

ORDINANCE NO. A-115**AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 11-2-15(3)b
OF THE VILLAGE OF REESEVILLE VILLAGE CODE CONCERNING
PROHIBITED ACTIVITIES OF DESIGNATED OFFENDERS**

WHEREAS, the Village of Reeseville has closely examined recidivism risks associated with designated offenders, and the need to protect children from these risks, as described in Section 11-2-15(1) of the Village of Reeseville Village Code and the additional findings incorporated therein by reference, and

WHEREAS, the Village of Reeseville public library has raised a concern about the presence of designated offenders loitering within the Library where children are known to congregate, and the inability of library staff to continually monitor and protect the safety of children from the risks of re-offense committed by designated offenders; and

WHEREAS, the Village of Reeseville Village Board has again carefully considered the recidivism risks associated with designated offenders, and to balance those risks against the ability of designated offenders to have reasonable access to the library materials kept at the public library; and

WHEREAS, the Village of Reeseville Village Board notes that library materials can be reserved on the Village of Reeseville public library website, without a need to be present in the public library to research or locate the library materials; and

WHEREAS, the Village Board recognizes that it cannot eliminate all risk of child sex offender re-offense, and it must balance all of the competing public policies, but intends by these regulations to strike the legislative balance that is appropriate for the circumstances of the Village of Reeseville as described herein; and

NOW, THEREFORE, the Village Board of the Village of Reeseville, Dodge County, Wisconsin does hereby ordain as follows:

SECTION 1: Section 11-2-15 of the Village of Reeseville Village Code entitled, "Sexual Offender Residency Restrictions and Prohibited Activity," Section (3) entitled "Prohibited Designated Offender Residence and Activity; Penalties; Exceptions," Subsection b entitled, "Prohibited Activity" is hereby repealed and re-created as follows:

b. Prohibited Activity

1. Prohibited Conduct That Would Attracts Children. It is unlawful for any designated offender to participate in a holiday event 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 non-familial children are present, are exempt from this paragraph. Participation is defined as actively taking part in the event.

2. Loitering

- (a) It shall be unlawful for any designated offender as defined in section 11-2-15(2)(b) of this Code, to loiter or prowl inside or on the grounds of any public library at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of children in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a law enforcement officer, refuses to identify himself or herself, manifestly endeavors to conceal himself or herself or any object, or is present inside or on the grounds of the public library and not engaged in collecting or returning library materials.
- (b) Unless flight by an actor or other circumstances makes it impractical, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted by requesting him or her to identify himself or herself or explain his or her presence and conduct at the public library. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true, and, if believed by law enforcement at the time, would have dispelled the alarm.
- (c) A designated offender does not commit a violation of loitering as stated above, and such person is allowed on the public library property, if any of the following apply:
 - (1) The designated offender is on the public library property to collect or return borrowed library materials, subject to the following conditions:
 - a. Entrance and presence upon the public library property occur only during open library hours as posted to the public; and
 - b. Any library materials to be collected are reserved in advance; and
 - c. The person enters the public library and proceeds to promptly return borrowed library materials or check out

reserved library materials, and the person vacates the library property immediately thereafter.

- (2) The public library also supports a use lawfully attended by a person's natural or adopted child(ren), which child's use reasonably requires the attendance of the person as the child's parent upon the property, subject to the following conditions:
 - a. Entrance and presence upon the property occurs only during hours of activity related to the use as posted to the public; and
 - b. Written advance notice is made from the person to an individual in charge of the public library, and approval from an individual in charge of the public library is made in return, of the attendance by the person.
- (3) The public library also supports a polling location in a local, state or federal election, subject to the following conditions:
 - a. The person is eligible to vote; and
 - b. The designated polling place for the person is the public library; and
 - c. The person enters the polling place property and 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.
- (4) An exemption has been granted by the Residence Board.

SECTION 2: SEVERABILITY. The several sections of this Ordinance are declared to be severable. If any section or provision thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such declaration shall apply only to the specific section(s) or portion(s) thereof directly specified in said declaration, and shall not affect the validity of any other provisions, sections, or portions of the Ordinance, which shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect following its passage and publication or posting as provided by law.

[signatures on following page]

Adopted this 14th day of February, 2019.



Brian Miller, Village President

Attest:



Christine Abell, Village Clerk-Treasurer

Published and/or posted this 15 day of February, 2019.