

agencies for use in state facilities that set forth the prohibition against smoking.

(8) Penalties.

(a) Any person who violates sub. (2) shall be subject to a forfeiture of not less than \$100 nor more than \$250 for each violation.

(d) Except as provided in par. (dm) or (em), any person in charge who violates sub. (2m) (b) to (d) shall be subject to a forfeiture of \$100 for each violation.

(dm) For violations subject to the forfeiture under par. (d), if the person in charge has not previously received a warning notice for a violation of sub. (2m) (b) to (d), the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.

(em) No person in charge may be required under par. (d) to forfeit more than \$100 in total for all violations of sub. (2m) (b) to (d) occurring on a single day.

(9) Injunction. Notwithstanding s. 165.60, state or local officials or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of this section.

31.41 SMOKING PROHIBITED WITHIN AND UPON ALL VILLAGE PARKLANDS AND TRAILS.

(1) PURPOSE.

(a) The purpose of this section is to protect the health, welfare, and safety of the public and to reduce littering upon public grounds by prohibiting the use of smoking related products and electronic smoking devices within and upon all village public parklands and trails.

(2) DEFINITIONS. The following terms, whenever used in this section, shall have the meanings set forth below:

(a) **Smoking Related Products.** All items that produce smoke that may be inhaled or ingested including, but not limited to, cigarettes, cigars, and pipes.

(b) **Electronic Smoking Devices.** The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor. E-cigarettes shall include any product containing or delivering nicotine or any other substance intended for human consumption that can be used by persons to simulate smoking through inhalation of vapor or aerosol from the product.

(c) **Public Parklands and Trails.** All public parks, parkways, trails, or other lands owned by or leased to the Village of Allouez for recreational purposes.

(3) SMOKING PROHIBITED.

(a) The use of smoking related products and electronic smoking

devices shall be prohibited on all Village public parklands and trails.

(4) PENALTY.

Any person violating the provisions of Sec. 31.41, shall be subject to the penalties imposed by Section 1.05 of the Allouez Village Code.

31.42 SEXUAL OFFENDER RESIDENCY RESTRICTIONS

- A. FINDINGS AND INTENT. The village Board finds that repeat sex offenders, sex offenders who use physical violence, and sex offenders who prey on children are sex predators who present an extreme threat to the public safety. Sex offenders are extremely likely to use physical violence and to repeat their offenses; and most sex offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sex offender victimization to society, while incalculable, clearly exorbitant. It is the intent of this section not to impose a criminal penalty but to serve the village's compelling interest to promote, protect, and improve the health, safety and welfare of the citizens of the village by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sex offenders and sex predators are prohibited from establishing temporary or permanent residence.
- B. DEFINITIONS. For the purposes of this section:
- (1) "Child" means a person under the age of 16 years.
 - (2) "Designated offender" means any person who is required to register under s. 301.45, Wis. Stats., for any offense against A child or any person who is required to register under s. 301-45, Wis. Stats., and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to s. 301.46(2) and (2m), Wis. Stats.
 - (3) "Permanent residence" means a place where the person abides, lodges, or resides for 14 or more consecutive days.
 - (4) "Temporary residence" means a place where the person abides, lodges or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges or resides for a period of 4 or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.
- C. RESIDENCY RESTRICTION.
- (1) Restriction. In absence of a court order specifically exempting a designated offender from the residency restriction in this subsection, a designated offender shall not establish a