorized official determines that any of the following have occurred:

- (1) A premises owner has failed to respond to the CNP Notice;
- (2) Enforcement action for an additional nuisance activity has occurred at a premises for which notice has been issued pursuant to this ordinance and this enforcement action has occurred not less than fifteen (15) days after the CNP Notice has been issued in accordance with Section 3.)A.)5.); or
- (3) An action plan submitted has not been completed;

then the authorized official may calculate the actual costs of enforcement to abate this and any subsequent nuisance activities and may refer such cost to the City Finance Department so that the cost may be billed to the premises owner. The authorized official shall provide written notice to the premises owner of the decision to refer the cost of enforcement to the City Finance Department. The notice shall contain:

- a. The street address or legal description sufficient for identification of the premises.
- b. A statement that the authorized official has referred the cost of enforcement to the City Finance Department.
- c. A statement advising the owner that in addition to any other penalty imposed by this chapter for the continuance of a chronic nuisance property, the cost of abating a public nuisance by the city shall be collected as a debt from the owner, 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.
- d. A statement advising the owner each subsequent incident of enforcement action for nuisance activity shall be deemed a separate violation and costs will continue to be assessed until the nuisance is abated.

(4) Penalties and Remedies

A. **Cost recovery.** The authorized official shall keep an accurate account of the cost of enforcement and shall report it to the City Finance Department. The Finance Director shall charge any premises owner found to be in violation of this section the costs of enforcement in full or in part. Such costs shall be billed to the premises owner by invoice sent by regular mail and must be paid within thirty (30) days of the date on the invoice. Any unpaid invoice shall be a lien on such premises and may be assessed and collected as a special charge pursuant to Wisconsin §66.0627. Pursuant to **Section 42.04 FEES**, of the Hartford Municipal Code, the Finance Director shall cause to be added an Administrative Fee for these **Special Assessment Letters of \$100.00** to the total cost of enforcement charged to the benefitted premises owner in the invoice any time the premises is declared a chronic nuisance premises.

B. **Suspension of cost recovery.** If after the receipt of a billing notice from the Finance Department, the premises owner develops an acceptable action plan and implements the plan, the authorized official may suspend further enforcement of this ordinance. The premises owner is still responsible for any enforcement costs incurred prior to the premises owner's submitting an action plan, including the administrative fee. If the premises owner ceases to cooperate with the efforts to abate the nuisance activities, the authorized official may reinstitute enforcement of this ordinance after sending the premises owner a change in status letter.

C. **Forfeiture.** A forfeiture action may be commenced for each enforcement action for nuisance activity occurring after the premises has been declared a chronic nuisance premises. The forfeiture assigned for violations of this ordinance in Section **42.02(1) BOND SCHEDULE** of the Hartford Municipal Code may be issued for each enforcement action.

D. **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 41.23 CREATED 3/22/2016—ORDINANCE NO. 1346)

41.24 SALE, PURCHASE, AND POSSESSION OF ELECTRONIC NICOTINE DELIVERY SYSTEM VAPOR PRODUCTS. (1) "Vapor Products" shall mean noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vaporizers, or similar products or devices. "Vapor products" shall include any vapor cartridge, solution, or other container, that may or may not contain nicotine, that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vaporizer, or similar products or devices. "Vapor products" do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetics Act.

(2) Sale of Electronic Nicotine Delivery System Vapor Products to Minors Prohibited. No person, by himself, his servant or agent, or as the servant or agent of any other person, shall sell, give away, or otherwise dispose of, by vending machine or otherwise, any electronic nicotine delivery system vapor products to any person under the age of eighteen (18) years.

(3) Purchase or Possession of Electronic Nicotine Delivery System Vapor Products by Person under 18 Prohibited. (1) No person under 18 years of age may falsely represent his or her age for the purpose of receiving any electronic nicotine delivery system vapor product. (2) No person under 18 years of age may purchase, attempt to purchase, or possess any electronic nicotine delivery system vapor product except as follows:

- a) A person under 18 years of age may purchase or possess electronic nicotine delivery system vapor products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer. The defenses provided in Wis. Stats. § 134.66(3)(a)-(c) shall also be defenses to any prosecution hereunder.

(SECTION 41.24 CREATED 2/20/2018—ORDINANCE NO. 1379)

41.25 SEXTING PROHIBITED. (1) This ordinance prohibits the sharing of explicit images and related activities between minors which will serve to deter such activities within the City.

(2) Definitions. For the purposes of this Subsection:

- a. "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a noticeably erect state. A mother's

breastfeeding of her baby does not under any circumstance constitute "nudity" irrespective of whether or not the nipple is covered during or incidental to feeding.

- b. "Harmful to Minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it:
 - 1. Predominantly appeals to an indecent, shameful, or morbid interest;
 - 2. Is blatantly offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors;
 - 3. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.
- c. "Minor" means any person under the age of 18 years.

(3) A minor commits the offense of sexting if he or she knowingly:

- a. Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of any person which depicts nudity, as defined in this subsection, and is harmful to minors as defined in this subsection.
- b. Possess a photograph or video of any person that was transmitted or distributed by another minor which depicts nudity, as defined above, and is harmful to minors, as defined above. A minor does not violate this paragraph if all of the following apply:
 - 1. The minor did not solicit the photograph or video.
 - 2. The minor took reasonable steps to report the photograph or video to a school or law enforcement official.
 - 3. The minor did not transmit or distribute the photograph or video to a third party other than a law enforcement official.
- c. Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any text message, correspondence or message of a sexual nature when it:
 - 1. Predominantly appeals to an indecent, shameful, or morbid interest;
 - 2. Is blatantly offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors;
 - 3. Taken as a whole, is without serious literacy, artistic, political, or scientific value for minors.
- d. Solicits the transmission or distribution of any text, correspondence, message, photograph or video from another minor that would be prohibited under this subsection.

(4) Fees. The fee sexting shall be as determined in Chapter 42 of the Municipal Code.

(5) Penalty. Any person violating this section shall, upon conviction, be subject to a forfeiture in an amount within a range as shown in Chapter 42 of the Municipal Code together with the costs of prosecution as provided in Chapter 42.

(6) Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(SECTION 41.25 CREATED 11/26/19—ORDINANCE NO. 1414)

(CHAPTER 41 REPEALED AND RECREATED IN ITS ENTIRETY 1/23/89--ORDINANCE NO. E-126)