

## CHAPTER 9C. SEXUAL OFFENDER RESIDENCY RESTRICTIONS

(Amended 03/2012)

### SECTION 9C.01 TITLE

This chapter shall be known, cited, and referred to as the “Sexual Offender Restrictions Ordinance”.

### SECTION 9C.02 FINDINGS AND INTENT

- (1) 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 the public safety. Sexual offenders are extremely likely to use physical violence 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.
- (2) It is the intent of this ordinance not to impose a criminal penalty but rather to serve the City’s compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the City by designating locations where children regularly congregate wherein certain sexual offenders and sexual predators are prohibited from entering as well as zones around such locations in which such persons are restricted from establishing temporary or permanent residences.

### SECTION 9C.03 DEFINITIONS

The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning.

- (1) Child  
A person under the age of 16 for purposes of this ordinance.
- (2) Designated Offender  
Any person who is required to register under ss. 301.45, Wis. Stats., for any sexual offense against a child or any person who is required to register under ss. 301.45, Wis. Stats., and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to ss. 301.46 (2) and (2m), Wis. Stats.
- (3) Minor  
A person under the age of 17.
- (4) Permanent Residence  
A place where the person abides, lodges, or resides for 14 or more consecutive days.

(5) Temporary Residence

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 persons 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.

SECTION 9C.04 SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION; PENALTIES; EXCEPTIONS

(1) Prohibited Locations of Residence

It is unlawful for any designated offender to establish a permanent residence or temporary residence within 500 feet of any school, licensed day care center, park, trail, playground, place of worship or any other place designated by the City as a place where children are known to congregate.

(2) 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 on Halloween, wearing a Santa Clause costume or wearing an Easter Bunny costume. Holiday or costumed events in which the offender is the parent or guardian of the children involved and no non-familiar children are present, are exempt from this paragraph.

(3) Measurement of Distance

- (a) For 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 the nearest outer property line of a school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the City where children are known to congregate.
- (b) The City Clerk shall maintain an official map showing prohibited locations as defined by this ordinance. The Clerk shall update the map at least annually to reflect any changes in the locations of prohibited zones. These shall be designated on the map as child safety zones.

(4) Penalties

A person who violates this section shall be punished by a forfeiture not exceeding \$500.00. Each day a given offense continues constitutes a separate violation. The City may also seek equitable relief.

(5) Exceptions

A designated offender residing within a prohibited area as described in Section (2) (a) does not commit a violation of this section if any of the following apply:

- (a) He or she established the permanent residence or temporary residence and reported and registered the residence pursuant to section 301.45, Wis. Stats., before the effective date of this ordinance. Any offender renting, leasing, or otherwise occupying a permanent or temporary residence under this subsection shall vacate the premises located within a child safety zone at the expiration date of the current term of the lease and where there is no lease, within 60 days of the enactment of this ordinance.
- (b) He or she is a minor and is not required to register under section 301.45 and section 301.46, Wis. Stats.
- (c) The school, licensed day care center, park, trail, playground, place of worship or any other place designated by the City as a place where children are known to frequent or congregate within 500 feet of the designated offender's permanent residence was opened after he or she established the permanent residence or temporary residence and reported and registered the residence pursuant to section 301.45, Wis. Stats.
- (d) The residence is also the primary residence of the designated offender's parents, grandparents, siblings, spouse or children provided that such parent, grandparent, sibling, spouse or child established the residence at least two years before the designated offender established residence at the location.

Notwithstanding these exceptions, designated offenders shall obey the requirements of G., below, which prohibit them from loitering in a zone of 66 feet from the exterior boundary of one or more of the identified places where children are known to frequent or congregate.

#### SECTION 9C.05 PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND SEXUAL PREDATORS; PENALTIES

- (1) 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 ordinance, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in section (3) (a).
- (2) A property owner's failure to comply with provisions of this section shall constitute a violation of this section and shall subject the property owner to the code enforcement provisions and procedures as provided in this ordinance.

#### SECTION 9C.06 PROPERTY OWNERS AND SALES AGENTS PROHIBITED FROM SELLING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND SEXUAL PREDATORS; PENALTIES

- (1) It is unlawful for any owner, real estate broker, or real estate sales person to participate in the sale of any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a temporary or permanent residence by a person prohibited from establishing such a permanent or temporary

- residence pursuant to this ordinance, if such place, structure, part thereof, trailer or conveyance is located within a prohibited location zone described in section (3) (a).
- (2) Failure to comply with the provisions of this chapter shall constitute a violation of this section and shall subject the person violating this section to the penalties and other relief as provided in this ordinance.

#### SECTION 9C.07 ACCESS TO COMMUNITY FACILITIES RESTRICTED; LOITERING PROHIBITED

Designated offenders subject to this ordinance shall be prohibited from having access to all City parks, trails or pathways, playgrounds, licensed day care centers, athletic fields, schools and school grounds and places of worship in the City which are recognized as places where children congregate or frequent. This restriction shall apply not only to the properties specified but shall include all sidewalks abutting or adjacent to the same.

No designated offender shall loiter within 66 feet of the boundary of any of the places identified in section (3) (a) above. For purposes of this paragraph, “loiter” shall be defined as meaning to linger in an apparently meaningless manner, idling, walking or moving slowly and indolently with frequent stops or pauses or not moving at all.

#### SECTION 9C.08 APPEAL

The above requirement may be waived with the approval of the City Council upon appeal by the affected party. Such appeal shall be made to the City Clerk, who shall forward the request to the City Council, which shall receive report from the Police Department on such appeal. After deliberation, the City Council shall issue its decision.

#### SECTION 9C.09 SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared that the City 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 is held invalid, the remainder of the ordinance or the application of such other provisions to other persons or circumstance shall not be affected.