

## TOWN OF GREEN BAY PLANNING COMMISSION MINUTES

**DATE:** 11-19-19

**TIME:** 7:00 p.m.

**PRESENT:** Dawn Goodman, Gary Jonet, John Metzler, Jason Miller; Brad DeChamps, Dylan Mercier, Mike Gilson.

**OTHERS PRESENT:** Town Supervisor, Matt Bosman

**APPROVAL OF LAST MEETING'S MINUTES (7:00-7:02) :** John Metzler opened the meeting and asked if the meeting notice was properly posted in 3 places. Dawn Goodman confirmed it was. The 10-29-19 meeting minutes were reviewed. **MOTION MADE BY:** Jason Miller to accept the minutes as presented. **MOTION 2NDED BY:** Brad Dechamps. **AYES: 7 MOTION CARRIED.**

**ISSUE #1: Continued Review of the Town of Green Bay Code of Ordinances in order to update. (7:03 pm to 9:00 pm)**

Attorney Parmentier sent the Planning Commission and Town Clerk, Debbie Mercier drafts of 3 ordinances to be discussed and filled in to make them appropriate for the Town of Green Bay's standards and needs. These included:

An "***Ordinance Amending Zoning Ordinance Regarding Signs***";

An Amendment to the Town of Green Bay Zoning Ordinance adding "***Solar Energy System definitions***" and a *Section IV.L. "K. Solar Energy Systems As Accessory Uses"*;

A new "***Sex Offender Residency Ordinance***".

### **Item 1 to address: "Ordinance Amending Zoning Ordinance Regarding Signs"**

The Planning Commission reviewed the draft from the Attorney, then made the following changes:

Definitions. 1.f. strike the word "~~highway~~" and replace with: "***state or interstate highway***"

3. Signs in Residential Districts (R-R, R-2, E-R, M-1).

a. Allowed Sign Types:

- i. Ground-Mounted***
- ii. Portable Signs***
- iii. Temporary Signs***
- iv. Window Signs (non-illuminated).***

b. Dimensional Restrictions.

- i. No sign face may exceed **6** square feet in area.
- ii. Signs other than building-mounted signs may not exceed **6** feet in height above the ground, measured to the top of the sign structure.
- iii. (remains the same as presented)
- iv. (remains the same as presented)
- v. No more than **1 "permitted" sign and 3 "temporary" signs** is/are allowed on each lot

4. Signs in Business & Industrial Districts (B-1, L-1, I-1).

a. Allowed Sign Types: (all those presented were kept with the following addition):

**ix. Temporary Signs**

- b. Dimensional Restrictions.
  - i. The Total of all sign faces on a lot may not exceed 64 square feet, regardless of the number of signs located on the lot.
  - ii. Signs other than building-mounted signs may not exceed 18 feet in height above the ground, measured to the top of the sign structure.
  - iii. (remains the same as presented).
  - iv. (remains the same as presented)
  - v. No more than 3 Permitted signs are allowed on each lot and unlimited Temporary signs are allowed on each lot.
- c. Special Restrictions for Highway Signs.
  - i. (remains the same as presented)
    - 1. No sign may exceed 672 square feet per face.
    - 2. Minimum sign spacing on town roads is 500 feet
    - 3. Highway signs may not exceed 30 feet in height**
    - 4. Highway signs must be placed on a permanent foundation.**

5. Signs in Agricultural Districts (A-1, A-2).

a. Allowed Sign Types:

- i. Freestanding Signs
- ii. Ground-Mounted Signs.
- iii. Integral Signs.
- iv. Portable Signs
- v. **Temporary Signs**
- vi. Window Signs.

b. Dimensional Restrictions.

- i. No sign face may exceed 32 square feet in area.
- ii. Signs other than building-mounted signs may not exceed 10 feet in height above the ground, measured to the top of the sign structure
- iii. (remains the same as presented)
- iv. (remains the same as presented)
- v. No more than 4 signs are allowed on each lot.

6. Temporary Signs.

a. Temporary signs are allowed in all districts (~~striking the words: provided that no more than one temporary sign:)~~

- i. R-R, R-2, E-R, M-1: 3

ii. B-1, L-1, I-1: Unlimited.

iii. A-1, A-2: Unlimited.

b. Sign face shall be no larger than 64 square feet on any lot at any time. No Temporary Sign may be displayed for a continuous period exceeding 120 days per year.

*Final Notes in regards to Signs: The Planning Commission members questioned why the attorney did not include Temporary Signs in all districts. This question was forwarded to the attorney for feedback with the above noted changes.*

**Item 2 to address: An Amendment to the Town of Green Bay Zoning Ordinance adding “Solar Energy System definitions” and a Section IV.L. “K. Solar Energy Systems As Accessory Uses”.**

The Planning Commission reviewed the draft from the Attorney, then made the following changes:

IV.L. K. 2. a. The surface area of the solar energy system shall not exceed 150 square feet when located in any residential district. There is no maximum surface area in all other districts. The surface area of the solar energy system shall not be included when determining the total accessory structure area allowed on the lot.

**Item 3 to address: “Sex Offender Residency Ordinance**

The Planning Commission reviewed the draft from the Attorney, then made the following changes:

Section 4. Residency Restriction.

(a). Except as otherwise provided in this Ordinance, a Sex Offender may not reside within 2,000 feet of any real property upon which there exists any of the following uses...(see attached document for remainder of list).

The current map with the pre-existing Sex Offender Ordinance was reviewed and the large Town’s map was reviewed. No action was taken regarding changing it at this time, because the 2,000 feet requirement has to be reviewed by Attorney Parmentier.

**Final Notes/Comments for the entire process:**

1. Town Supervisor Matt Bosman stated he believes it is very important to address **Dumping** and that perhaps a penalty and/or even new area in the Ordinances should be added? He noted that there has been an increasing incidence of individuals dumping various items along roadways in the Town and that it is costing extra Town funds because the Town Representatives do not have time and/or can no longer remove these items due to the size and nature of dumped items, so special rubbish removal services are then required.

2. Town Supervisor Matt Bosman also stated he believes the **Noise Restrictions** in the Town's Nuisance Ordinance need to be modified to address both days and hours of situations regarding noise.
3. Planning Commission Secretary Dawn Goodman will prepare the modified information for Attorney Parmentier to review. (see the attached modified versions).

**Old Business:** None at this time.

**Any Other Business as authorized by law.** None at this time.

**Date & Time of Next Planning Commission Meeting were set for** Tuesday, December 17, 2019 at 7pm.

**Motion to Adjourn Made by:** Mike Gilson. Jason Miller **2nded. AYES: 7 NAYS: 0. Motion Carried.**  
**Adjournment time:** 9:25pm.

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**Planning Commission Chairperson**

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**Planning Commission Secretary**

**MODIFIED 11/19/19  
TOWN OF GREEN BAY  
BROWN COUNTY, WISCONSIN**

**ORDINANCE AMENDING ZONING ORDINANCE  
REGARDING SIGNS**

The Town Board, upon proper notice with quorum present, and after having received the recommendation of the Town of Green Bay Plan Commission, hereby adopts the following amendments to the Town's Zoning Ordinance:

Section XVII is amended to read:

Signs.

1. Definitions. The following definitions shall apply to this Section:
  - a. Sign – A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, produce, place, activity, person, institution, organization, or business. Signs located completely within an enclosed building and not exposed to view from a street are not considered signs. Each display surface of a sign or sign face is considered a sign.
  - b. Sign Area – The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure; or, where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.
  - c. Sign Face – The entire display surface area of a sign upon, against, or through which copy is placed.
  - d. Freestanding – A sign erected and maintained on a freestanding frame, mast, or pole not attached to any building, and not including ground-mounted signs.
  - e. Ground-Mounted Sign – A sign that extends from the ground or has support that places the bottom of the sign less than two feet from the ground.
  - f. Highway Sign – A freestanding sign, Integral Sign, or Ground-Mounted Sign that is erected and maintained within the view of motorists who are driving on a ~~highway~~ state or interstate highway.
  - g. Integral – A sign that is embedded, extruded, or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

- h. Portable Sign – Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled, or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.
  - i. Temporary Sign – A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and is intended to be displayed for a limited period of time.
  - j. Window Sign – A sign that is attached to or located within three feet of the interior of a window and can be seen through the window from the exterior of the structure.
  - k. Billboard – A sign intended to lease to third parties and is itself the primary income generator and commercial use of the property upon which it is located.
  - l. Digital Billboard – A sign that is static and changes messages by any electronic process or remote control.
2. Sign Permit. No sign other than a Temporary Sign may be constructed, installed, or erected within the Town without a Sign Permit issued by the Town Board. The fee for a Sign Permit shall be as set forth by separate resolution.
3. Signs in Residential Districts (R-R, R-2, E-R, M-1).
- a. Allowed Sign Types:
    - i. Ground-Mounted Signs
    - ii. Portable Signs
    - iii. Temporary Signs
    - iv. Window Signs (non-illuminated)
  - b. Dimensional Restrictions.
    - i. No sign face may exceed \_\_\_\_6\_\_\_\_ square feet in area.
    - ii. Signs other than building-mounted signs may not exceed \_\_6\_\_ feet in height above the ground, measured to the top of the sign structure.
    - iii. Building-mounted signs must be flush mounted and must not project above the roof line.

iv. Signs may not be located within road right-of-way or otherwise located in a manner that obstructs road vision.

v. No more than:

  1   Permitted sign is allowed on each lot.

  3   Temporary signs are allowed on each lot.

4. Signs in Business & Industrial Districts (B-1, L-1, I-1).

a. Allowed Sign Types:

i. Freestanding Signs

ii. Ground-Mounted Signs

iii. Highway Signs

iv. Integral Signs

v. Portable Signs

vi. Window Signs

vii. Billboards

viii. Digital Billboards

ix. Temporary Signs

b. Dimensional Restrictions.

i. The total of all sign faces on a lot may not exceed   64   square feet, regardless of the number of signs located on the lot.

ii. Signs other than building-mounted signs may not exceed   18   feet in height above the ground, measured to the top of the sign structure.

iii. Building-mounted signs must be flush mounted and must not project above the roof line.

iv. Signs may not be located within road right-of-way or otherwise located in a manner that obstructs road vision.

v. No more than:

\_\_\_3\_\_\_ Permitted signs are allowed on each lot.

\_\_\_unlimited\_\_\_ Temporary signs are allowed on each lot.

c. Special Restrictions for Highway Signs.

i. Notwithstanding the forgoing restrictions in the Business & Industrial Districts, the following restrictions apply to Highway Signs:

1. No sign may exceed \_\_\_672\_\_\_ square feet per face.

2. Minimum sign spacing on town roads is \_\_\_500\_\_\_ feet.

3. Highway signs may not exceed 30 feet in height.

4. Highway signs must be placed on a permanent foundation.

5. Signs in Agricultural Districts (A-1, A-2).

a. Allowed Sign Types:

i. Freestanding Signs

ii. Ground-Mounted Signs

iii. Integral Signs

iv. Portable Signs

v. Temporary Signs

vi. Window Signs

b. Dimensional Restrictions.

i. No sign face may exceed \_\_\_32\_\_\_ square feet in area.

ii. Signs other than building-mounted signs may not exceed \_\_\_10\_\_\_ feet in height above the ground, measured to the top of the sign structure.

iii. Building-mounted signs must be flush mounted and must not project above the roof line.

iv. Signs may not be located within road right-of-way or otherwise located in a manner that obstructs road vision.



v. No more than 4 signs are allowed on each lot.

6. Temporary Signs\*

a. Temporary signs are allowed in all districts ~~provided that no more than one temporary sign:~~

i. R-R, R-2, E-R, M-1: 3 .

ii. B-1, L-1, I-1: unlimited .

iii. A-1, A-2: unlimited .

b. Sign face shall be no larger than 64 square feet on any lot at any time. ~~No Temporary Sign may be displayed for a continuous period exceeding 120 days per year.~~

*\*NOTE: PLANNING COMMISSION WANTS TO KNOW WHY TEMPORARY SIGNS WERE NOT INCLUDED BY ATTORNEY IN SOME OF THE DISTRICTS AND WHY THEY WERE LIMITED TO ONE SIGN.*

7. Illumination. Signs that are illuminated must be effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of any nearby public way in such an intensity or brilliance as to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.
8. Indemnification. By applying for a Sign Permit, all persons engaged in the erection and maintenance of the sign, including the applicant, shall indemnify, defend, and hold harmless the Town, its officers, agents, and employees from and against any and all third-party claims arising out of the installation or maintenance of the sign, or otherwise related to the sign.
9. Abandoned Signs. No sign in the Town may be abandoned by the owner. Any sign or billboard not properly and reasonably maintained by the owner shall be removed by the owner within thirty days of receipt of a written notice from the Town. Failure to remove an abandoned sign within that period shall cause the Town to remove the sign after an additional ten-day written notice is mailed to the owner. Removal expenses will be charged to the owner of the sign or to the owner of the land where the sign is located. In the event removal costs are unpaid, they may be charged against the property as a special charge.
10. Penalty. Any person, partnership, corporation, or other entity that violates or fails to comply with any provisions of this Section, or any regulations or permit issued hereunder, shall be subject to a forfeiture of not less than \$150.00 nor more than \$500,

together with the costs of prosecution, including reasonable attorneys' fees. Each day that a violation continues shall be deemed a separate offense for purposes of calculating forfeitures. The Town may also pursue equitable relief, including injunctions and abatement orders, in the event of a violation.

This Ordinance shall take effect upon its passage and publication as required by law. The Town Clerk and Town Attorney are hereby authorized and directed to take all action necessary to incorporate the terms of this Ordinance into the Town's Zoning Ordinance.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

TOWN OF GREEN BAY

By: \_\_\_\_\_  
Chairperson

Attest: \_\_\_\_\_  
Clerk

**MODIFIED 11-19-19  
TOWN OF GREEN BAY  
BROWN COUNTY, WISCONSIN**

The Town Board, after a public hearing and recommendation by the Plan Commission, does hereby ordain the following amendments to the Town of Green Bay Zoning Ordinance:

The following definitions are hereby created:

Solar Energy System. A free-standing solar energy system that constitutes the principal use of the property or that exceeds the limitations established for a free-standing energy system as an accessor use.

Solar Energy System, Building-Mounted. An accessory use that is the installation of equipment mounted on a building or incorporated into the exterior building materials that uses sunlight to produce electricity or provide heat or water to a building.

Solar Energy System, Free-Standing. An accessory use that is the installation of equipment mounted on the ground that uses sunlight to produce electricity or provide heat or hot water to a building.

Section IV.L. is created to read:

**K. Solar Energy Systems as Accessory Uses.**

1. Building-Mounted Solar Energy Systems are allowed as an accessory use on the following conditions:
  - a. No portion of a panel used to collect solar energy may extend beyond the roof surface or the wall surface to which it is attached.
  - b. The solar energy system shall comply with the maximum height requirements of the zoning district in which the building is located.
  - c. The panels of the solar energy system that are mounted on a pitched roof may be either fixed or movable and may be placed at an angle to optimize efficiency of the system.
  - d. The solar energy system may be mounted on the façade of a commercial building provided the installation does not project more than four feet from the face of the wall.
  - e. All solar panels shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the Town Board.

- f. If the Town determines that more than fifty percent of the panels (measured by total area) have not been operational for a continuous period of twelve months, the solar panels shall be removed.
2. Free-Standing Solar Energy Systems are allowed as an accessory use on the following conditions:
- a. The surface area of the solar energy system shall not exceed 150 square feet when located in any residential district. There is no maximum surface area in all other districts. The surface area of the solar energy system shall not be included when determining the total accessory structure area allowed on the lot.
  - b. There shall be no more than one Free-Standing Solar Energy system when located in any residential district. There is no maximum number in all other districts.
  - c. The solar energy system shall meet the maximum height restriction for an accessory structure for the zoning district in which it is located.
  - d. The solar energy system shall meet all setback requirements for an accessory structure for the district in which it is located.
  - e. All solar panels shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the Town Board.
  - f. If the Town determines that more than fifty percent of the panels (measured by total area) have not been operational for a continuous period of twelve months, the solar panels shall be removed.

This Ordinance shall take effect upon its passage and publication as required by law. The Town Clerk and Town Attorney are hereby authorized and directed to take all action necessary to incorporate the terms of this Ordinance into the Town's Zoning Ordinance.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

TOWN OF GREEN BAY

By: \_\_\_\_\_  
Chairperson

Attest: \_\_\_\_\_  
Clerk

**MODIFIED 11-19-19**  
**TOWN OF GREEN BAY**  
**BROWN COUNTY, WISCONSIN**

SEX OFFENDER RESIDENCY ORDINANCE

Section 1. Recitals.

The Wisconsin Statutes, including Chapters 940, 944, and 948 thereof, govern the punishment of individuals who commit sex crimes. The Wisconsin Statutes also govern the release into the community of such individuals. The Town is responsible to maintain the public health, safety, and welfare and finds that sex offenders have high recidivism rates that threaten the public health, safety, and welfare, especially that of children.

The Town Board has reviewed findings in several studies related to recidivism and risk related to individuals who have committed sex crimes. Those studies include the following:

- Center for Sex Offender Management Fact Sheet: What You Need to Know About Sex Offenders. This fact sheet provided information about sex offender recidivism, including that it is estimated that one in every five girls and one in every seven boys are sexually abused by the time they reach adulthood; that one in six adult women and one in thirty-three adult men experience an attempted or completed sexual assault; that approximately 67% of all victims of reported sexual assaults are under age 18 and more than half are under age 12; and that about 12-24% of sex offenders will re-offend.
- U.S. Department of Justice, Bureau of Justice Statistics – Recidivism of Sex Offenders Release from Prison in 1994. This study found that compared to non-sex offenders release from state prisons, release sex offenders were four times more likely to be re-arrested for a sex crime.
- Correctional Service Canada – Forum on Corrections Research. This study of 178 sex offenders released from a maximum-security psychiatric facility found that after an average follow-up of 59 months, 27.5% of sex offenders in the study sexually recidivated and 40.4% of the sex offenders were arrested, convicted, or returned to a psychiatric facility for a violent offense.
- California Research Bureau – The Impact of Residency Restrictions on Sex Offenders and Correctional Management: A Literature Review. This study found that at the time it was written twenty-two states had enacted some form of residency restriction that prohibits sex offenders from living within a certain distance of schools, daycare centers, or places where children congregate. The least restrictive among them was 500 feet, but distances from 1,000 to 2,500 feet were common.

- National Bureau of Economic Research – There Goes the Neighborhood? Estimates of the Impact of Crime Risk on Property Values from Megan’s Laws. This study found that the majority of both violent and non-violent offenses take place less than one mile from victims’ homes. It also found that prices of homes near sex offenders declined considerably following an offender’s arrival in the neighborhood.
- An Evaluation of Sex Offender Residency Restrictions in Michigan and Missouri. This study found that while in Michigan, residency restrictions led to a slight increase in recidivism, in Missouri, the reconviction rate declined.

Based on the above studies and other information presented to the Town Board, the Board determines that the restrictions set forth in this Ordinance serve the purpose of protecting the public health, safety, and welfare from the risk of recidivism of sex offenders. The Board further determines that the intent and effect of this Ordinance is not to banish sex offenders from residing within the Town, and careful attention has been given to ensure that there are ample locations for sex offenders to reside within the Town in compliance with the requirements of this Ordinance.

The Board further determines that the opportunity for individualized consideration of the risks and benefits of residency restrictions on a case-by-case basis is the best approach to achieve the purposes of this Ordinance and, to that end, this Ordinance establishes an “exemption” process by which a sex offender may seek an exemption from its residency restrictions by petitioning to the Board’s Sex Offender Residence Board.

## Section 2. Purpose.

The purpose of this Ordinance is to protect the public health, safety, and welfare in the Town by regulating the residency of sex offenders.

## Section 3. Definitions.

- (a) *Sex offender.* A person who has been convicted of, has been found delinquent of, or has been found not guilty of by reason of disease or mental defect of a sexually violent offense or a crime against children.
- (b) *Sexually violent offense.* Shall have the meaning set forth in Wis. Stat. § 980.01(6).
- (c) *Crime against children.* Shall mean any of the following offenses set forth in the Wisconsin Statutes, as amended, or in the laws of this or any other state or the federal government having like elements necessary for conviction, respectively:

Wis. Stat. § 940.225(1) First Degree Sexual Assault.

Wis. Stat. § 940.225(2) Second Degree Sexual Assault.

Wis. Stat. § 940.225(3) third Degree Sexual Assault.

Wis. Stat. § 940.22(2) Sexual Exploitation by Therapist.

Wis. Stat. § 940.30 False Imprisonment – Victim was Minor and Not Offender’s Child

Wis. Stat. § 940.31 Kidnapping – Victim was Minor and Not Offender’s Child

Wis. Stat. § 944.02 Rape (prior statute, now Wis. Stat. § 940.225)

Wis. Stat. § 944.06 Incest.

Wis. Stat. § 944.10 Sexual Intercourse with a Child (prior statute, now Wis. Stat. § 948.02)

Wis. Stat. § 944.11 Indecent Behavior with a Child (prior statute, now Wis. Stat. § 948.02)

Wis. Stat. § 944.12 Enticing Child for Immoral Purposes (prior statute, now Wis. Stat. § 948.07)

Wis. Stat. § 948.02(1) First Degree Sexual Assault of a Child.

Wis. Stat. § 948.02(2) Second Degree Sexual Assault of a Child.

Wis. Stat. § 948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child.

Wis. Stat. § 948.05 Sexual Exploitation of a Child.

Wis. Stat. § 948.055 Causing a Child to View or Listen to Sexual Activity.

Wis. Stat. § 948.06 Incest with a Child.

Wis. Stat. § 948.07 Child Enticement.

Wis. Stat. § 948.075 Use of a Computer to Facilitate a Child Sex Crime.

Wis. Stat. § 948.08 Soliciting a Child for Prostitution.

Wis. Stat. § 948.095 Sexual Assault of a Student by School Instruction Staff.

Wis. Stat. § 948.11(2)(a) or (am) Exposing a Child to Harmful Material.

Wis. Stat. § 948.12 Possession of Child Pornography.

Wis. Stat. § 948.13 Convicted Child Sex Offender Working with Children.

Wis. Stat. § 948.30 Abduction of Another’s Child.

Wis. Stat. § 971.17 Not Guilty by Reason of Mental Disease or an Included Offense.

Wis. Stat. § 975.06 Sex Crime Law Enforcement.

- (d) *Residence.* A place where a person sleeps, abides, lodges, or resides on a permanent or regular basis. For purposes of this definition, a permanent basis means 14 or more consecutive days and a regular basis means 14 or more aggregate days during any calendar year and four or more days in any month. A person may have more than one residence.

Section 4. Residency Restriction.

- (a) Except as otherwise provided in this Ordinance, a Sex Offender may not reside within 2,000 feet of any real property upon which there exists any of the following uses:
- (1) A school for children.
  - (2) A public park, park facility, or pathway.
  - (3) A daycare licensed by the State of Wisconsin.
  - (4) A public library.
  - (5) A public playground.

- (6) A public athletic field used by children.
- (7) A residential care center for children.
- (8) A public swimming pool.
- (9) A public community center.

- (b) For purposes of this section, distance is to be measured in a straight line from the closest boundary line of the real property upon which the Sex Offender's residence is located to the closest boundary line of the real property of the applicable use.

#### Section 5. Residency Restriction Exceptions.

A Sex Offender residing within an area otherwise prohibited by Section 4 does not commit an offense if any of the following apply:

- (a) The person is required to serve a sentence at a jail, prison, juvenile facility, or other facility located at the otherwise prohibited location.
- (b) The person had established a residence, as defined Section 3 above, at the location prior to the effective date of this Ordinance.
- (c) The use enumerated in Section 4 was established after the Sex Offender established a residence at the location and registered that residence as required by law.
- (d) The Sex Offender is a minor or ward under guardianship.

#### Section 6. Safety Zones.

No Sex Offender may enter or be present on any real property upon which there exists any facility used for or which supports the use of:

- (a) A school for children.
- (b) A public park, park facility, or pathway.
- (c) A daycare licensed by the State of Wisconsin.
- (d) A public library.
- (e) A public playground.
- (f) A public athletic field used by children.
- (g) A residential care center for children.
- (h) A public swimming pool.
- (i) A public community center.

#### Section 7. Safety Zone Exceptions.

A Sex Offender present in an area otherwise prohibited by Section 6 does not commit an offense if any of the following apply:



- (a) The property supporting a use enumerated in Section 6 also supports a church, synagogue, mosque, temple, or other house of religious worship, subject to the following conditions:
  - (1) Entrance and presence on the property may occur only during hours of worship or other religious program or service.
  - (2) The person may not participate in any religious education programs that include individuals under the age of 18.
- (b) The property supporting a use enumerated in Section 6 also supports a use lawfully attended by the Sex Offender's natural or adopted child or children, which child's use reasonably requires the attendance of the Sex Offender, provided that entrance and presence on the property occurs only during hours of activity related to the use by the child or children.
- (c) The property supporting a use enumerated in Section 6 also supports a polling location in a local, state, or federal election, subject to the following conditions:
  - (1) The Sex Offender is eligible to vote.
  - (2) The polling location is the designated polling location for the Sex Offender.
  - (3) The Sex Offender casts his or her ballot with whatever usual and customary assistance is available and vacates the property immediately after voting.
- (d) The property supporting a use enumerated in Section 6 also supports a school lawfully attended by the Sex Offender as a student, provided that the Sex Offender may only remain on the property at such times that are reasonably required for his or her educational purposes.
- (e) The property supporting a use enumerated in Section 6 also supports a police station, Town hall, or other governmental building, provided that the Sex Offender vacates the property immediately after completing the activity that required his or her presence at the property.

#### Section 8. Original Residency Restriction.

In addition to the other residency restrictions set forth herein and subject to the limitations in Section 5, no Sex Offender may establish a residence in the Town unless he or she was a resident of Brown County at the time of the most recent offense resulting in the person's most recent conviction, commitment, or placement as a Sex Offender. This limitation shall not apply to the establishment of a residence at a dwelling that is owned by a member of the Sex Offender's family

at the time the Sex Offender establishes residence therein. For purposes of this section, a member of a Sex Offender's family means the Sex Offender's mother, father, brother, sister, child, or grandparent.

Section 9. Sale or Rental of Property for Use by Sex Offenders.

No person may sell or rent any place, structure, or part thereof with knowledge that it will be used as a residence by any Sex Offender that is prohibited from establishing residence therein by this Ordinance.

Section 10. Petition for Exemption.

- (a) A Sex Offender may seek an exemption from this Ordinance by petitioning to the Sex Offender Residence Board ("Residence Board").
- (b) The Residence Board shall consist of three citizens residing in the Town. Members shall be selected by the Town Chairperson subject to the approval of the Town Board. Members shall serve for a term of five years and shall serve no more than two consecutive terms. The terms for the initial members of the Residence Board shall be staggered with one member serving one year, a second member serving three years, and a third member serving five years.
- (c) The Residence Board shall approve an official petition form. The Sex Offender seeking an exemption must complete the petition and submit it to the Town Clerk, who shall forward it to the Residence Board. The Residence Board shall hold a hearing on each petition, during which the Residence Board may review any pertinent information and accept oral or written statements from any person. The Residence Board shall base its decision on factors related to the Town's interest in promoting, protecting, and improving the health, safety, and welfare of the community. Applicable factors for the Residence Board to consider include, but are not limited to:
  - (1) Nature of the offense that resulted in designated offender status.
  - (2) Date of offense.
  - (3) Age at time of the offense.
  - (4) Recommendation of probation or parole officer.
  - (5) Investigative Report of the Police Department.
  - (6) Recommendation of any treating practitioner.
  - (7) Counseling, treatment and rehabilitation status of the Sex Offender.
  - (8) Remorse of Sex Offender.
  - (9) Duration of time since Sex Offender's incarceration.
  - (10) Support network of Sex Offender.
  - (11) Relationship of offender and victim(s).
  - (12) Presence or use of force in offense(s).
  - (13) Adherence to terms of probation or parole.

- (14) Proposals for safety assurance of Sex Offender.
- (15) Conditions to be placed on the exemption.

(d) The Residence board shall decide by majority vote whether to grant or deny an exemption. An exemption may be unconditional or limited to a certain address, time, or subject to other reasonable conditions. The Residence Board's decision shall be final for purposes of any appeal. A written copy of the decision shall be provided to the Sex Offender and the Police Department.

Section 10. Enforcement.

A person violating this Ordinance shall be subject to forfeitures in an amount of not less than \$200.00 nor more than \$500.00 for each violation plus the costs of prosecution (including reasonable attorneys' fees). For purposes of calculating forfeitures, each day that a violation exists shall constitute a separate offense. Violations of this Ordinance are also deemed public nuisances, and the Town may bring an action in circuit court to enjoin or abate any violation.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

TOWN OF GREEN BAY

By: \_\_\_\_\_  
Chairperson

Attest: \_\_\_\_\_  
Clerk