

ORDINANCE NO. 2009 - 32

AN ORDINANCE CREATING SECTION 50-10 OF HOWARD MUNICIPAL CODE ESTABLISHING RESIDENTIAL DENSITY RESTRICTIONS FOR DESIGNATED SEX OFFENDERS

WHEREAS the Village Clerk published a notice of public hearing regarding such proposed amendments to the Zoning Ordinance and a public hearing was held at the Village Hall on November 16, 2009 at 6:35 P.M., whereupon the Plan Commission heard all interested persons and/or their agents and attorneys; and

WHEREAS the Village Board of the Village of Howard has received a written recommendation and findings of the Village Plan Commission regarding such proposed amendment to the Zoning Ordinance;

NOW THEREFORE the Village Board of the Village of Howard, Brown County, Wisconsin, does hereby ordain that the Zoning Ordinance be amended as follows:

SECTION 1. Section 50-10 is hereby created to read as follows:

50-10 RESIDENTIAL DENSITY RESTRICTIONS FOR DESIGNATED SEX OFFENDERS

(a) Definition of "Immediate Family" For purposes of this section, the term "Immediate Family" is defined as a person, the person's spouse, the person's parent, the person's grandparent, the person's brother or sister of the whole or half blood, the person's child, the person's step-child or the person's child by adoption and shall include children who have been placed in foster care, as defined by the Wisconsin Statutes.

(b) Definition of "Designated Offender" A "Designated Offender" means any person who is required to register under Wis. Stat. §301.45 for any sexual offense against a child or any person who is required to register under Wis. Stat. §301.45 and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to Wis. Stat. §301.46(2) and (2m). Child means a person under the age of fourteen (14) for the purposes of this ordinance.

(c) Residential Density Restrictions. Any structure or other place intended for human habitation, on a temporary or permanent basis, including without limitation, a single family dwelling, boarding house, lodging house, apartment house, multi-family dwelling, hotel or motel, shall not house more than one individual who is a designated sex offender under the provisions of Wisconsin Statutes §301.45 and §301.46. This section shall not apply to a designated sex offender who is living with his/her immediate family. Existing facilities that exceed the density restrictions shall be grandfathered for current residents. Upon any future vacancy the number of permitted residents shall be reduced until the occupancy meets these residential density restrictions.

SECTION 3. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect upon its adoption and publication.
Approve this 23rd day of November, 2009.

BURT R. McINTYRE, Village President

JOSHUA A. SMITH, Administrator/Clerk

Date of publication: 11/27/2009