

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.04 Offenses Against Public Peace and Decency

9.08 Drug Paraphernalia

9.12 Theft and Related Offenses

9.16 Trespass

9.20 Curfew

9.24 Sex Offenders

Chapter 9.04

OFFENSES AGAINST PUBLIC PEACE AND DECENCY

Sections:

9.04.010 Disorderly conduct prohibited.

9.04.020 False alarms prohibited.

9.04.030 Interference with law enforcement.

9.04.040 Public disturbance noises.

9.04.050 Possession and consumption of intoxicants in or upon certain public places.

9.04.060 Disorderly, indecent or improper house.

9.04.010 Disorderly conduct prohibited.

It is unlawful for any person in a public or private place within the town to engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance, or to intentionally cause, provoke, or engage in any fight, brawl, riot or noisy altercation, other than a bona fide athletic contest. (Prior code § 6.02)

9.04.020 False alarms prohibited.

It is unlawful for any person to give or send, or cause to be sent or given in any manner, any alarm of fire or emergency requiring the response of fire, police or rescue equipment and/or personnel which he or she knows to be false. (Prior code § 6.03)

9.04.030 Interference with law enforcement.

A. Resisting or Obstructing an Officer.

1. It is unlawful for any person within the town to knowingly resist or obstruct an officer while such officer is doing an act in an official capacity and with lawful authority.

2. The term “obstruct” shall include, without limitation, knowingly giving false information to an officer with intent to mislead him or her in the performance of his or her duties, including the service of any summons or civil process.

3. The term “officer” means a peace officer or other public officer or public employee having the authority by virtue of his or her office or employment to take another into custody.

B. Refusing to Aid Officer. It is unlawful for any person within the town, without reasonable excuse, to refuse or fail, upon command, to aid any person known by the person to be a peace officer.

C. Impersonating an Officer. It is unlawful for any person within the town to impersonate a peace officer with intent to mislead others into believing that he or she is actually a peace officer.

D. Aiding Escape. It is unlawful for any person within the town to intentionally aid any prisoner or person under the lawful custody of a peace officer to escape or to assist an escaped prisoner in avoiding detection and/or arrest. (Prior code § 6.04)

9.04.040 Public disturbance noises.

It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise. The following sounds are determined to be public nuisance noises:

A. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

B. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

C. Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of eleven p.m. and seven a.m., or at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

D. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, which unreasonably interferes with the peace, comfort and repose of owners or possessors of real property such as sounds from audio equipment, musical instruments, band sessions or social gathering;

E. Sound from motor vehicle sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty (50) feet from the vehicle itself;

F. Sound from audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty (50) feet from the source, and if not operated upon the property of the operator.

The foregoing provisions shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts. (Ord. 97-17 § 6.05: prior code § 6.05)

9.04.050 Possession and consumption of intoxicants in or upon certain public places.

A. Public Dispensing Prohibited. No person shall sell, serve or give to another person, or offer to sell, serve or give to another person, any fermented malt beverage or intoxicating liquor while upon any public street, alley or sidewalk or within a parked motor vehicle located on any public street or alley within the town.

B. Public Consumption Prohibited. No person shall consume or possess an open container containing any fermented malt beverage or intoxicating liquor while upon any public street, alley or sidewalk, or within a parked vehicle located on any public street or alley within the town.

C. Possession by Underage Persons Prohibited. No person under the legal drinking age unaccompanied by a parent, guardian or spouse who has attained the legal drinking age shall possess, transport or have under his or her control any alcoholic beverage in any motor vehicle, unless such person is employed by a liquor licensee and such possession is during regular working hours and in the course of his or her employment.

D. Penalties. Any person who shall violate the provisions of this section shall, upon conviction, be subject to a forfeiture of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00), together with the costs of prosecution and in default in payment thereafter shall be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed ninety (90) days. (Ord. 99-13; prior code § 6.12)

9.04.060 Disorderly, indecent or improper house.

A. Authority. The ordinance codified in this section is enacted pursuant to power granted by virtue of present Wisconsin Statutes, including Section 125.10 and village powers if the elector have previously approved. The town board finds this section sets reasonable limits for what will be considered a disorderly, indecent or improper house.

B. Restrictions. There shall be no nudity in public places holding an alcohol license issued by this town.

C. Definitions. As used in this section, the following terms are defined:

A “disorderly, indecent or improper house” shall be defined as a public place holding an alcohol license issued by the town.

“Nudity” means the showing or exposing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple. This provision shall not apply to nursing mothers.

D. Contact Prohibition. There shall be no contact between a patron, owner, employee, customer or bystander with a paid or amateur dancer during or shortly after a dance or other performance where clothing is or has recently been removed, either by direct, physical contact or the placing of money or other thing of value in the remaining clothing or body part of the performer.

1. This section is not to be interpreted as restricting the proper use of a bathroom facility by a male or female in an enclosed area where the person is of the same sex designated for such room, and is not engaged in for any sexual or exhibitionist purpose to or in front of or adjacent to other persons.

2. No person at the licensed premises shall engage in actual or simulated sexual intercourse or sexual contact through touching a person, animal or device.

E. Violation. Each violation of this section shall result in a forfeiture of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00). Pursuant to procedures set forth in Wisconsin Statutes Section 125.12, or town ordinance, violation constitutes sufficient grounds for board consideration of license suspension, revocation, or nonrenewal where such violation occurred in conjunction with or related to the activity for which the license was issued. (Ord. dated 4/8/96 § 7.09; prior code § 7.09)

Chapter 9.08

DRUG PARAPHERNALIA

Sections:

- 9.08.010 Definitions.
- 9.08.020 Determination of drug paraphernalia.
- 9.08.030 Prohibited activities.
- 9.08.040 Violations—Penalties.
- 9.08.010 Definitions.

A. Definitions. In this chapter “drug paraphernalia” means all equipment, products and materials of any kind which are used or solely intended 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 Wisconsin Statutes Section 161, in violation of this section. It includes, but is not limited to:

1. Kits used or solely intended 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 or solely intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
3. Isomerization devices used or solely intended for use in increasing the potency of any species of plant which is a controlled substance;
4. Testing equipment used or solely intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;
5. Scales and balances used or solely intended for use in weighing or measuring controlled substances;
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or solely intended for use in cutting controlled substances;

7. Separation gins and sifters used or solely intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

8. Blenders, bowls, containers, spoons and mixing devices used or solely intended for use in compounding controlled substances;

9. Capsules, balloons, envelopes or other containers used or solely intended for use in packaging small quantities of controlled substances;

10. Containers and other objects used or solely intended for use in storing or concealing controlled substances;

11. Objects used or solely intended 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. Roach clips; meaning 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. Chilams,
- l. Bongs,
- m. Ice pipes or chillers.

B. "Drug paraphernalia" excludes hypodermic syringes, needles, and other objects used or intended for use in injecting substances into the human body. (Ord. 90-8 § 1 (part): prior code § 6.16(1, 2))

9.08.020 Determination of drug paraphernalia.

In determining whether an object is drug paraphernalia, a court or other authority shall consider in addition to all other legally relevant factors, the following:

- A. Statements by an owner or by anyone in control of the object concerning its use;
- B. The proximity of the object in time and space to a direct violation of this chapter;
- C. The proximity of the object to controlled substances;
- D. The existence of any residue of controlled substances on the object;
- E. 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 intends to use the object to facilitate a violation of this chapter. The innocence of an owner or of anyone in control of the object as to a direct violation of this chapter shall not prevent a finding that the object is solely intended for use, or designed for use as drug paraphernalia;
- F. Oral or written instructions provided with the object concerning its use;
- G. Descriptive materials accompanying the object which explain or depict its use;
- H. Local advertising concerning its use;
- I. The manner in which the object is displayed for sale;
- J. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
- K. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- L. The existence and scope of legitimate uses for the object in the community;
- M. Expert testimony concerning its use.

(Ord. 90-8 § 1 (part): prior code § 6.16(3))

9.08.030 Prohibited activities.

A. Possession of Drug Paraphernalia. No person under eighteen (18) years of age may use, or possess with the sole 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 chapter.

B. Manufacture or Delivery of Drug Paraphernalia. No person under eighteen (18) years of age may deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing that it will be solely 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 chapter.

C. Exemption. This section does not apply to law enforcement personnel, manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Wisconsin Statutes Chapter 161. (Ord. 90-8 § 1 (part): prior code § 6.16(4))

9.08.040 Violations—Penalties.

A. Any drug paraphernalia used in violation of this chapter shall be seized and forfeited to the town.

B. Any person who violates Section 9.08.030 shall, upon conviction, be subject to a forfeiture of not more than five hundred dollars (\$500.00), together with the costs of prosecution, and upon default of payment be imprisoned in the county jail or house of correction until the costs are paid, but not to exceed twenty (20) days. (Ord. 90-8 § 1 (part): prior code § 6.16(5))

Chapter 9.12

THEFT AND RELATED OFFENSES

Sections:

9.12.010 Theft.

9.12.020 Issuing worthless checks prohibited.

9.12.010 Theft.

A. Acts. No person shall:

1. Intentionally take or carry away, use, transfer, conceal or retain possession of moveable property of another without their consent and with the intent to deprive the owner permanently of possession of such property;

2. By virtue of his or her office, business or employment, or as a trustee or bailee, having possession or custody of money or of a negotiable writing of another, intentionally use, transfer, conceal or retain possession of such money, security, instrument, paper or writing without the

owner's consent, contrary to his or her authority, and with the intent to convert to his or her own use or to the use of any other person except the owner. A refusal to deliver any money, security, instrument, paper or other negotiable writing, which is in his or her possession or custody by virtue of his or her office, business or employment, or as a trustee or bailee, upon the demand of the person entitled to receive it, or as required by law, is prima facie evidence of an intent to convert to his or her own use within the meaning of this section;

3. Having a legal interest of movable property, intentionally and without consent, take such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of possession of such property;

4. Obtain title to property of another by intentionally deceiving him or her with a false representation which is known to be false, made with the intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with the intent not to perform it if it is a part of a false and fraudulent scheme;

5. Intentionally fail to return any personal property which is in his or her possession or under his or her control by virtue of a written lease or written rental agreement, within ten days after the lease or rental agreement has expired.

B. Definitions. In this section:

"Movable property" means property whose physical location can be changed, without limitations, including electricity and gas, documents which represent or embody intangible rights and things growing on, affixed to or found in land.

"Property" means all forms of tangible property, whether real or personal, without limitations, including electricity, gas and documents which represent or embody a choice in action or other intangible rights.

"Property of another" means and includes property in which the actor is a co-owner and the property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.

"Value" means the market value at the time of the theft or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less, but if the property stolen is a document evidencing a choice in action or other intangible rights, value means either the market value of the choice in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for or had one legal interest in the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.

C. Penalties. Any person who shall violate the provisions of this section shall, upon conviction, be subject to a forfeiture of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00), together with the costs of prosecution and in default in

payment thereafter shall be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed ninety (90) days. (Prior code § 6.11)

9.12.020 Issuing worthless checks prohibited.

A. Whoever issues any check or other order for the payment of money, for less than one thousand dollars (\$1,000.00), which at the time of issuance, the person did not have an account with drawee, or did not have sufficient funds or credit with the drawee, and that person failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order, is in violation of this section.

B. Penalties. Any person who shall violate the provisions of this section shall, upon conviction, be subject to a forfeiture of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00), together with the costs of prosecution and in default in payment thereafter shall be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed ninety (90) days. (Ord. 97-19 § 6.13(1); prior code § 6.13)

Chapter 9.16

TRESPASS

Sections:

- 9.16.010 Trespass to land.
- 9.16.020 Notice.
- 9.16.030 Employer-provided housing.
- 9.16.040 Trespass to dwellings and buildings.
- 9.16.050 Violations—Penalties.
- 9.16.010 Trespass to land.

It is unlawful for any person to:

A. Enter any enclosed or cultivated land of another with intent to catch or kill any birds, animals or fish on such land or gather any products of the soil without the express or implied consent of the owner or occupant to engage in any of those activities;

B. Enter or remain on any land of another after having been notified by the owner or occupant not to enter or remain on the premises;

C. Hunt, shoot, fish or gather any product of the soil on the premises of another, or enter the premises with intent to do any of the foregoing after having been notified by the owner or occupant not to do so;

D. Enter upon public lands during the hours such lands are closed to the public pursuant to notice;

E. Erect on the land of another signs which are the same as or similar to those described in Section 9.16.020 without obtaining the express consent of the lawful occupant of or holder of legal title to such land. (Prior code § 6.06(1))

9.16.020 Notice.

A person has received notice from the owner or occupant within the meaning of this chapter if he or she has been notified personally, either orally or in writing, if the land is posted or if signs describing the hours public lands are closed to the public are conspicuously posted at the entrances thereto. For land to be posted, a sign at least eleven (11) inches square must be placed in at least two conspicuous places for every forty (40) acres to be protected. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word “owner” if the person giving the notice is the holder of legal title to the land and by the word “occupant” if the person is not the holder of legal title but is a lawful occupant of the land. Proof that appropriate signs as herein provided were erected or in existence upon the premises to be protected within six months prior to the event complained of shall be prima facie proof that the premises to be protected were posted as provided in this chapter. (Prior code § 6.06(2))

9.16.030 Employer-provided housing.

Any authorized occupant of employer-provided housing shall have the right to decide who may enter, confer and visit with him or her in the housing area he or she occupies. (Prior code § 6.06(3))

9.16.040 Trespass to dwellings and buildings.

It is unlawful for any person to enter the dwelling or buildings of another without the consent of the owner thereof or of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace. (Prior code § 6.06(4))

9.16.050 Violations—Penalties.

A. Any person violating subsections A, B, C or D of Section 9.16.010 of this chapter shall, upon conviction thereof, forfeit not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) together with the costs of prosecution.

B. Any person violating subsection F of Section 9.16.010 of this chapter shall, upon conviction thereof, forfeit not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00).

C. Any person violating Section 9.16.040 of this chapter shall, upon conviction thereof, forfeit not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) together with the costs of prosecution.

D. In default of payment of the forfeiture and costs of prosecution as provided in this section, such person shall be imprisoned in the county jail until the forfeiture and costs are paid but not in excess of ninety (90) days. (Prior code § 6.06(5))

Chapter 9.20

CURFEW

Sections:

9.20.010 Curfew on minors.

9.20.020 Adult responsibility.

9.20.030 Violations—Penalties.

9.20.010 Curfew on minors.

It is unlawful for any minor under the age of eighteen (18) years to loiter, idle, wander, stroll or play either on foot or in a vehicle of any nature whatsoever upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots or other unsupervised places in the town between the hours of eleven p.m. and six a.m.; provided, however, that the provisions of this chapter shall not apply to a minor accompanied by his or her parents, guardian or other adult person having legal custody or control of the minor or where the minor is upon an emergency errand or legitimate business directed by his or her parents, guardian or other adult person having legal custody or control of the minor or where the minor is pursuing the duties of his or her employment or where the minor is proceeding in an expeditious and orderly manner to his or her home. Each violation of the provisions of this chapter shall constitute a separate offense. (Prior code § 6.01(1))

9.20.020 Adult responsibility.

It is unlawful for any parent, guardian or other adult person having legal custody and control of any minor under the age of eighteen (18) years to knowingly allow or permit such minor to

violate any of the provisions of this chapter. Each violation of the provisions of this chapter shall constitute a separate offense. (Prior code § 6.01(2))

9.20.030 Violations—Penalties.

A. Any minor found in violation of Section 9.20.010 for the first time shall be warned of the penalty for second and subsequent violations by any police officer of the town and shall be taken and delivered by such officer to the person having legal custody of the minor. A record of such violation shall be made and filed in the records of the Dover constable. Any minor found violating the provisions of Section 9.20.010 a second or subsequent time shall be dealt with in accordance with Wisconsin Statutes Chapter 48, The Children’s Code.

B. Any adult person found in violation of Section 9.20.020 shall, upon conviction, forfeit not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), together with the costs of prosecution and in default of payment thereof shall be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed ten days. (Prior code § 6.01(3))

Chapter 9.24

SEX OFFENDERS

- 9.24.010 Purpose**
- 9.24.020 Definitions**
- 9.24.030 Residency (Outside of 2000 Feet)**
- 9.24.040 Residency (Within 2000 Feet)**
- 9.24.050 New Residency**
- 9.24.060 Prohibited Activity**
- 9.24.070 Exceptions**
- 9.24.080 Other Prohibited Activity**
- 9.24.090 Penalties**

Section 9.24.010 Purpose.

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A. The Town Board finds that repeat sex offenders, sex offenders who use physical violence, and sex offenders who prey on children are sex predators who present an extreme threat to the public safety. Sex offenders are extremely likely to use physical violence and to repeat their offenses; and most sex 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 sex offenders' victimization of society at large, while incalculable, clearly exorbitant.

B. It is not the intent of this Ordinance to impose a criminal penalty, but instead to serve the Town's compelling interest in promoting, protecting, and improving the health, safety, and general welfare of the citizens of the Town by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sex offenders and sex predators are prohibited from residing or loitering.

Section 9.24.020 Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

A. "Sexually violent offense" shall have the meaning set forth in Wis. Stat. § 980.01(6) as amended from time to time.

B. "Crime against children" shall mean any of the following offenses set forth by the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction, respectively Wis. Stat §§:

1. 940.22(2) Sexual Contact by Therapist;
2. 940.225(1) First Degree Sexual Assault;
3. 940.225(2) Second Degree Sexual Assault;

4. 940.225(3) Third Degree Sexual Assault;
5. 940.30 False Imprisonment (where the victim was a minor and not the offender's child);
6. 940.31 Kidnaping (where the victim was a minor and not the offender's child);
7. 944.01 Rape (prior statute);
8. 944.06 Incest;
9. 944.10 Sexual Intercourse with a Child (prior statute);
10. 944.11 Indecent Behavior with a Child (prior statute);
11. 944.12 Enticing Child for Immoral Purposes (prior statute);
12. 948.02(1) First Degree Sexual Assault of a Child;
13. 948.02(2) Second Degree Sexual Assault of a Child;
14. 948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child;
15. 948.05 Sexual Exploitation of a Child;
16. 948.055 Causing a Child to View or Listen to Sexual Activity;
17. 948.06 Incest with a Child;
18. 948.07 Child Enticement;
19. 948.075 Use of Computer to Facilitate a Child Sex Crime;
20. 948.08 Soliciting a Child for Prostitution;
21. 948.095 Sexual assault of a child by a school staff person or a person who works or volunteers with children;
22. 948.11(2)(a) or (am) Exposing a Child to Harmful Material, felony sections;
23. 948.12 Possession of Child Pornography;
24. 948.13 Convicted Child Sex Offender Working with Children;

25. 948.30 Abduction of Another's Child;
26. 971.17 Not Guilty by Reason of Mental Disease of any of the above offenses; and
27. 975.06 Sex Crimes Law Commitment.

C. "Offender" means a person who has been convicted of, or has been found delinquent of, or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children, any person who is required to register under Wis. Stat. § 301.45 for any sexual offense against a child and any person who is required to register under Wis. Stat. § 301.45 and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to Wis. Stat. §§ 301.46(2) and (2m).

D. "Residence" (reside) means the place where an offender sleeps, or which qualifies as an offender's residence under the holdings of the Wisconsin Supreme Court, and which may include more than one location, and which may be mobile or transitory.

Section 9.24.030 Residency (Outside of 2000 Feet).

An offender shall not reside within two thousand (2,000) feet of the real property comprising any of the following, whether such property is located within or without the borders of the Town of Dover.

- A. Any facility for children including:
 1. A public or private school;
 2. A foster home as defined in Wis. Stat. § 48.02(6);
 3. A group home as defined in Wis. Stat. § 48.02(7);
 4. A residential care center for children or youth as defined in Wis. Stat. § 48.02(15d);
 5. A shelter care facility as defined in Wis. Stat. § 48.02(17);

6. A treatment foster home as defined in Wis. Stat. § 48.02(17q);
7. A day care center licensed under Wis. Stat. § 48.65;
8. A day care provider certified under Wis. Stat. § 48.651; or
9. A child care program established under Wis. Stat. § 120.13(14)
10. A youth center as defined in Wis. Stat. § 961.01(22),

B. Any facility used as or for:

1. A public park, parkway, parkland, park facility;
2. A public swimming pool;
3. A public library;
4. A recreational trail;
5. A public playground;
6. A school for children;
7. An athletic field used by children;
8. A movie theater;
9. A daycare center;
10. Any specialized school for children, including, but not limited to, a gymnastics academy, dance academy, or music school;
11. A public or private golf course or range; and
12. An aquatic facility open to the public.

C. Measurement of Distance. The distance shall be measured from the closest boundary line of the real property supporting the residence of an offender to the closest real property boundary line of the applicable above-enumerated use(s).

Section 9.24.040 Residency (Within 2000 Feet).

An offender residing within two thousand (2,000) feet of the real property comprising any of the uses enumerated in Section 9.24.030 above, does not commit a violation of this Ordinance if any of the following apply:

A. The offender is required to serve a sentence at a jail, prison, juvenile facility or other correctional institution or facility. This exception ceases to apply upon the termination of the offender's sentence.

B. Prior to the effective date of this Ordinance, the offender has established his or her residence within two thousand (2,000) feet of any of the uses enumerated in Section 9.24.030 above. This exception shall not apply if an offender establishes a secondary residence which violates this Ordinance.

C. The offender has established a residence prior to the effective date of this Ordinance which is within two thousand (2,000) feet of any of the uses enumerated in Section 9.24.030 above, or such enumerated use is newly established after such effective date, and it is located within two thousand (2,000) feet of a residence of an offender which was established prior to the effective date of this ordinance.

D. The offender is a minor or ward under guardianship of the property owner.

Section 9.24.050 New Residency.

In addition to and notwithstanding the foregoing, no offender and no individual who has been convicted, or adjudicated delinquent for, or been found not guilty by reason of mental disease or defect of a sexually violent offense and/or a crime against children, shall be permitted to reside in the Town of Dover unless such offender was domiciled in

the Town of Dover at the time of the offense resulting in the offender's most recent conviction for committing the violent offense and/or crime against children.

Section 9.24.060 Prohibited Activity.

No offender shall enter or be present upon any real property upon which there exists any facility used for or which supports a use of:

- A. A public or private school;
- B. A foster home as defined in Wis. Stat. § 48.02(6);
- C. A group home as defined in Wis. Stat. § 48.02(7);
- D. A residential care center for children or youth as defined in Wis. Stat. § 48.02(15d);
- E. A shelter care facility as defined in Wis. Stat. § 48.02(17);
- F. A treatment foster home as defined in Wis. Stat. § 48.02(17q);
- G. A day care center licensed under Wis. Stat. § 48.65;
- H. A day care provider certified under Wis. Stat. § 48.651; or
- I. A child care program established under Wis. Stat. § 120.13(14);

- J. A youth center as defined in Wis. Stat. § 961.01(22);
- K. A public park, parkway, parkland, park facility;
- L. A public swimming pool;
- M. A public library;
- N. A recreational trail;
- O. A public playground;
- P. A school for children;
- Q. An athletic field used by children;
- R. A movie theater;
- S. A daycare center;
- T. Any specialized school for children, including, but not limited to, a gymnastics academy, dance academy, or music school;
- U. A public or private golf course or range; and
- V. An aquatic facility open to the public.

Section 9.24.070 Exceptions.

An offender does not commit a violation of Section 9.24.060 above and the enumerated uses may allow an offender on the property supporting such use if any of the following apply:

- A. The property supporting an enumerated use under Section 9.24.060 also supports a church, synagogue, mosque, temple, or other house of religious worship (collectively "church"), subject to the following conditions:

1. Entrance and presence on the property occurs only during hours of worship or other religious program/service as posted to the public; and

2. Written advance notice is made from the offender to an individual in charge of the church and approval from an individual in charge of the church as designated by the church is made in return, of the attendance by the offender; and

3. The offender shall not participate in any religious education programs which include individuals under the age of eighteen (18).

B. The property supporting an enumerated use under Section 9.24.060 above also supports a use lawfully attended by an offender's natural or adopted child(ren), which child's use reasonably requires the attendance of the offender as the child's parent upon the property, subject to the following conditions:

1. Entrance and presence upon the property occurs only during hours of activity related to the use as posted to the public; and

2. In advance of the attendance of the offender, written notice is made from the offender to an individual in charge of the use upon the property and approval from an individual in charge of the use upon the property as designated by the owner of the use upon the property is made in return.

C. The property supporting an enumerated use under Section 9.24.060 also supports a polling location in a local, state, or federal election, subject to the following conditions:

1. The offender is eligible to vote:

2. The designated polling place for the offender is an enumerated use;

3. The offender 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 offender vacates the property immediately after voting.

D. The property supporting an enumerated use under Section 9.24.060 also supports an elementary or secondary school lawfully attended by the offender as a

student under which circumstances the offender who is a student may enter upon the property supporting the school at which the offender is enrolled, as is reasonably required for the educational purposes of the school.

Section 9.24.080 Other Prohibited Activity

It is unlawful for any offender to participate in a holiday event in the Town of Dover involving children under 18 years of age by means of: distributing candy or other items to such children on Halloween; wearing a Santa Claus costume on, or during any of the thirty days preceding, Christmas; wearing an Easter Bunny costume on or during any of the thirty days preceding Easter; or by engaging in other similar type(s) of activity that may, under the circumstances then present, tend to entice a child to have contact with a designated offender. Holiday events in which the designated sex offender is the parent or legal guardian of the child or children involved, and no other children are present, are exempt from this paragraph.

Section 9.24.090 Penalties.

A. A person who violates any provision of this Ordinance shall be subject to a forfeiture of not less than \$500.00 nor more than \$1,000.00 for each violation. Each day a violation continues shall constitute a separate offense.

B. In addition to the forfeitures indicated above, if an offender violates any provision of this Ordinance by establishing a residence or occupying residential premises within 2,000 feet of those premises as described herein, without any exception as also set forth above, the Town Attorney, upon referral from the chief of police and the written determination by the chief of police and the Town Board that, upon all of the facts and circumstances, such residence or occupancy presents an activity or use of property that interferes substantially with the comfortable enjoyment of life, health, safety of another or others, shall bring an action in the name of the Town in the circuit court to permanently enjoin such residency as a public nuisance.