

Chapter 367

Sex Offenders

[HISTORY: Adopted by the Village Board of the Village of Allouez as indicated in article histories. Amendments noted where applicable.]

Article I

Loitering

§ 367-1 Findings and intent.

- A. This article is a regulatory measure aimed at protecting the health and safety of children 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.

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.

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.

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.

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.

PERMANENT RESIDENCE

A place 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 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 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 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.