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## Sec. 46-43. Child safety zones.

- (a) *Purpose and intent.* This section is a regulatory measure aimed at protecting the health and safety of children in the City of Portage from the risk that sexual offenders convicted of an offense against a child may re-offend in locations close to where children congregate. Given the high rate of recidivism for sexual offenders, and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children where they congregate or play in public places. Therefore, the city finds and declares that sexual offenders are a serious threat to the public safety of children if regulatory measures are not in place that prohibit their presence in specified areas designated as places children commonly congregate. The City of Portage finds and declares that in addition to schools and daycare centers, children congregate or play at child-oriented facilities, such as parks and playgrounds and libraries. It is not the intent of this section to impose a criminal penalty, but rather to serve the city's compelling interest to promote, protect, and improve the health, safety, and welfare of the children of the city by prohibiting convicted sexual offenders from loitering or being present in specified areas around locations where children regularly congregate in concentrated numbers. It is the further intent of this section to recognize that convicted sexual offenders must reenter the community and the city accepts that it has a responsibility to convicted sexual offenders and the surrounding area municipalities to ensure that, in addition to promoting regulatory measures aimed at protecting children, its regulatory measures are not aimed at prohibiting convicted sexual offenders from being part of this society.
- (b) *Definitions.* As used in this section and unless the context otherwise requires:
- (1) *Loitering* means, whether in a group or as an individual, to stand idly about, loaf, prowl, congregate, wander, linger, proceed slowly or with many stops, to delay or dawdle.
  - (2) *Designated offender* means any person who has been convicted of a sex offense against a child, and/or is required to register under Wis. Stat. § 301.45 for any sexual offense against a child, and/or is under court ordered supervision by the Wisconsin Department of Corrections for any sexual offense against a child, unless the offender was under the age of eighteen at the time of the offense and the offender was not tried and convicted of the offense as an adult.
  - (3) *Child safety zone* means a location or area determined by the city to be a location or area where children congregate. A child safety zone includes:
    - a. *At any time:* Public playgrounds; public or private schools; athletic fields used by children; daycare facilities; facilities for children's clubs, such as Boy Scout and Girl Scout houses; specialized schools or facilities for children, such as gymnastics academies or dance schools; group homes for children; residential care centers for children; shelter care facility; foster home; treatment foster home; youth centers.
    - b. *When children are present or are reasonably presumed or known to be present:* public parks, parkways, parklands, or park facilities; public libraries; recreational trails; public swimming pools or aquatic facilities.
- (c) *Restriction on entry or presence.* No designated offender shall enter or be present in or upon any child safety zone.
- (d) *Exceptions.* A designated offender may enter or be present in or upon a child safety zone if any of the following apply:
- (1) The property also supports a church, synagogue, mosque, temple or other house of religious worship, subject to all of the following conditions:
    - a. The designated offender's entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; and

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- b. The designated offender shall not participate in any religious education programs that include individuals under the age of 18.
  - c. The designated offender sends advance written notice to an individual designated by the church to be in charge and receives advance approval from that individual allowing the offender's attendance.
- (2) The property also supports a use lawfully attended by a designated offender's natural or adopted child(ren), which child's use reasonably requires the attendance of the designated offender as the child's parent upon the property, subject to the following condition:
- a. The designated offender's entrance and presence upon the property occurs only during hours of activity related to the use as posted to the public.
  - b. The designated offender sends advance written notice to an individual designated by the property owner to be in charge of the property's enumerated use, and receives advance approval from that individual allowing the offender's attendance.
- (3) The property also supports a polling location in a local, state or federal election, subject to all of the following conditions:
- a. The designated offender is eligible to vote;
  - b. The property is the designated polling place for the designated offender; and
  - c. The designated offender enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is to any member of the electorate, and vacates the property immediately after voting.
- (4) The property also supports a school lawfully attended by the designated offender as a student, subject to the following condition:
- a. The designated offender may enter upon the property supporting the school at which the designated offender is enrolled, for such purposes and at such times as are reasonably required for the educational purposes of the school.
- (5) The property also supports a court, government office or room for public governmental meetings, subject to all of the following conditions:
- a. The designated offender is on the property only to transact business at the government office or place of business, other than a public library, or attend an official meeting of a governmental body; and
  - b. The designated offender leaves the property immediately upon completion of the business or meeting.
- (6) The designated offender has received preapproval from the city police department allowing the offender's presence within a specific child safety zone.
- (e) *Restriction on loitering.* No designated offender shall loiter within a 100-foot radius of a child safety zone 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. The distance shall be measured from the location of the offender to the closest boundary line of the real property that supports or upon which there exists a child safety zone.
- (f) *Penalties.* Any person violating any provision of this section shall be subject to the general penalty provisions of section 1-15.

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(g) *Severability*. The provisions of this section shall be severable. If any provision of this section is held invalid, the remainder of the section shall not be affected.

(h) *Effective date*. This section shall take effect upon passage and publication thereof of the ordinance from which it derives.

(Ord. No. 13-020, 1-9-2014; Ord. No. 18-006, § I, 9-27-2018)

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