

ORDINANCE 2017-02

AN ORDINANCE AMENDING CHAPTER 220 OF THE MUNICIPAL CODE OF THE VILLAGE OF COLEMAN, MARINETTE COUNTY, WISCONSIN GOVERNING PEACE AND GOOD ORDER

THE VILLAGE BOARD OF THE VILLAGE OF COLEMAN, MARINETTE COUNTY, WISCONSIN, DOES ORDAIN THAT CHAPTER 220 PEACE AND GOOD ORDER, ARTICLE II Offenses Against Public Safety and Peace is hereby amended to add the following sub-sections:

220-30 Sex Offenders Loitering

A. Findings and Intent

- (1) This article is a regulatory measure aimed at protecting the health and safety of children in the Village of Coleman 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 re-offense, 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 Coleman 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.

- (2) 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 Coleman 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.

B. 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 ss 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 the same as the official map showing prohibited locations in Ordinance 220-29.

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.

C. Prohibited location and acts

- (1) It is unlawful for a designated offender to loiter within a loiter-free zone
- (2) 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 non-familial children are present are exempt from this subsection.

D. Violations and penalties

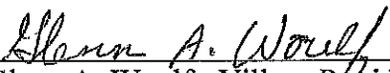
A person who violates this article shall be punished by a forfeiture not exceeding \$2,000 together with the actual costs of prosecution including attorney fees if necessary.

220-31 Zoning - General Provisions

Residential density restrictions for designated sex offenders

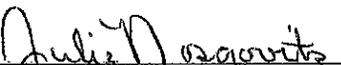
- A. Any structure or other place intended for human habitation, on a temporary or permanent basis, including, without limitation, a single-family dwelling, boardinghouse, lodging house, apartment house, multi-family dwelling, a hotel, or motel, shall not include more than one individual who is a designated sex offender under the provisions of ss 301.45 and 301.46, Wis. Stats. This section shall not apply to a designated sex offender who is living with his/her immediate family. For purposes of this section, "immediate family" is defined as a person, the person's spouse, the person's parent, the person's grandparent, the person's brother or sister of the whole or half blood, the person's child, the person's step-child or the person's child by adoption and shall include children who have been placed in foster care as defined by the Wisconsin Statutes.
- B. A designated offender means any person who is required to register under ss 301.45 Wis. Stats. for any sexual offense against a child or any person who is required to register under ss 301.45, Wis. Stats. and who has been designated a special bulletin notification (SBN) sex offender pursuant to ss 301.46(2) and (2m) Wis. Stats.

Adopted by the Village Board of the Village of Coleman, Marinette County, Wisconsin, this 5th day of June, 2017.



Glenn A. Woulf - Village President

ATTEST:



Julie Nosgovitz - Village Clerk

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