

TOWN OF RIB MOUNTAIN

ORDINANCE NO. 2019-02

**An Ordinance Creating
Section 9.22 of The Code
of Ordinances
Regarding
Regulation of Sex Offenders**

The Town Board of the Town of Rib Mountain, Marathon County, Wisconsin, do hereby ordain as follows:

Section 1: That Section 9.22 – Regulation of Sex Offenders, is hereby adopted as follows:

9.22 Regulation of Sex Offenders

1. **Declaration of Purpose.** This ordinance is a regulatory measure aimed at protecting the health and safety of children in the Town of Rib Mountain from the risk that convicted sex offenders may re-offend in locations close to where children congregate. Further, this measure is intended to enhance the community’s citizen observation and reporting of individuals who may pose a threat to children by “grooming behaviors”. The Town finds and declares that in addition to schools and state licensed child day care centers, children congregate or play in a number of public places, including public parks, athletic fields, and other places.
2. **Definitions.** The following words, terms and phrases, when used in this Ordinance, shall be defined as follows, except when the context clearly indicates a different meaning:
 - a. “Child” means a person under the age of eighteen (18) years.
 - b. “Sex Offender” shall mean:

Any person who is required to register under Sec. 301.45 Wis. Stats. and/or who is required to register under Sec. 301.45 Wis. Stats. and who is subject to the Special Bulletin Notification process set forth in Sec. 301.46(2) and (2m) Wis. Stats.
 - c. “Restricted Zone” is the building, facilities and improvements, and the legal parcel of real property on which these are situated, to the extent the property is within the Town, that are used for or which support a use set forth as follows:
 - i. A public park (whether State, County or Town owned), parkway, parkland, park facility;
 - ii. Recreational trail;
 - iii. A public playground;
 - iv. A school for children;

- v. Athletic fields used by children;
 - vi. A recreational water way access;
 - vii. A state-licensed, commercial day care center;
 - viii. Any specialized school for children, including, but not limited to, a gymnastics academy, dance academy, music school or charter school.
- d. "Grooming behavior" means actions deliberately undertaken by an offender with the aim of befriending a child in order to lower the child's sexual inhibitions or establish an intimate friendship in preparation for a sexual act with the child.
- e. "Loiter-free zone" means the minimum 300-foot radius surround each restricted zone. For the purpose of determining the minimum distance separation, the requirement shall be measured by following a straight line from the closest outer property line of the property
- f. "Loiter" or "Loitering" means, 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.
- g. "Wisconsin Statutes" or "Wis. Stats" or "Wis. Stat." shall mean the Wisconsin Statutes in effect when this Ordinance is adopted and shall include any amendment to or renumbering of the statutes after the adoption of this Ordinance.

3. Prohibited Location and/or Acts.

- a. Within a restricted zone(s), no designated sex offender shall:
- i. Enter or be present in any restricted zone that is a public playground, school for children or a daycare center;
 - ii. Enter or be present in any other restricted zone between the hours of 6:00 am and 11:00 pm, or at any time when a child is present;
 - iii. Loiter within a loiter-free zone
 - iv. Participate in a holiday event involving children, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on a or proceeding Christmas or wearing an Easter Bunny costume on or proceeding Easter unless the designated sex offender is the parent or guardian of the children involved, and no non-familial children are present.
- b. A sex offender does not violate this Ordinance if any of the following apply:
- i. If the sex offender has official business in the restricted zone, which is determined by the reasonable person standard and the designated sex offender is accompanied by another adult who is not a designated sex offender.
 - ii. If the sex offender enters or is present in a restricted zone that includes a church, synagogue, mosque, temple or other house of religious

worship (collectively "church"), but only if the following conditions are all satisfied:

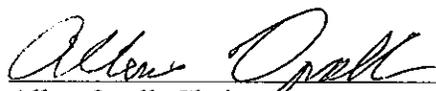
1. That the entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; and
 2. The designated sex offender shall not participate in any religious education programs which include children.
- c. If the sex offender enters or is present at a polling location in a restricted zone for the purpose of voting in any local, state or federal election, but only if the following conditions are all satisfied:
- i. The person is eligible to vote;
 - ii. The polling location is the designated polling place for the sex offender;
 - iii. The person enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate and the person vacates the property immediately after voting.
- d. If the sex offender enters or is present in a restricted zone that supports an elementary or secondary school that the sex offender currently attends, but only if the sex offender's presence is required for educational purposes.
4. **Penalty.** A person who violates this Ordinance shall be subject to § 25.04 of the Town Code. Each violation and each day a violation continues or occurs shall constitute a separate offense. In addition, the Town may undertake all other legal and equitable remedies available including, but not limited to, obtaining injunctive relief and/or a restraining order against a sex offender or any other person who violates this Ordinance.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3: Should any portion of this ordinance be declared invalid, or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining portions of said ordinance which can be given effect without the invalid or unconstitutional provision.

Section 4: This ordinance shall be in full force and effect from and after its date of passage and notice to the public as required by law.

Adopted this 4th day of June, 2019.


Allen Opall, Chairman

ATTEST:

Joanne Ruechel

Joanne Ruechel, Clerk