

Section 21.04 CHILD SAFETY ZONE RESTRICTIONS

A. “Child Safety Zones” shall include any real property upon which there exists any route, path, area, or facility used for or which supports a use of:

- 1) Private or public schools;
- 2) Public park, parkway, parkland, or nature preserve;
- 3) Private or public clubs or facilities where golf, tennis and swimming pool facilities are used by children;
- 4) Recreational trail;
- 5) Public library;
- 6) Licensed daycare center, as defined in s. 48.65 Wis. Stats.;
- 7) Specialized school for children, including, but not limited to a gymnastics academy, dance academy, or music school;
- 8) Group home for children, as defined in s. 48.02(7) Wis. Stats.;
- 9) Residential care center for children, as defined in s. 48.02(15d) Wis. Stats.

B. Restriction. It shall be unlawful for any offender to loiter or prowl in any 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. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a police officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances make it impracticable, a police officer shall, prior to any arrest for an offense under this subsection, afford the actor 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 actor was true and, if believed by the police officer at the time, would have dispelled the alarm.

C. Map of Restricted Locations. The map required under 21.03 (B) above shall be used for depicting the child safety zones as defined by this section. The Village Clerk shall update the map at least annually to reflect any changes in the restricted locations.

D. Exceptions. This section shall not apply where the offender is a minor accompanied by and under the care of his or her parent, guardian or other adult person having his or her care, custody or control, or where the offender was exercising First Amendment rights protected by the U.S. Constitution or Wisconsin Constitution, including freedom of speech, the free exercise of religion, or the right of assembly.