

ORDINANCE TO AMEND THE VILLAGE CODE OF ORDINANCES,  
SPECIFICALLY CHAPTER 9 – PEACE AND ORDER, SECTION 9.15

WHEREAS the Board of Trustees wish to both revise Chapter 9 of the Code of Ordinances of the Village of Hortonville particularly as said Chapter relates to Section 9.15 in order to clarify as well as enhance this Section by the addition of “Child Safety Zones” within the Village, and,

WHEREAS repeat sexual offenders, sexual offenders who use physical violence and sexual offenders who prey on children present a realistic threat to the public safety, and,

WHEREAS it is the intent of this ordinance not to impose a strictly criminal penalty but rather to serve the Village’s interest in promoting, protecting and improving upon the health, safety and welfare of the residents of the Village by creating areas around various locations within the Village where children regularly congregate or gather wherein certain sexual offenders and sexual predators are limited from being physically present,

NOW THEREFORE, the Village Board of Hortonville does ordain that Section 9.15 shall be revised to read as follows:

The following definitions shall be added to 9.15(1) DEFINITIONS.

(f) CHILD SAFETY ZONE. Certain areas within the Village and designated as those areas where children congregate including, but not necessarily limited to, schools, parks, playgrounds, licensed day care centers, places of worship, recreational areas and trails. Such zones will not expand beyond the real estate parcel(s) upon which the building, establishment, park, etc. is located but would include certain contiguous parcels used for ancillary purposes (i. e. an athletic field located adjacent to a school).

(g) RESPONSIBLE PERSON STANDARD. In common law and used as rational, reasonable standard, a hypothetical individual who exercises an ordinary degree of reason, prudence, care, foresight or intelligence whose conduct, conclusion or expectations in relation to a particular circumstance or fact is used as an objective standard.

The following section shall be made the new 9.15(4):

(4) PROHIBITED LOCATIONS AND/OR ACTS.

(a) It is unlawful for any sexual offender or sexual predator as defined above to be physically present within a child safety zone under any of the following conditions/circumstances:

1. When children are present or are reasonably presumed or known to be present.
2. Monday through Friday in a school or day care center between the hours of 7:00 a.m. and 6:00 p.m.
3. In a park, on a trail, in a playground or recreational area between the hours of 7:00 a.m. and 11:00 p.m.

(b) A sexual offender or sexual predator may be physically present on any day or time within a child safety zone if all of the following conditions are present:

1. The sexual offender or sexual predator has official business, which is to be determined by the “reasonable person” standard; and,
2. The sexual offender or sexual predator is accompanied by another adult who is not a sexual offender or sexual predator.

The current section 9.15(4) APPEAL shall be renumbered 9.15(5).

The following Section 9.15(6) shall be added.

(6) SEVERABILITY. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Village Board of Trustees would have passed the other provisions of this Ordinance irrespective of whether or not one (1) or more provisions may be declared invalid. If any provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

IT IS SO ORDAINED THIS 3rd DAY OF July, 2008.

BY THE BOARD

Ayes 5

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Roger L. Retzlaff, President

Nays 0

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Lynne Mischker, Clerk

Published: 7/16/08

Effective: 7/17/08