

## Village adopts sex offender limits

Written by Carol Pomeday

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### **Trustees endorse 1,000-foot child safety zones; attorney warns village could still face legal challenge**

Convicted sex offenders whose victims were children can no longer live or linger within 1,000 feet of child safety areas, which includes schools, licensed child-care homes and centers, parks, athletic fields, youth centers and recreation trails in the Village of Belgium.

The sex offender residency and child safety ordinance was adopted Monday by the Village Board after considerable discussion on the minimum distance that should be required for such residences.

The ordinance is similar to ones in Cedarburg and Fredonia, however, those communities restrict offenders from living within 500 feet of such areas.

The ordinance was recommended by the Public Works Committee to avoid being a magnet for sex offenders since surrounding communities have residency restrictions, but the committee left it to the board to set the distance.

Several residents, including Christy Peterson who requested the ordinance several months ago, wanted sex offenders to be kept 2,000 feet away from child safety zones, which is what Green Bay requires.

Village Attorney Gerald Antoine did not support that distance.

“That would probably encompass the whole village and basically ban them entirely, and that might not hold up in court,” Antoine said.

“That’s kind of the point, Gerry. We don’t want them here,” a resident said.

“Nobody wants a sex offender living in their neighborhood, but if it won’t stand up to a constitutional challenge, why do it?” Antoine replied.

“We’re a small player and the usual thinking is they won’t go after a small player, but they sometimes target the small player because they don’t have the resources to defend themselves.”

Village President Kevin Kowalkowski said he received more calls about this ordinance than any other issue.

“And 99% want it,” he said. “The fear of a lawsuit shouldn’t keep us from doing what our constituents want. We can always rescind it.”

“The easy part is rescinding the ordinance. The risk is you incur monetary loss for infringing on somebody’s rights,” Antoine said.

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Trustee Vickie Boehnlein said she personally dislikes such ordinances and doesn't believe they are constitutional.

"But as a board member, it's my responsibility to listen to the community, so I can live with it," she said.

However, Trustee John Hise said the ordinance could have an unintended effect.

"The corrections officer said the offenders could go underground and not honestly report where they live," Hise said. "Our goal here is public safety, and I worry this might make us less safe."

Peterson said she believes that is a skewed view of the Department of Corrections, which must find places for sex offenders to live when they are released from jail.

A village resident who identified himself as a Department of Corrections officer who deals with sex offenders in Milwaukee recommended the village look at Sheboygan's ordinance, which requires convicted sex offenders to get approval of their residence from city officials.

"It's not going to take up a lot of your time. I don't see you getting more than two or three requests a year," he said.

However, Kowalkowski said, it's important to get an ordinance on the books.

"I'm in favor of 1,000 feet," he said. "If we find it's not effective, something needs to be changed or Sheboygan's ordinance is very successful, we can change it."

The Public Works Committee will develop a map that shows areas that are off limits to sex offenders. The ordinance does not apply to offenders who currently live in the village.