

Resolution No. 2021- 4

SEXUAL OFFENDER RESIDENCY AND CONDUCT ORDINANCE

1. Finding and Intent:
 - a. Repeat sexual offenders, sexual offenders who use physical violence and sexual offenders who prey on children are sexual predators who present an extreme threat to public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses; and most sexual 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 sexual offender victimization to society at large, while incalculable, clearly exorbitant.
 - b. It is the intent of this section not to impose a criminal penalty but rather to serve the Town's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the Town by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence and other prohibited conduct.
2. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:
 - a. Child means a person under the age of 18 for the purpose of this section.
 - b. 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 for whom a bulletin to law enforcement agencies has been issued under Wis. Stat.' 301.46(2m).
 - c. Loitering means whether in a group, crowd, or as an individual, to stand idly about, loaf, prowl, congregate, wander, stand, linger aimlessly, proceed slowly or with many stops, to delay or dawdle.
 - d. Permanent Residence means a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.
 - e. Temporary Residence means a place where the person abides, lodges, or resides for a period of fourteen (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 four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

- f. Adult Child for the purposes of this section means a person who is 18 years of age or older.
- g. Serious Child Sex Offender is as defined in Wis. Stat. '980.01(4m).

3. Sexual Offender and Sexual Predator Residence; Conduct; Penalties; Exceptions

- a. **Prohibited Location of Residence.** It is unlawful for any designated offender to establish a permanent residence or temporary residence within 1,500 feet of any school, licensed day care center, park, recreational trail, playground, or place of worship. In addition, if a designated offender is a Serious Child Sex Offender, it is unlawful for such offender to establish a permanent or temporary residence that is on a property adjacent to a property where a child's primary residence exists. Adjacent properties are properties that share a property line without regard to a public or private road if the living quarters on each property are not more than 1,500 feet apart.
- b. **Prohibited Loitering.** It is unlawful for any designated offender to loiter within 500 feet of any school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Town as a place where children are known to congregate.
- c. **Prohibited Activity.** It is unlawful for any designated offender to participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph. Participation is to be defined as actively taking part in the event.
- d. **Measurement of Distance.**
 - i. For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school, licensed day care center, park, recreational trail, playground, place of worship or any other place designated by the City as a place where children are known to congregate.
 - ii. The Town Clerk shall prepare an official map showing prohibited locations as defined by this section. The Town Clerk shall maintain the map on file at the Town Hall and update the map at least annually to reflect any changes in the location of prohibited zones. These shall be designated on the map as child safety zones.
- e. **Exceptions.** A designated offender residing within a prohibited area as described in Paragraph (3) does not commit a violation of this section if any of the following apply:
 - i. The person established the permanent residence or temporary residence

and reported and registered the residence pursuant to Wis. Stat. ' 301.45 before the effective date of this ordinance.

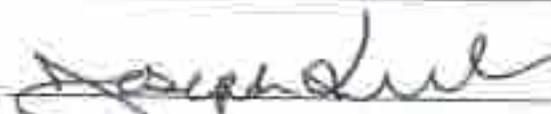
- ii. The person is a minor and is not required to register under WI Statutes 301.45 or 301.46.
 - iii. The school, licensed day care center, park, recreational trail or playground within 1,500 feet of the person's permanent residence was opened after the person established and the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. ' 301.45.
 - iv. The residence is also the primary residence of the person's parents, grandparents, siblings, spouse or adult children, provided that such parent, grandparent, sibling, spouse or adult child established the residence at least two years before the designated offender established residence at the location.
 - v. If a child establishes primary residence in a property adjacent to the permanent or temporary residence of a Serious Child Sex Offender after said offender established such residence and reported and registered the residence pursuant to Wis. Stat. '301.45.
- f. **Property Owners Prohibited from Renting Real Property to Certain Sexual Offenders and Sexual Predators.**
- i. It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this article, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in Paragraph 3(a), and not subject to an exception set forth in Paragraph 3(e) above.
 - ii. A property owner's failure to comply with this section shall constitute a violation of this ordinance and shall subject the property owner to the penalties set forth in Section 5.
- g. **Appeal**
- i. **Sex Offender Residence Board.** The above 1,500 foot requirement may be waived upon approval of the Sex Offender Residence Board through appeal by the affected party. Such appeal shall be made in writing to the Town Clerk's Office, who shall forward the request to the Sex Offender Residence Board, which shall receive reports from the Calumet County Sheriff's Department on such appeal. The Board shall convene and consider the public interest, as well as the affected party's presentation and concerns. After deliberation, the Board shall forward its decision in writing via the minutes or otherwise to the Calumet County Sheriff's Department for their information and action. A written copy of the decision shall be provided to the affected party.
 - ii. **Membership.** The Sex Offender Residence Board shall consist of the three

citizens and one alternate who are residents of the Town. For the initial appointments to the Appeals Board, the Town Board Chair shall appoint three members to staggered terms of one, two or three years, subject to confirmation by the Town Board and one alternate to a term of three years. Terms will end on April 30. After the initial appointment of members to a term of one, two and three years respectively, the Town Board Chair shall annually, between the first Monday of April and the first Monday of May, appoint one member for a term of three years and one alternate for a term of three years every third year, subject to confirmation by the Town Board. The members of the Appeals Board shall vote by majority to select a chair for its meetings and any appeal that come before it.

4. Severability. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Common Council would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provisions of this Ordinance or the application to any person or circumstance are held invalid, the remainder of this Ordinance or the application of such other provisions to other persons or circumstances shall not be affected.
5. Penalties. Any person who violates any provision of this ordinance shall, upon conviction, be subject to a forfeiture of not less than \$250.00 nor more than \$1,000.00, plus applicable court costs, for a first violation, and a forfeiture of not less than \$500.00 nor more than \$1,000.00, plus applicable court costs, for a second or subsequent violation. Each day a violation continues shall constitute a separate offense. In addition to such forfeiture penalty, the Town Board may take such injunctive action as it deems appropriate to enjoin any violation of this ordinance.

Adopted October 13, 2021

 , Town Chair

 , Town Supervisor

 , Town Supervisor

Attest:  , Town Clerk