

ORDINANCE NO. 2024-03

AN ORDINANCE AMENDING CHAPTER 367, SEX OFFENDERS OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE

THE VILLAGE BOARD OF THE VILLAGE OF ALLOUEZ, BROWN COUNTY, WISCONSIN, DOES ORDAIN THAT CHAPTER 367 BE AMENDED TO READ AS FOLLOWS:

SECTION 1.

Chapter 367. Sex Offenders

Article I

Loitering

§ 367-1 Findings and intent.

- A. This article is a regulatory measure aimed at protecting the health and safety of children **and other vulnerable people** in the Village of Allouez. ~~from the risk that sexual offenders convicted of an offense against a child may reoffend in locations close to where children congregate.~~ Given the high rate of recidivism for sexual offenders and that reducing opportunity and temptation is important to minimizing the risk of reoffense, there is a need to protect children where they congregate or play in public places. Therefore, the Village finds and declares that sexual offenders are a serious threat to the public safety of children if regulatory measures are not in place that prohibit their loitering in specified areas designated as places children commonly congregate. The Village of Allouez finds and declares that in addition to schools and day-care centers, children congregate or play at child-oriented facilities, such as parks and playgrounds.
- B. It is not the intent of this article to impose a criminal penalty but rather to serve the Village's compelling interest to promote, protect, and improve the health, safety, and welfare of the children of the Village by prohibiting convicted sexual offenders from loitering in specified areas around locations where children regularly congregate in concentrated numbers. It is the further intent of this article to recognize that convicted sexual offenders must reenter the community, and the Village of Allouez hereby accepts that it has a responsibility to convicted sexual offenders and the surrounding area municipalities to ensure that, in addition to promoting regulatory measures aimed at protecting children, its regulatory measures are not aimed at prohibiting convicted sexual offenders from being part of this society.

§ 367-2 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

CHILD

~~A person age 16 or younger for purposes of this article.~~ As defined by Wis. Stat. § 948.01(1), any person who has not attained the age of 18 years, except that for purposes of enforcing this ordinance against a person who has been convicted of a sexual offense, a "child" does not include a person who has attained the age of 17 years.

DESIGNATED OFFENDER

~~Any person who is required to register under § 301.45, Wis. Stats., and/or is under court-ordered supervision by the Wisconsin Department of Corrections for any sexual offense against a child, unless~~

~~the person is under the age of 18 at the time of the offense and the offender was not tried and convicted of the offense as an adult. Any person required to register for a sexual offense regardless of whether they are on any form of Department of Corrections (DOC) supervision.~~

LOITER-FREE ZONE MAP

An official map, maintained by the Village, showing loiter-free zones designated in purple (the "Loiter-Free Zone Map"). The Village shall update the Loiter-Free Zone Map at least annually to reflect any changes in the location of loiter-free zones. Loiter-free zone maps will be available at the Village's office and on the Village's official website.

LOITER-FREE ZONES

The following areas including a surrounding fifty-foot radius where children congregate are designated by the Village to be loiter-free zones, including but not limited to:

- A. Schools;
- B. A public park, parkway, parkland, or park facility;
- C. A public playground;
- D. A public recreational trail;
- E. Licensed day-care centers; or
- F. Any other place designated by the Village as a place where children are known to congregate.

LOITERING

Whether in a group, crowd, or as an individual, to stand idly about, loaf, prowl, congregate, wander, stand, linger aimlessly, proceed slowly or with many stops, to delay or dawdle, ~~for the purpose of interacting or attempting to interact with children (excepting children or relatives of the designated offender), taking or attempting to take photographs of children (excepting children or relatives of the designated offender), or engaging in activities that would be of interest to children (excepting children or relatives of the designated offender) or when otherwise serving no legitimate purpose.~~ and shall also include the colloquial expression "hanging around."

§ 367-3 Prohibited location and acts.

- A. It is unlawful for a designated offender to loiter within a loiter-free zone.
- B. Holiday prohibition. It is unlawful for any designated offender to participate in a holiday event involving children under 16 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas or wearing an Easter Bunny costume on or preceding Easter. Holiday events in which the designated offender is the parent or guardian of the children involved, and no nonfamilial children are present, are exempt from this subsection.

§ 367-4 Violations and penalties.

A person who violates this article shall be punished by a forfeiture not exceeding \$2,000, together with the actual costs of prosecution, including attorney fees, if necessary.

Article II Residency Restrictions

§ 367-5 Findings and intent.

Repeat sexual offenders, sexual offenders who use physical violence and sexual offenders who have committed sexual crimes against vulnerable people including children present a threat to public safety. The intent of this ordinance is not to impose a criminal penalty against sexual offenders, but to promote and protect the health, safety, and welfare of citizens of the village by creating areas around locations where vulnerable populations, primarily children, regularly congregate wherein certain sexual offenders may not reside. ~~The Village Board finds that repeat sex offenders, sex offenders who use physical violence, and sex offenders who prey on children are sex predators who present an extreme threat to the public safety. Sex offenders are extremely likely to use physical violence and to repeat their offenses, and most sex offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sex offender victimization to society, while incalculable, clearly exorbitant. It is the intent of this article not to impose a criminal penalty but to serve the Village's compelling interest to promote, protect, and improve the health, safety and welfare of the citizens of the Village by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sex offenders and sex predators are prohibited from establishing temporary or permanent residence.~~

§ 367-6 Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

CHILD

~~A person under the age of 16 years.~~ As defined by Wis. Stat. § 948.01(1), any person who has not attained the age of 18 years, except that for purposes of enforcing this ordinance against a person who has been convicted of a sexual offense, a "child" does not include a person who has attained the age of 17 years.

DESIGNATED OFFENDER

~~Any person who is required to register under § 301.45, Wis. Stats., for any offense against a child or any person who is required to register under § 301.45, Wis. Stats., and who has been designated a special bulletin notification (SBN) sex offender pursuant to § 301.46(2) and (2m), Wis. Stats. Any person required to register for a sexual offense regardless of whether they are on any form of Department of Corrections (DOC) supervision.~~

PERMANENT RESIDENCE

~~A place~~ Any premises where the person abides, lodges, or resides for 14 or more consecutive days.

TEMPORARY RESIDENCE

A place where the person abides, lodges or resides for a period of 4 or more days within a 30-day period, or for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address. ~~or a place where the person routinely abides, lodges or resides for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.~~

§ 367-7 Residency restriction; child safety zones.

- A. Restriction. In absence of a court order specifically exempting a designated offender from the residency restriction in this section, a designated offender shall not establish a permanent residence or temporary residence within ~~2,000~~ 1,500 feet of any school, licensed day-care center, park, recreational trail, playground, parkway or any other place designated by the Village as a place where children are known to congregate.

B. Measurement of distance.

- (1) The distance shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest outer property line of a school, licensed day-care center, park, recreational trail, playground or any other place designated by the Village as a place where children are known to congregate.
- (2) The Village Clerk-Treasurer shall maintain an official map showing prohibited locations. The Village Clerk-Treasurer shall update the map at least annually to reflect any changes in the prohibited locations. These prohibited locations shall be designated on the map as child safety zones.

§ 367-8 Exceptions.

A designated offender residing within a prohibited area as specified in § 367-7 does not commit a violation of this article if any of the following applies:

- A. The person established a permanent residence or temporary residence and reported and registered the residence as provided in § 301.45, Wis. Stats., before the effective date of this article.
- B. The person was under 17 years of age and is not required to register under § 301.45 or 301.46, Wis. Stats.
- C. The school, licensed day-care center, park, recreational trail, playground, parkway or any other place designated by the Village as a place where children are known to congregate within ~~2,000~~ **1,500** feet of the person's permanent or temporary residence was opened after the person established the permanent or temporary residence and reported and registered the residence as provided in § 301.45, Wis. Stats.
- D. The residence is also the primary residence of the person's spouse, parents, grandparents, siblings or children, provided that the spouse, parents, grandparents, siblings or children established the residence at least two years before the designated offender established residence at the location.

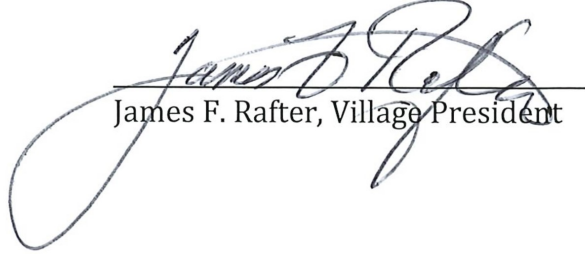
§ 367-9 Violations and penalties.

~~If a person violates § 367-7 by establishing a residence or occupying a residential premises within 2,000 feet of those premises as described herein, without any exception(s) as also set forth above, the Village Attorney, upon referral from the Brown County Sheriff's Department and the written determination by the Brown County Sheriff's Department that based upon all of the facts, circumstances and the purposes of this article such residence occupancy presents an activity or use of property that interferes substantially with the comfortable enjoyment of life, health or safety of another or others, shall bring an action in the name of the Village in the Circuit Court for Brown County to permanently enjoin such residency as a public nuisance. In addition to the aforesaid injunctive relief, such person shall be subject to a forfeiture of not less than \$1,000 nor more than \$2,500 for each violation and in default of payment may be imprisoned as provided by law for not more than 90 days. Each day a violation continues shall constitute a separate offense. In addition, the Village may undertake all other legal and equitable remedies to prevent or remove a violation of this article. Any person, firm or entity who violates any provision of this chapter shall, upon conviction thereof, be subject to a forfeiture of at least Fifty Dollars (\$50.00) and not more than One Thousand Dollars (\$1,000.00), together with the costs of prosecution, and in default of payment thereof, shall be committed to jail for a period not to exceed ninety (90) days. Each violation and each day such violation continues shall be considered a separate offense. Neither the issuance of a citation nor the imposition of a forfeiture hereunder shall preclude the Village from seeking or obtaining any and all legal and equitable remedies available by law or this chapter.~~

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption and publication.

Approved and adopted this 21st day of May, 2024.



James F. Rafter, Village President

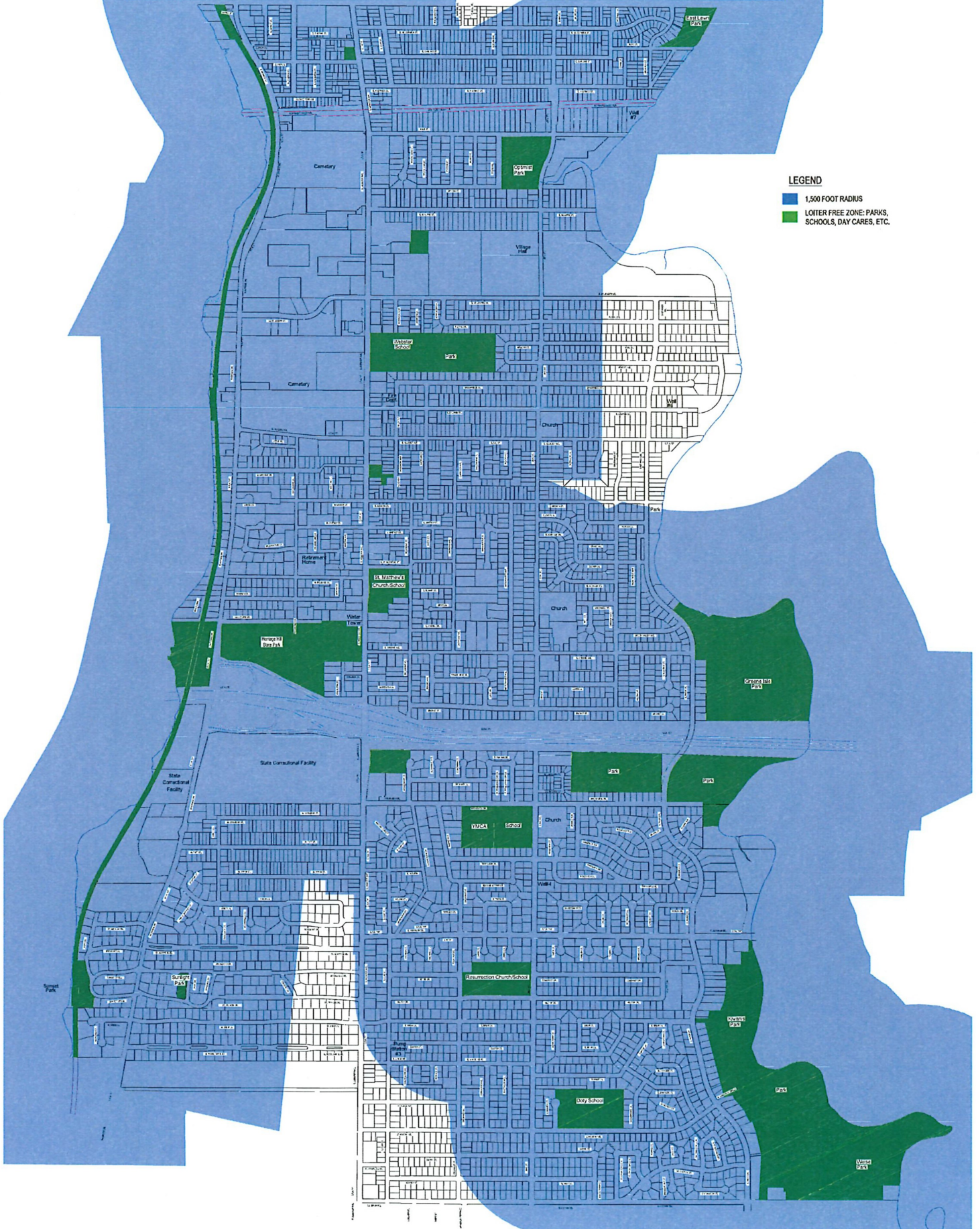
ATTEST:



Carrie C. Zittlow, Village Clerk-Treasurer

RESIDENCY RESTRICTION ZONE MAP - 2024

VILLAGE OF ALLOUEZ 1,500 FOOT RADIUS



LEGEND

- 1,500 FOOT RADIUS
- LOTTER FREE ZONE: PARKS, SCHOOLS, DAY CARES, ETC.

