

Chapter 341

SEX OFFENDERS

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

ARTICLE I

Residency Restrictions

[Adopted 12-18-2007 by Ord. No. 2-2007]

§ 341-1. Authority.

This article is adopted pursuant to the authority granted in Wis. Stats. § 61.34.

§ 341-2. Findings and intent.

- A. Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses; and most sexual offenders commit many offenses, have many more victims that are never reported and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.
- B. It is the intent of this article not 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 citizens of the Village by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

§ 341-3. 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 under the age of 16 for purposes of this article.

DESIGNATED OFFENDER — Any person who is required to register under Wis. Stats. § 301.45 for any sexual offense against a child or any person who is required to register under Wis. Stats. § 301.45 and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to Wis. Stats. § 301.46(2) and (2m).

MINOR — A person under the age of 17.

PERMANENT RESIDENCE — A place where a person abides, lodges or resides for 14 or more consecutive days.

TEMPORARY RESIDENCE — A place where a 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.

§ 341-4. Residence location prohibitions; violations and penalties; exceptions.

- A. Prohibited location of residence. It is unlawful for any designated offender to establish a permanent residence or temporary residence in the Village of Forestville within 2,500 feet of any school, licensed day-care center, park, trail, playground, place of worship, library or any other place designated by the Village as a place where children are known to congregate.
- B. Prohibited activity. It is unlawful for any designed offender to participate in a holiday event in the Village of Forestville involving children under 18 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 offender is the parent or guardian of the children involved, and no nonfamilial children are present, are exempt from this subsection. "Participation" is to be defined as actively taking part in the event.
- C. Measurement of distance.
 - (1) For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school, licensed day-care center, library, park, trail, playground, place of worship, or any other place designated by the Village where children are known to congregate.
 - (2) The Village Clerk shall maintain an official map showing prohibited locations as defined by this article. The Clerk shall update the map at least annually to reflect any changes in the location of prohibited zones. These shall be designated on the map as child safety zones.
- D. Penalties. A person who violates this section shall be subject to a penalty as provided in § 1-4 of the Village Code. Each day a person maintains a residence in violation of this article constitutes a separate violation. The Village may also seek equitable relief.¹
- E. Exceptions. A designated offender residing within a prohibited area as described in Subsection A of this section does not commit a violation of this section if any of the following apply:

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (1) The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stats. § 301.45 before the effective date of this article. If the person moves from Village limits, that person has to appear before a Village Board of Appeals to apply for residency within the Village.
- (2) The person is a minor and is not required to register under Wis. Stats. § 301.45 or 301.46.

§ 341-5. Rental prohibitions; violations and penalties.

- A. It is unlawful to let or rent any place, structure or part thereof, trailer or other conveyance in the Village of Forestville with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this article, if such place, structure, or part thereof, trailer or other conveyance is located within a prohibited location zone described in § 341-4A.
- B. A property owner's failure to comply with provision of this section shall constitute a violation of this section and shall subject the property owner to the code enforcement provisions in § 341-4D as provided in this article.

§ 341-6. Appeal.

The above requirements may be waived upon approval of the Village Board through appeal by the affected party. Such appeal shall be made to the Village Clerk, who shall forward the request to the Village Board, which shall receive reports from the Door County Sheriff's Department on such appeal. The Board shall convene and consider the public interest as well as the affected party's presentation and concerns. After deliberation, the Board shall forward its decision in writing to the Door County Sheriff's Department for their information and action. A written copy of the decision shall be provided to the affected party.