

## ORDINANCE NO. 664

### AMEND MUNICIPAL ORDINANCE 430 – TITLE 5 – OFFENSES

AN ORDINANCE OF THE CITY OF HARTFORD, SD, AMENDING ORDINANCE #430, THE REVISED MUNICIPAL ORDINANCES OF THE CITY OF HARTFORD, SD, BY ADDING CHAPTER 5.09 – TRESPASSING TO TITLE 5 – OFFENSES.

BE IT ORDAINED BY THE CITY OF HARTFORD, SD:

That Chapter 5.09 - Trespassing shall be added to the Revised Municipal Ordinance of Hartford, SD and shall read as follows:

#### **CHAPTER 5.09 – TRESPASSING**

- 5.0901     Purpose. The purpose of this chapter is to adopt a legally sound process for excluding from city property any individual whose behavior is dangerous, illegal, or unreasonably disruptive to other users while recognizing the right of individuals to engage in legitimate activities that may occur on city-owned property. This chapter is enacted as an exercise of the city’s authority to protect and preserve public property, public health, safety and welfare.
- 5.0902     Definitions.
- A. Disruptive Behavior: Behavior that is disrespectful, offensive, and/or threatening to others and unreasonably interferes with others’ use and enjoyment of a publicly owned property.
  - B. Dangerous Behavior: Creates an imminent and unreasonable risk of injury or harm to either persons or property of another.
  - C. Illegal Behavior: Behavior that is prohibited by the laws of the United States, State of South Dakota, Minnehaha County or City of Hartford.
  - D. City of publicly owned Property: Any part of a building, park, trail or open space that is owned or controlled by the city or a public agency.
- 5.0903     Authorization to issue criminal trespass notice. Any law enforcement officer, either directly or under the authorization of the City of Hartford, is authorized to issue a notice of criminal trespass to any individual whose behavior is disruptive, dangerous or illegal as defined in this Chapter, while such individual is on or within a city facility, building or outdoor area, including municipal parks and trails. Trespass violations may be delivered in person to the individual or by first class mail to the individual at the individual’s last know address.
- 5.0904     Duration of trespass exclusion. Once a notice for trespassing has been issued, the individual may not trespass onto public property for a period of six months from the date of issuance.
- 5.0905     Violations. Any person found on or within any city facility, building or outdoor area, including Municipal parks and trails, in violation of a criminal trespass notice may be subject to a \$50.00 municipal fine or arrest and criminal prosecution per SDCL 22-35-5 or SDCL 22-35-6.

Adopted this 15th day of January, 2019.

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Jeremy Menning, Mayor

ATTEST:

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Karen Wilber, Finance Officer

Seal

First Reading: January 2, 2019

Second Reading & Adoption: January 15, 2019

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