

CHAPTER 2

Offenses Against Public Safety and Peace

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
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SEC. 11-2-1 USE AND DISCHARGE OF ARMS REGULATED.

(a) Definition.

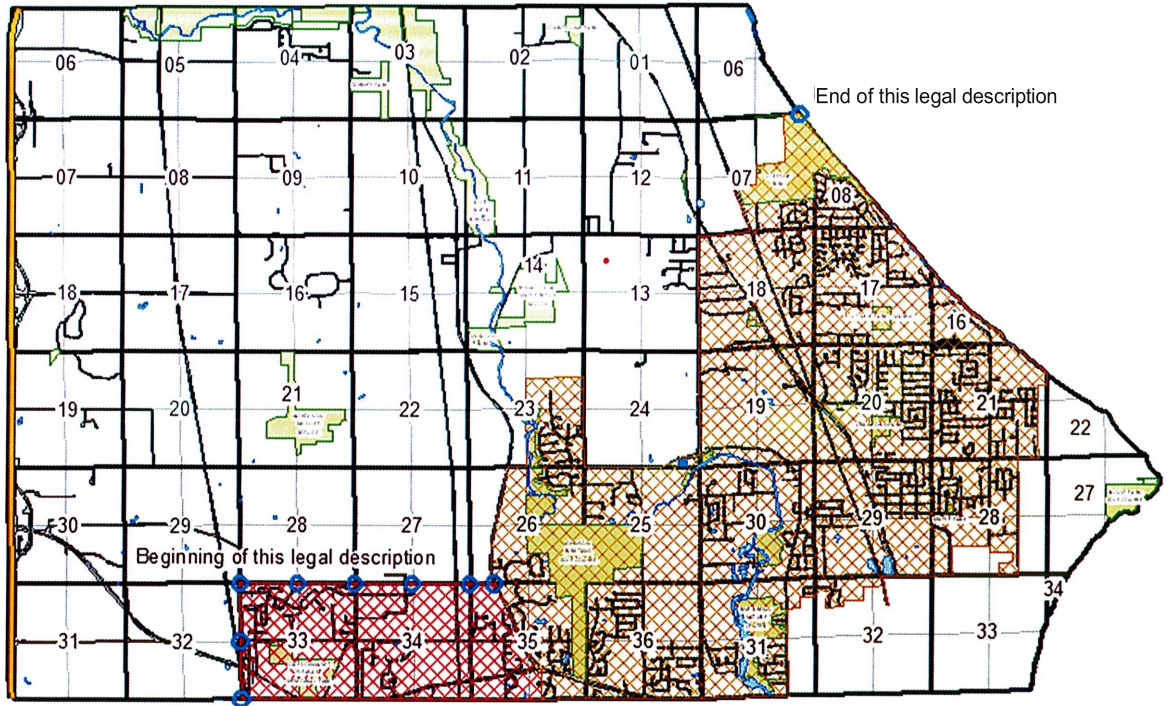
- (1) For purposes of this section, a "Firearm" means a weapon that acts by force of gunpowder.
- (2) For the purposes of this section, a "Building" is defined as a permanent structure used for human occupancy and includes a manufactured home, as defined in Sec. 101.91(2) Wis. Stats

(b) Prohibition on Use and Discharge of Weapons.

- (1) **Firearms.** No person shall discharge a Firearm using a ball, bullet or slug in the following locations within the Village of Caledonia: All those areas within the Village of Caledonia lying east and south of a line described as follows:

Commencing at the SW $\frac{1}{4}$ corner of Section 33, Range 22E, Town 4N, in the Village of Caledonia, Racine County, Wisconsin; thence N 1°15'59" W 2,643.54 feet to the W $\frac{1}{4}$ corner of Section 33, Range 22E, Town 4N; thence N 1°7' 19" W 2,641.82 feet to the NW $\frac{1}{4}$ corner of Section 33, Range 22E, Town 4N; thence N 89°44'23" E 2,656.20 feet to the N $\frac{1}{4}$ corner of Section 33, Range 22E, Town 4N; thence N 89°44 '27" E 2,656.08 feet to the NE $\frac{1}{4}$ corner of Section 33, Range 22E, Town 4N, point also being the NW $\frac{1}{4}$ corner of Section 34, Range 22E, Town 4N; thence N 89°54'29" E 2631.75 feet to the N $\frac{1}{4}$ corner of Section 34, Range 22E, Town 4N; thence N 89°42'03" E 2,633.94 feet to the NE $\frac{1}{4}$ corner of Section 34, Range 22E, Town 4N, point also being the NW $\frac{1}{4}$ corner of Section 35, Range 22E, Town 4N; thence N 89°32'43" E approximately 1,134 feet to the centerline of State Trunk Highway 38; thence northerly along the centerline of State Trunk Highway 38 to the centerline of Four Mile Road, thence easterly on the centerline of Four Mile Road to the S $\frac{1}{4}$ corner of Section 23, Range 22E, Town 4N; thence N 1°22'31" W 2,652.42 feet to the section center of Section 23, Range 22E, Town 4N; thence N 0°27'2" W 824.58 feet to a point, point also being the Southwest corner of Lot 2 of CSM 2761; thence N 89°14' 32" E along the South line of CSM 2761 to a point on the East line of Section 23, Range 22E, Town 4N; thence S 0°25'46" E 835.32 feet to the E $\frac{1}{4}$ corner of Section 23, Range 22E, Town 4N; thence continuing Easterly along the centerline of Four Mile Road to the centerline of State Trunk Highway 31, thence northerly on the centerline on State Trunk Highway 31 to the centerline of Six Mile Road; thence N 85°41'8" E 2,396.13 feet along the centerline of Six Mile Road to a point on the West Right of Way line of the Chicago Northwestern Railway Company/Union Pacific Railroad; thence N 21° 16'27" W 2,249.92 feet along the West Right of Way line of the Chicago Northwestern Railway Company/Union Pacific Railroad to a point; thence N 85°30' 35" E 1,071.75 feet parallel to the North line of the SW $\frac{1}{4}$ of Section 7, Range 23E, Town 4N to a point on the East line of the SW $\frac{1}{4}$ of Section 7, Range 23E, Town 4N; thence N 0°36'25" W 472.56 feet along the East line of the SW $\frac{1}{4}$ of Section 7,

Range 23E, Town 4N to the section center of Section 7, Range 23E, Town 4N; thence N 1°10'4" W 454.06 feet along the West line of the NE ¼ of Section 7, Range 23E, Town 4N to a point; thence N 85°36'59" E 1,328.70 feet along the North boundary of the Racine County Park (Cliffside Park) to a point; thence N 1°10'4" E 2,180.30 feet parallel to the West line of the NE ¼ of Section 7, Range 23E, Town 4N to a point on the North line of said NE ¼ Section 7; thence N 85°36'59" E approximately 700.00 feet along the North line of the NE ¼ of Section 7, Range 23E, Town 4N to the Western shore of Lake Michigan.



- (2) Map. The Village Clerk shall maintain an official map showing locations where the use of certain Firearms is prohibited. In the event of a conflict, the written terms in the ordinance shall control. A copy of the map will also be available at the Village Police Department.
- (3) **No Discharge Near Buildings.** No person shall discharge a Firearm, within Five hundred (500) feet of any Building within the Village of Caledonia. This restriction shall not apply if the person who owns the land on which the building is located allows the discharge of the Firearm within the specified distance of the building.
- (4) **Exceptions.** The provisions of this Section shall not prohibit the discharge of Firearms in the following cases:
 - (a) By a public official in the lawful discharge of official duty.
 - (b) By a member of the Armed Forces of the United State or of the National Guard of the State of Wisconsin while in the lawful discharge of official duties.
 - (c) By a person in the lawful defense of his person or property.

- (d) By a person at an approved target range or legal game preserve
- (e) The restriction on discharge of a Firearm does not apply and may not be enforced if the actor's conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in Wis. Stat. §939.45.

(c) **Use and Discharge of Bow and Arrow or Crossbow.**

- (1) **No Discharge Near Buildings.** No person shall discharge a bow and arrow or crossbow within three hundred (300) feet of any Building within the Village of Caledonia. This restriction shall not apply if the person who owns the land on which the Building is located allows the discharge within the specified distance of the building or by a person at a Village approved target range.
- (2) A person who hunts with a bow and arrow or crossbow shall discharge the arrow or bolt toward the ground.
- (3) No person shall discharge an arrow with any bow or similar device where the projectile or arrow may endanger the life, limb, or property of another or traverse any part of any street, public grounds, or public parks.

SEC. 11-2-2 CARRYING CONCEALED WEAPONS PROHIBITED.

(a) **Concealed Weapons Prohibited.**

- (1) **Definition.** "Dangerous Weapon" means any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or mouth of another person to impede, partially or completely, breathing or circulation of blood; any electric weapon, as defined in Wis. Stat. Sec. 941.295(1c)(a); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.
 - (2) **Prohibited.** Except as provided in subsection (3) below, no person shall within the Village of Caledonia carry under his clothes or conceal upon or about his person any Dangerous Weapon.
 - (3) **Exceptions.**
 - a. A law enforcement officer or peace officer or such persons as may be authorized to carry such Dangerous Weapon in the lawful discharge of his or her duties;
 - b. Persons licensed or authorized by law to carry a "weapon", as defined in Wis. Stat. §175.60; and
 - c. Person authorized to carry such a Dangerous Weapon under federal law.
- (b) The status of any Dangerous Weapon seized by law enforcement will be determined by court order of the court with jurisdiction.

SEC. 11-2-3 INJURY TO SIGNS, GUIDE BOARDS, AND MARKERS.

(a) Defacing and Possession of Signs Prohibited.

- (1) No person may injure, deface, or remove any sign, guide board, mile post, signal, or marker erected by the state or the Town thereof for the warning, instruction, or information of the public. The following warning shall be affixed to the front of each sign, guide board, mile post, signal, or marker: "WARNING: \$25 to \$100 fine or imprisonment for removing or tampering with this sign."
- (2) No person may possess any sign, guide board, mile post, signal, or marker of the type erected by the state or by any municipality for the warning, instruction, or information of the public, unless the person can demonstrate that he or she obtained it in a legal manner. Possession of such a sign, guide board, mile post, signal, or marker creates a rebuttable presumption of illegal possession.
- (3) In this Section, "possession" means the presence of such a sign, guide board, mile post, signal, or marker on premises owned or controlled by the person, including, but not limited to, a rented apartment, rented room, or dormitory room. Persons who voluntarily notify a law enforcement agency of the presence on the premises of such a sign, guide board, mile post, signal, or marker shall be exempt from prosecution under this Subsection.

- (b) Any person violating the provisions of this Section shall be subject to the penalties specified in Section 1-1-6. The court may, in addition, order any such person either to restore or replace any such damaged sign, mile post, signal, or marker, or to pay the cost thereof.

SEC. 11-2-4 HARASSING OR OBSCENE TELEPHONE CALLS.

Whoever commits any of the following acts shall be subject to the general penalty as provided in this Code of Ordinances:

- (a) Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent;
- (b) Makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers;
- (c) Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers;
- (d) Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers;
- (e) Knowingly permits any telephone under his control to be used for any purpose prohibited by this Section;
- (f) In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number or numbers.

SEC. 11-2-5 SALE AND DISCHARGE OF FIREWORKS RESTRICTED.

No person shall possess or sell, expose or offer for sale, use, keep, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the Town unless he shall be authorized by a fireworks permit as provided in Title 7, Chapter 6, of this Code of Ordinances. The term "fireworks" as used in this Section shall be defined as provided in Sec. 167.10(1), Wis. Stats.

SEC. 11-2-6 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED.

- (a) **Obstructing Streets.** No person shall loiter, cause a nuisance or engage in any sport or exercise on any public street, road, sidewalk, bridge or public ground within the Town in such manner as to:
 - (1) Prevent or obstruct the free passage of pedestrian or vehicular traffic thereon;
 - (2) Prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place; or
 - (3) Cause a nuisance by congregating and hindering the free passage of pedestrian or vehicular traffic.
- (b) **Construction, Demolition or Renovation Projects.**
 - (1) Any time that a construction, demolition or renovation project requires the use of the public right-of-way, the person in charge of the project shall provide and maintain adequate control measures to properly regulate the flow of traffic, including, but not limited to, appropriate barricades, signs, flags, flag people and/or lights, as provided in the most current edition of the U.S. Department of Transportation's Manual on Uniform Traffic Control Devices for streets and highways.
 - (2) In the event that such control measures are not provided, the Police Department shall have the authority to stop the project until the control measures have been provided.
 - (3) Penalty. Any person convicted of violating this Subsection shall forfeit not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) per violation, or upon default of payment be imprisoned for not more twenty (20) days. Each day of violation shall constitute a separate offense.
- (c) **Obstructing Sidewalk Prohibited.** No person shall block any sidewalk or bridge by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.
- (d) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
 - (1) Loiter. To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - (2) Nuisance. Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Town of Caledonia.

- (3) **Obstruct.** To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such sidewalk.
- (4) **Sidewalk.** Any sidewalk owned or maintained by the Town. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office buildings sites or any other private property.
- (e) **Free Speech.** This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.
- (f) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
 - (1) **Block.** To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such walk.
 - (2) **Sidewalk.** Any sidewalk owned or maintained by the Town. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.

SEC. 11-2-7 LOITERING PROHIBITED.

- (a) **General Regulation of Loitering.** No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this Subsection if the police or peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.
- (b) **Public Property Loitering Prohibited.**
 - (1) No person shall loiter in or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any police officer.
 - (2) Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (c) **Private Property Loitering Prohibited.**
 - (1) No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use, including, but not limited

to, business or industry parking lots or shopping malls without invitation from the owner or occupant or by any person in authority at such places.

- (2) Upon being requested to move by any such person in authority or by any Police officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (d) **Loitering by Underage Person Where Alcohol Beverage is Dispensed.**
- (1) Underage Persons and Intoxicants. No underage person shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available, unless accompanied by a parent, guardian, or spouse who has attained the legal drinking age.
 - (2) Permitting Loitering Prohibited. No person of legal drinking age shall permit any underage person to enter, remain or loiter in any premises, public or private, whose fermented malt beverages or other alcohol beverages are served, sold, dispensed, given away or made available, unless such underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- (e) **Loitering or Prowling Prohibited.** No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this Subsection if the police officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.
- (f) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (1) Loiter. To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - (2) Nuisance. Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Town of Caledonia.

Cross Reference: Section 11-5-1.

SEC. 11-2-8 LOUD AND UNNECESSARY NOISE PROHIBITED.

- (a) **Loud and Unnecessary Noise Prohibited.** It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise.
- (b) **Types of Loud and Unnecessary Noises.** The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall

not be deemed to be exclusive:

- (1) Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Town for longer than three (3) seconds in any period of one (1) minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.
- (2) Radios, phonographs, similar devices. The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
- (3) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
- (4) Animals, birds. The keeping of any animal or bird which causes frequent or long continued unnecessary noise.
- (5) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Town authorities.
- (6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (7) Construction or repair of buildings. The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 9:00 p.m.; provided, however, the Building Inspector shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 9:00 p.m. to 7:00 a.m.
- (8) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided

that conspicuous signs are displayed in those streets indicating a school, hospital or court street.

- (9) The provisions of this Section shall not apply to:
 - a. Any vehicle of the Town while engaged in necessary public business.
 - b. Excavations or repairs of streets or other public construction by or on behalf of the Town, County, or State at night when public welfare and convenience renders it impossible to perform such work during the day.
 - c. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.
- (c) **Permits for Amplifying Devices.**
 - (1) Permit Required. The use of loudspeakers or amplifying devices on public streets, in the parks of the Village of Caledonia or on private property that can be heard beyond the property lines is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Chief of Police. It is the intent of this section to regulate loud amplified music at events. It is not the intent of this section to regulate the normal use of household radios/stereos by property owners that provide background music immediately adjacent to their premises. Persons who obtain a Special Event Permit under Section 7-20-1 for an event in a street or a park shall be required to obtain a permit from the Chief of Police to provide notice of the event but if a permit fee is charged it shall be waived by the Chief of Police.
 - (2) Grounds or Reasons for Denial or Allowance. The Chief of Police shall have the authority to revoke such permit when he believes such loudspeaker or amplifying device is become a nuisance because of the volume, the method in which it is being used, or the location in which it is being operated.
 - (3) Time Restrictions. The Chief of Police shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 9:00 p.m. Nor shall a permit be granted to anyone who, in the opinion of the Chief of Police, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.
 - (4) Exceptions. The regulation of the use and times for use of amplifying devices may be modified by the Town Board.

SEC. 11-2-9 DISORDERLY CONDUCT.

- (a) **Disorderly Conduct Prohibited.** No person within the Town of Caledonia shall:
 - (1) In any public or private place engage in violent, noisy, riotous, abusive, indecent profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person.
 - (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- (b) **Disorderly Conduct With Motor Vehicle.** No person shall make unnecessary and annoying noises with a motor vehicle, including motorcycles and all-terrain vehicles, by squealing tires, excessive acceleration of the engine or by emitting unnecessary and loud

muffler noise.

- (c) **Defecating or Urinating in Public Places.** It shall be unlawful for any person to defecate or urinate outside of designated sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Town, or upon any private property in open view of the public, or in the halls, stairways or elevators of public or commercial buildings, or to indecently expose his person.

SEC. 11-2-10 POSSESSION OF CONTROLLED SUBSTANCES.

- (a) **Controlled Substances.** It shall be unlawful for any person to possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 161 of the Wisconsin Statutes.
- (b) **Possession of Marijuana.** No person shall possess, use, or keep one (1) ounce or less of any tetrahydrocannabinol, Cannabis Sativa L. or Marijuana, or derivative thereof. This Section will not apply if such substance was obtained pursuant to a lawful prescription of a licensed physician or as otherwise authorized by law.
- (c) **Possession of Synthetic Marijuana.** No person shall possess, use, carry or keep synthetic marijuana as that substances is defined either in Sec. 961.01, Wis. Stats., or that have been placed on an emergency schedule by the United States DEA Administrator, unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner filled out in the course of his professional practice, or except as otherwise authorized by Ch. 961, Wis. Stats.

State Law Reference: Chapter 161, Wis. Stats.

SEC. 11-2-11 UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY PROHIBITED.

- (a) **Unauthorized Presence.**
 - (1) It shall be unlawful for any person, except as provided in Subsection (b) hereof, to be present in, loiter or enter into any public school building, school parking lot or on any public school grounds without the permission of the school principal, custodian or other person in charge thereof between 7:30 a.m. and 4:30 p.m. on official school days. This Section shall not apply to:
 - a. Students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian or other person in charge thereof to leave the school building or school grounds;
 - b. Persons coming into the school building or school grounds for the purpose of attending scheduled school or civic functions, or making use of the recreational facilities located upon or within school premises, but as to such attendance or use, this exception shall apply only to the portion of the premises on which facilities are located and during the hours such facilities are specifically open to the general public or an invited portion thereof;

- c. Parents or legal guardians of a regularly enrolled student. However, such parent or legal guardian may be required to register at the school office.
- (2) The exceptions set forth in Subsection (b) shall not apply to any person who, while in school buildings or on school grounds, commits or attempts to commit any act prohibited by statute or ordinance.
- (3) All entrances to the school buildings shall be posted with a notice stating "Entry Into School Building by Unauthorized Persons Prohibited." All school grounds shall be posted with a notice stating "Entry Upon School Grounds by Unauthorized Persons Prohibited."
- (b) **Disorderly Conduct on Public School Property.**
 - (1) No person shall, on any school property or building, engage in violent, abusive, loud or otherwise disorderly conduct which causes or provokes an immediate disturbance of public order or disturbs or annoys any other person; nor shall a person intentionally engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic context.
 - (2) Non-students, students from schools other than the school on the property or students from a school who are not in compliance with the school system's published rules and regulations shall be considered in violation of this Section.
 - (3) "Unauthorized presence" shall include any vehicle that is found on school property which has not received permission to be there. If the occupants or owners are not on school property for some legitimate business or activity or are parked in an area that regulates parking to certain authorized vehicles, they are in violation. Such vehicle may be issued a summons that regulates parking or may be towed away at the direction of the school principal or person in charge of such school building. The Police Department may also have any vehicle towed away which, because of its location, creates a hazard to life or property.
- (c) **Loitering Near School Prohibited.** No person not in official attendance or on official school business shall enter into, congregate, loiter or cause a nuisance in any school building in the Town of Caledonia or in or about any playground area adjacent thereto between 7:00 a.m. and 5:00 p.m. on any day which such schools are in session.
- (d) **Possession of Intoxicating Liquor and Fermented Malt Beverages.** No person shall possess intoxicating liquor or fermented malt beverages while on any school property.
- (e) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.
 - (1) Loiter. To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - (2) Nuisance. Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Town of Caledonia.

SEC. 11-2-12 FAILURE TO OBEY LAWFUL ORDER.

It shall be unlawful for any person to fail to obey the direction or order of a police officer while such police officer is acting in an official capacity in carrying out his or her duties.

SEC. 11-2-13 TRUANCY.

(a) **Definitions.**

- (1) “Dropout” means a child who has ceased to attend school, does not attend a public or private vocational, technical or adult education district school or home-based private educational program on a full-time basis, has not graduated from high school and does not have an acceptable excuse under §118.15(1)(b) to (d) or (3), Wis. Stats.
- (2) “Habitual truant” means a pupil who is absent from school without an acceptable excuse under §§118.15 and 118.16(4), Wis. Stats., for part or all of five or more days on which school is held during a school semester.
- (3) “Truant” means a pupil who is absent from school without an acceptable excuse under §§118.15 and 118.16(4), Wis. Stats., for part or all of any day on which school is held during a school semester.
- (4) “Operative privilege” has the meaning given in §340.01(40), Wis. Stats.
- (5) All other words are defined in the Wisconsin Statutes as presently enacted or an amended from time to time.

(b) **Prohibition - Habitual Truancy.** Any person under the age of eighteen (18) years is prohibited from being habitually truant.

(c) **Prohibition- Truancy.** Any person under the age of eighteen (18) years is prohibited from being truant.

(d) **Available dispositions - Habitual Truancy.** If the Court finds that a person under the age of eighteen (18) years has violated section 11-2-13(b), one or more of the following dispositions are authorized.

- (1) Except as provided in sub. (3) below, suspend the person's operating privilege for not less than thirty (30) days nor more than one year. The court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.
- (2) Order the Department of Workforce Development to revoke, under §103.72, Wis. Stats., a permit under §103.70, Wis. Stats., authorizing the employment of the person.
- (3) If the court finds that a person is a habitual truant, is at least sixteen (16) years of age, and is a dropout, the court may order suspension of the person's operating privilege until the person reaches the age of eighteen (18) years. The court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for the duration of the suspension.
- (4) Order the person to attend school.
- (5) Impose a forfeiture of not more than \$500.00 plus costs, subject to §938.37, Wis. Stats. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person or both.
- (6) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

- (7) Order the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.
- (8) Order the person to participate, in counseling or a supervised work program or other community service work under §938.34(5g), Wis. Stats., and the cost of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both.
- (9) Order the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if a person is accompanied by a parent or guardian.
- (10) Order the person to attend an education program under §938.37(7d), Wis. Stats.
- (e) **Necessary Proof- Habitual Truancy.** Except as provided in §118.16(5m), Wis. Stats., before any proceeding may be brought against a child for violation of section 11-2-13(b), the school attendance officer must provide evidence that the appropriate school personnel in the school or school district in which the child is enrolled have, within the school year during which the truancy occurred, met the conditions found in § 118.16(5), Wis. Stats.
- (f) **Available Dispositions - Truancy.** If the court finds that a person under the age of eighteen (18) years has violated section 11-2-13(c), one or more of the following dispositions are authorized:
 - (1) Order the person to attend school.
 - (2) Impose a forfeiture of not more than \$50.00 plus costs for a first violation, or a forfeiture of not more than \$100.00 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to §938.37, Wis. Stats., and subject to a maximum cumulative forfeiture amount of not more than \$500.00 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (g) **Issuance of Citations.** The provisions of section 11-2-13 shall be enforced through the issuance of citations by the police department or by school attendance officers who are appointed pursuant to §118.16, Wis. Stats.
- (h) **Reference to Statutes.** References to specific statutory sections wherever used in this ordinance shall mean the Wisconsin Statutes of 1997-98 as are from time to time amended, modified, repealed or otherwise altered by the state legislature.
- (i) **Severability.** If any section or part of this ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this ordinance is not affected thereby.

SEC. 11-2-14 IMPROPER USE OF 911 EMERGENCY TELEPHONE SYSTEM.

- (a) **Definition.** “911 emergency telephone system” shall mean an emergency telecommunications system as defined in Sec. 146.70(1)(i), Wis. Stats.
- (b) **Regulated Use.** No person shall use the 911 emergency telephone system for regular business or non-emergency telephone calls.

SEC. 11-2-15 DRUG PARAPHERNALIA.

- (a) **Definitions.** In this Section, “drug paraphernalia” means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance, as defined in Ch. 161, Wis. Stats., in violation of this Section. It includes, but is not limited to:
- (1) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
 - (2) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing, controlled substances.
 - (3) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
 - (4) Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
 - (5) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
 - (6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances.
 - (7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
 - (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.
 - (9) Capsules, balloons, envelopes or other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
 - (10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
 - (11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
 - (12) Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, including but not limited to:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - b. Water pipes.
 - c. Carburetion tubes and devices.
 - d. Smoking and carburetion masks.
 - e. Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
 - f. Miniature cocaine spoons and cocaine vials.
 - g. Chamber pipes.

- h. Carburetor pipes.
- i. Electric pipes.
- j. Air-driven pipes.
- k. Chillums.
- l. Bongs.
- m. Ice pipes or chillers.

(b) **Determination of Drug Paraphernalia.** In determining whether an object is drug paraphernalia, the following shall be considered:

- (1) Statements by an owner or by anyone in control of the object concerning its use.
- (2) Prior convictions, if any, of an owner or of anyone in control of the object, under any city, state, or federal law relating to any controlled substance.
- (3) The proximity of the object in time and space to a direct violation of this Section.
- (4) The proximity of the object to controlled substances.
- (5) The existence of any residue of controlled substances on the object.
- (6) Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this Section. The innocence of an owner or of anyone in control of the object as to a direct violation of this Section shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.
- (7) Oral or written instructions provided with the object concerning its use.
- (8) Descriptive materials accompanying the object which explain or depict its use.
- (9) National and local advertising concerning its use.
- (10) The manner in which the object is displayed for sale.
- (11) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.
- (12) The existence and scope of legitimate uses for the object in the community.
- (13) Expert testimony concerning its use.

(c) **Prohibited Activities.**

- (1) Possession of Drug Paraphernalia. No person may use or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Section.
- (2) Manufacture, Sale or Delivery of Drug Paraphernalia. No person may sell, deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Section.
- (3) Delivery of Drug Paraphernalia to a Minor. Any person eighteen (18) years of age or over who violates Subsection (c)(2) by delivering drug paraphernalia to a person under eighteen (18) years of age is guilty of a violation.

- (4) Advertisement of Drug Paraphernalia. No person may place in any newspaper, magazine, handbill or other publication, or upon any outdoor billboard or sign, any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote, the sale of objects designed or intended for use as drug paraphernalia.
- (5) Exemption. This Subsection does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ch. 161, Wis. Stats. This Section does not prohibit the possession, manufacture or use of hypodermics, in accordance with Ch. 161, Wis. Stats.

SEC. 11-2-16 SEX OFFENDER RESIDENCY RESTRICTIONS.

(a) **Recitals, Findings and Intent.**

(1) **Recitals.**

- (a) Whereas, after reviewing and discussing examples of sex offender residency restriction ordinances from several other Cities, Towns and Villages, including maps of prohibited locations for the residency of sex offenders corresponding to such ordinances, the locations of places where children are known to congregate in the Town and a power point presentation on Sex Offender Residency Restrictions, after several public meetings, the Village Board adopted the first version of this ordinance on August 8, 2008.
- (b) Whereas, on May 5, 2014 the Village made amendments to the ordinance to address developments in the law surrounding sex offender residency restrictions and clarified some provisions.
- (c) Whereas the United States District Court for the Eastern District of Wisconsin issued an Order on April 17, 2017, in the case titled *Hoffman v. Village of Pleasant Prairie*, which contained holdings that directly impact the terms of the Village's Municipal Code Section 11-2-16 and make it necessary to amend the terms of this Section to comply with the District Court's holdings.
- (d) Whereas, on June 12, 2017, July 10, 2017 and July 31, 2017, the Village's Legislative and Licensing Committee held public meetings on proposed revisions to the Village' sex offender ordinance. At these meetings, the Committee reviewed and discussed the existing ordinance, proposed revisions to the existing ordinance and discussed the following written materials:
 - 1. "Recidivism of Adult Sexual Offenders." U.S. Department of Justice, July 2015, SOMAPI (Sex Offender Management Assessment and Planning Initiative); and
 - 2. "An Overview of Sex Offender Management." July 2002, U.S. Department of Justice, CSOM (Center for Sex Offender Management); and
 - 3. "There goes the Neighborhood? Estimates of the Impact of Crime Risk on Property Values from Megan's Laws." May 2006, National Bureau of Economic Research; and
 - 4. Order of the Honorable J.P. Stadtmueller of the United States

District Court, Eastern District of Wisconsin, Hoffman et al. v. Village of Pleasant Prairie, Case No. 16-CF-697-JPS.

- (e) Whereas, the Village Board held a public meeting on August 4, 2017 on this ordinance. At this meeting the Village Board reviewed the existing ordinance, proposed revisions to the existing ordinance and discussed the same materials as the Committee as set forth under subsection (4) above.
- (2) Findings. This ordinance is a regulatory measure aimed at protecting the health and safety of children in the Village from the risk that convicted sex offenders may reoffend in locations close to their residences. The Village Board finds and declares that repeat sexual offenders who use physical violence and sexual offenders who prey on children, are sexual offenders who present an extreme threat to the public safety and the health of children. 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 than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large and the community where they reside, while incalculable, clearly exorbitant. It is further believed that such persons present an alarmingly high risk of re-offending once released and as such it is better for sex offenders to reside in their home community where their support systems exist rather than in a community where the sex offender may not have a support network. The Village Board finds the risk of recidivism increases if the sex offender recently offended and if the sex offender does not have a strong social network, including community and familial ties. The Village Board is aware of many studies and reports concerning recidivism of sex offenders and the effectiveness of sex offender residency restrictions. The Village Board acknowledges that literature on the subject includes some studies that support the practice of sex offender residency restrictions and others that are critical of the practice. The Village Board is also aware that absent a domicile clause, the Village would have open doors for non-resident sex offender residency when other communities have closed doors, inviting a substantial increase in child sex offender placements, with the related adverse impacts on the health, safety and welfare of the Village and its residents. As such, the Village hereby establishes regulations which restrict certain offenders from residing or congregating in areas that are at or near where there is a high concentration of children in order to provide better protection for children in the Village by minimizing immediate access and proximity to children and thereby reducing opportunity and temptation for recidivism.
- (3) Intent. It is expressly not the intent of this Ordinance to impose additional punishment on sex offenders, but rather to serve the Village of Caledonia'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

residency. The Village establishes these regulations in order to provide protection to children in the Village by minimizing immediate access and proximity to children and thereby reducing opportunity and temptation for recidivism. Due to the high rate of recidivism for sexual offenders, and because reducing both opportunity and temptation would help minimize the risk of reoffense, there is a compelling need to protect children where they congregate or play in public places.

(b) **Definitions.** The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except when the context clearly indicates a different meaning:

- (1) “Child” or “Children” means person(s) under the age of eighteen (18) years for purposes of this Ordinance.
- (2) “Crime Against Children” shall mean any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction or adjudication, respectively: § 940.22(2) Sexual Exploitation by Therapist; § 940.30 False Imprisonment where victim was a minor and not the offender's child; § 940.31 Kidnapping where victim was minor and not the offender's child; § 944.01 Rape (prior statute); § 944.06 Incest; § 944.10 Sexual Intercourse with a Child (prior statute); § 944.11 Indecent Behavior With a Child (prior statute); § 944.12 Enticing Child for Immoral Purposes (prior statute); § 948.02(1) First Degree Sexual Assault of a Child; § 948.02(2) Second Degree Sexual Assault of a Child; § 948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child; § 948.05 Sexual Exploitation of a Child; § 948.055 Causing a Child to View or Listen to Sexual Activity; § 948.06 Incest with a Child; § 948.07 Child Enticement; § 948.075 Use of a Computer to Facilitate a Child Sex Crime; § 948.08 Soliciting a Child for Prostitution; § 948.095 Sexual Assault of a Student by School Instructional Staff; § 948.11(2)(a) or (am) Exposing Child to Harmful Material, felony sections; § 948.12 Possession of Child Pornography; § 948.13 Convicted Child Sex Offender Working with Children; § 948.30 Abduction of Another's Child; § 971.17 Not Guilty by Reason of Mental Disease, of an included offense; and § 975.06 Sex Crimes Law Commitment.
- (3) “Designated Offender” means any person who (1) has been convicted of a Crime Against Children; (2) has been adjudicated delinquent for a Crime Against Children; (3) is or was required to register under Section 301.45, Wisconsin Statutes, for any sexual offense; or (4) any person who is or was required to register under Section 301.45, Wisconsin Statutes, and who has been designated a Special Bulletin (SBN) sex offender pursuant to Sections 301.46(2) and (2m), Wisconsin Statutes.
- (4) “Juvenile” means a person under the age of eighteen (18) years.
- (5) “Residence” means a place where the Designated Offender resides or dwells or is used by a Designated Offender as the primary location for basic life functions such as sleeping or eating, whether short or long-term but for an aggregate of 14 or more days in any one-year period.
- (6) “Protected Location” means any School Property, Day Care Center, Library, Park, Recreational Trail, Playground, Athletic Fields used by children. Place of Worship,

Swimming Pool, the Village's East Side Community Center, or any other place designated in the Map adopted by the Village under Sec. 11-2-16 (c) (3) as a place where children are known to congregate. The defined terms included in the definition of Protected Location are:

- a. "School Property" means any public school as defined by Wis. Stat. § 115.01(1); a private school as defined by Wis. Stat. § 115.001(3); a charter school as defined by Wis. Stat. § 115.001(1); a specialty school, including, but not limited to, a Montessori school, a gymnastics academy, dance academy, or music school.
- b. "Day Care Center" means a facility that has been licensed under Wis. Stat. § 48.65 to provide care and supervision of children and includes "before- and after-school daycare," which has the meaning as defined by Wis. Stat. § 120.125(1).
- c. "Library" means any library that is held open for use by the public where such library includes a collection of material specifically intended for use by children.
- d. "Park" means any area held open for use by the public for active or passive leisure purposes, including, but not limited to, any park, recreation area or beach. "Park" shall also mean any privately owned neighborhood parks and open spaces where children congregate such as those owned by a homeowners association of a subdivision.
- e. "Playground" means any public outdoor area set aside for recreation and play and includes any area with playground equipment including, but not limited to, swings, slides, sandboxes, seesaws.
- f. "Place of Worship" means a church, synagogue, mosque, temple or any other building where congregations gather for prayer.
- g. "Swimming Pool" means where children swim or wade in a pool or other aquatic facility held open for use by the public or where no lifeguard is on duty and children are known to congregate.
- h. "Recreational Trail" means a trail where children walk, ride bicycles, or ride horses, whether publicly or privately owned.

(c) **Sex Offender and Sex Predator Residence; Prohibitions, Zones and Exceptions.**

- (1) Child Safety Zones. The following distance restriction provides areas within which Designated Offenders are not allowed to reside based upon specific criteria. These areas are referred to in this Ordinance as "Child Safety Zone(s)."
 - a. It is unlawful for any Designated Offender to establish a Residence within one thousand five hundred (1,500') feet of a Protected Location.
 - c. A Designated Offender shall not establish a Residence within a one thousand five hundred (1,500) feet radius of an existing Residence of another Designated Offender.
- (2) Determination of Minimum Distance Separation. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight and shortest line from the outer property boundary line of the Residence of a Designated Offender to the nearest outer property boundary line of a Protected Location.

- (3) Maps. A map depicting the above Protected Locations and the resulting residency restriction distances known as Child Safety Zones shall be adopted by Resolution of the Village Board, and which map may be amended from time-to-time, is on file in the Office of the Village Clerk for public inspection. This Map is a tool that the Village chooses to utilize to provide notice to the public of the requirements of the Ordinance. In the event of a conflict between the Map and this Ordinance where a Protected Location is inadvertently omitted from the Map, the written provisions of this Ordinance shall control.
- (4) Original Domicile Restriction. In addition to and notwithstanding the foregoing prohibitions, but subject to section 11-2-16(c)(6) exceptions below, Designated Offenders shall comply with the following unless granted an exemption by the Appeals Board under Sec. 11-2-16(g): No Designated Offender shall be permitted to reside in the Village of Caledonia, unless such person was Legally Domiciled in the Village of Caledonia at the time of the offense resulting in the person's most recent conviction or delinquency adjudication for an offense under the definition of a Designated Offender.
- (5) Notification. A Designated Offender must notify the Police Department a minimum of twenty-eight (28) days prior to establishing either a Residence within the Village of Caledonia.
- (6) Exceptions. A Designated Offender shall not be in violation of this Ordinance if any of the following apply:
 - a. The Designated Offender established the Residence and reported and registered the residence pursuant to Section 301.45, Wisconsin Statutes, before the original effective date of this Ordinance of August 8, 2008.
 - b. The Designated Offender is a Juvenile placed with a guardian..
 - c. The Protected Location situated within One thousand five hundred/ (1,500') feet of the Designated Offender's Residence was opened or established after the Designated Offender established the Residence and reported and registered the Residence pursuant to Section 301.45, Wisconsin Statutes.
 - d. The residence is also the primary residence of the Designated Offender's parents, spouse or adult children, provided that such parent, spouse or adult children established the residence at least two (2) years before the Designated Offender established residence at the location.
 - e. The person is a Designated Offender that has been adjudicated a sexually violent person pursuant to Wisconsin Statutes Chapter 980 if the Designated Offender is subject to supervised release under Wisconsin Statutes Chapter 980, the Designated Offender is residing where he or she is ordered to reside under Wis. Stat. §980.08, and the Sex Offender is in compliance with all court orders issued under Wisconsin Statutes Chapter 980.
 - f. The Designated Offender had not attained the age of 19 at the time of the offense, was determined by the Circuit Court to meet the criteria under Wis. Stat. § 301.45(1m)(a) and is not required to register pursuant to Wis. Stats. § 301.45 or § 301.46.
 - g. The Designated Offender is a ward under guardianship, is placed in accordance with the guardianship orders, and is living with the appointed guardian;

- h. In such cases involving a ward or Juvenile placed in accordance with an exception, when the ward or Juvenile turns 18 years of age, the ward or Juvenile would be allowed to continue to reside at the already established residence.
- (d) **Property Owners Prohibited From Renting Real Property To Certain Sexual Offenders and Sexual Predators.** It shall be unlawful for any property owner to lease or rent any place, structure, mobile home, trailer or any part thereof, with the knowledge that it will be used as a Residence by any Designated Offender prohibited from establishing a Residence therein pursuant to this Ordinance, if such place, structure, or mobile home, trailer or any part thereof, is located within a Child Safety Zone as defined in Section 11-2-16(c)(1).
- (e) **Public Nuisance.** Any violation of this Chapter shall be deemed a public nuisance affecting peace and safety and the Village may proceed under Section 11-6-6 of the Code of Ordinances and/or Chapter 823 of the Wisconsin Statutes to abate the nuisance.
- (f) **Injunction for Violation of Residency Restrictions.** If an offender establishes a Residence in violation of subsection (c) above, the Chief of Police may refer the matter to the Village Attorney. The referral shall include a written determination by the Chief of Police that, upon all of the facts and circumstances and the purpose and intent of this Ordinance, such violation interferes substantially with the comfortable enjoyment of life, health, and safety of another or others. Upon such referral, the Village Attorney shall bring an action in the name of the Village in Circuit Court to permanently enjoin such residency as a public nuisance.
- (g) **Appeal for an exemption.**
 - (1) A Designated Offender may seek an exemption from this Sec. 11-2-16 by appealing to the sex offender residency board (the "Appeals Board").
 - (2) The Appeals Board shall consist of three citizens and one alternate, who are residents of the Village, who shall serve without compensation. For the initial appointments to the Appeals Board, the Village President shall appoint three members to staggered terms of one, two or three years, subject to confirmation by the Village Board and one alternate for a term of three years. After the initial appointment of members to a term of one, two and three years respectively, the Village President shall annually appoint one member for a term of three years and one alternate for a term of three years every third year, subject to confirmation by the Village Board, commencing on May 1st. At the first meeting held of the Appeals Board after the first Monday of May of each year, the members of the Appeals Board shall vote by majority vote to select a chair for its meetings and appeals that come before it.
 - (3) The Appeals Board shall approve of an official appeal form, establish filing procedures, a hearing schedule and deadlines for filing an appeal. An offender shall complete this official form and submit it to the Village Clerk, who shall forward it to the Appeals Board. The filing fee for the appeal shall be set by resolution of the Village Board from time-to-time. Notice in the form of an agenda shall be posted and/or published as required by law and provided to the Appeals Board, the property owner if not the applicant, and published on the Village's website at least seven days prior to the hearing date.

- (4) The Village elects not to be bound by Wis. Stat. Ch. 68 with respect to administrative procedure in the appeals process. The Appeals Board shall hold a hearing on each appeal to conduct an individual risk assessment in each case, during which the Appeals Board may review any pertinent information and may accept oral and written statements from any person. The Designated Offender that filed the appeal shall appear at any hearing held, unless otherwise approved by the Appeals Board. The Appeals Board shall consider the public interest as well as the applicant's presentation and concerns, giving the applicant a reasonable opportunity to be heard. The Appeals Board shall also consider any oral, emailed, and written statements from any person at the hearing or received in advance of the hearing. The Appeals Board shall consider the specific facts and circumstances of each applicant and determine whether the applicant presents a threat to public safety if he or she resides at that proposed location. The Appeals Board shall consider factors which may include, but are not limited to, the following:
- a. Circumstances surrounding the offense.
 - b. Relationship of offender and victim.
 - c. Presence or use of force.
 - d. Presence of enticement.
 - e. Need to protect victim or similarly situated individuals.
 - f. Current dangerousness of the offender.
 - g. Proximity in time from original offense.
 - h. Any criminal offenses, ordinance or rule violations committed since original offense including failures to register or comply with restrictions set by bond, parole or probation.
 - i. Time out of incarceration.
 - j. Current supervision status by the Department of Corrections.
 - k. Counseling and treatment history.
 - l. Credibility of offender.
 - m. Remorse.
 - n. Proximity of proposed residence to a child safety zone.
 - o. Support network of offender near proposed residence
 - p. Alternative options for housing.
- (5) The Appeals Board shall decide by majority vote whether to grant or deny an exemption. An exemption may be unconditional or be conditional to a certain address or period of time. In the case of an approval or denial, the Appeals Board shall provide a written copy of the decision containing the reasons therein for its decision to the Village Clerk, the Police Chief and to the applicant. The decision of the Appeals Board may be appealed to the Racine County Circuit Court by any aggrieved party within 30 days of filing of the final decision in the Village's Clerk's office, a copy of which shall be mailed to the Designated Offender who appealed. The review shall be a review by certiorari and the Circuit Court may affirm or reverse the final decision, or remand to the decision maker for further proceedings consistent with the Court's decision.

- (h) **Severability.** Should any section, paragraph, sentence, clause or phrase of this Section be declared unconstitutional or invalid, or be repealed, it shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be invalid or repealed.
- (i) **Penalties.** Any person who violates any provision of this Section shall, upon conviction thereof, be subject to a forfeiture not to exceed Five Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of payment thereof, shall be committed to the County Jail for a period not to exceed ninety (90) days. Each violation and each day such violation continues shall be considered a separate offense. Neither the issuance of a citation nor the imposition of forfeiture hereunder shall preclude the Village from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this Chapter.

SEC. 11-2-17 PROHIBITED CONDUCT OF DESIGNATED SEX OFFENDER.

- (a) **Findings and Intent.**
 - (1) **Findings.** Repeat sex offenders, sex offenders who use physical violence, Designated Offenders as that term is defined under 11-2-16(b) and sex offenders who prey on children are sex predators who present a serious threat to the public safety. Sex offenders are extremely likely to use physical violence when they offend and to repeat their offenses; and, most sex offenders commit multiple offenses, have many more victims that are never reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sex offender victimization to society great, and justifies efforts to protect the public from it. Because reducing both opportunity and temptation will minimize the risk of re-offense for those Sex Offenders who will re-commit sex offenses against children, there is a compelling need to separate Sex Offenders from places where children congregate or paly in public places.
 - (2) **Intent.** It is the intent of the Village Board to service the Village of Caledonia’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 gather and congregate in concentrated numbers wherein certain sex offenders and sex predators are prohibited from establishing residency. It is not the intent of the Village Board to impose additional punishment on Sex Offenders
- (b) **Definitions.** The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except when the context clearly indicates a different meaning:
 - (1) “Designated Offender” shall have the same meaning as specified in Sec. 11-2-16(b)(3) of this Code of Ordinances.
- (c) **Prohibited Activity.** It is unlawful for any Designated Offender to participate in a holiday event involving children under eighteen (18) years of age. 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 Section. Participation is defined as actively taking part in the event and shall include, but is not limited to, 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. Participation shall not be interpreted to include attendance as a member of the audience at an event where children are involved so long as the attendance does not also include assisting in organizing or running the event.

- (d) **Severability.** Should any section, paragraph, sentence, clause or phrase of this Section be declared unconstitutional or invalid, or be repealed, it shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be invalid or repealed.
- (e) **Penalties.** Any person who violates any provision of this Section shall, upon conviction thereof, be subject to a forfeiture not to exceed Five Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of payment thereof, shall be committed to the County Jail for a period not to exceed ninety (90) days. Each violation and each day such violation continues shall be considered a separate offense.