

ORDINANCE NO. #11-8-1

WHEREAS, the Board of Trustees of the Village of Shiocton finds that it is necessary to implement sex offender residency restrictions;

NOW, THEREFORE, the Board of Trustees for the Village of Shiocton does ordain Title 11, Chapter 8, to read as follows:

SEXUAL OFFENDER RESIDENCY RESTRICTIONS.

(1) DEFINITIONS. The following words, terms and phrases, when used for the purposes of this Ordinance, shall have the meanings ascribed to them in this Section except when the context clearly indicates a different meaning:

- (a) CHILD. A person under the age of sixteen (16).
  - (b) DESIGNATED OFFENDER. 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).
  - (c) MINOR. A person under the age of seventeen (17).
  - (d) PERMANENT RESIDENCE. A place where a person abides, lodges or resides for fourteen (14) or more consecutive days.
  - (e) TEMPORARY RESIDENCE. A place where a 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 (4) or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.
  - (f) CHILD SAFETY ZONE. Certain areas within the Village and designated as those areas where children congregate including, but not necessarily limited to, schools, parks, playgrounds, licensed day care centers, places of worship, recreational areas and trails. Such zones will not expand beyond the real estate parcel(s) upon which the building, establishment, park, etc. is located but would include certain contiguous parcels used for ancillary purposes (i. e. an athletic field located adjacent to a school).
  - (g) RESPONSIBLE PERSON STANDARD. In common law and used as rational, reasonable standard, a hypothetical individual who exercises an ordinary degree of reason, prudence, care, foresight or intelligence whose conduct, conclusion or expectations in relation to a particular circumstance or fact is used as an objective standard,
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## **(2) SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE, PENALTIES AND EXCEPTIONS.**

(a) Prohibited Location of Residence. It is unlawful for any designated offender or predator to establish a permanent residence or a temporary residence within 2,000 feet of any school, park, trail, playground, licensed day care center, place of worship or any other place so designated by the Village as a place where children are known to congregate or gather.

(b) Measurement of Distance.

1. For the purpose 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 the temporary residence to the nearest property line of a school, park, trail, playground, licensed day care center, place of worship or any other place so designated by the Village where children are known to congregate or gather.

2. The Village of Shiocton shall maintain an official map showing all prohibited locations as defined by this Ordinance. The Police Chief shall update the map at least annually to reflect any and all changes in the location of any prohibited area/zone. These shall be designated on said map as "child safety zones".

(c) Penalties. A person who violates this section shall be punished by a forfeiture not to exceed \$500.00. Each day a person maintains a residence in violation of this Ordinance constitutes a separate violation. The Village, further, maintains the right to seek equitable relief.

(d) Exceptions. A designated offender residing within a prohibited area as defined above does not commit a violation of this section if any of the following apply:

1. The person established the permanent residence or temporary residence and both reported and registered said residence pursuant to Wis. Stat. 301.45 before the effective date of this Ordinance.

2. The person is a minor and is not required to register under Wis. Stat 301.45 or 301.46.

3. The school, park, trail, playground, licensed day care center, place of worship or any other place so designated by the Village where children are known to congregate or gather within 2,000 feet of the persons' permanent residence was opened after the person established the permanent residence or temporary residence and duly reported and registered the residence pursuant to Wis. Stat. 301.45.

4. The residence is also the primary residence of the person's parents, grandparents, siblings, spouse or children provided that such parent, grandparent, sibling, spouse or child established the residence at least two (2) years before the designated offender established residence at the location.

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**(3) PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY AND PENALTIES.**

(a) It is unlawful to let or to rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or as a 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/"Child Safety Zone" as described earlier in this Ordinance.

(b) A property owner's failure to comply with the provisions of this Section shall constitute a violation of said Section and shall subject the property owner to the code enforcement provisions as provided and described in this Ordinance.

**(4) PROHIBITED LOCATIONS AND/OR ACTS.**

(a) It is unlawful for any sexual offender or sexual predator as defined above to be physically present within a child safety zone under any of the following conditions/circumstances:

1. When children are present or are reasonably presumed or known to be present.
2. Monday through Friday in a school or day care center between the hours of 7:00 a.m. and 6:00 p.m.
3. In a park, on a trail, in a playground or recreational area between the hours of 7:00 a.m. and 11:00 p.m.

(a) A sexual offender or sexual predator may be physically present on any day or time within a child safety zone if all of the following conditions are present:

1. The sexual offender or sexual predator has official business, which is to be determined by the "reasonable person" standard; and,
2. The sexual offender or sexual predator is accompanied by another adult who is not a sexual offender or sexual predator.

**(5) APPEAL.** The above requirements may be waived or modified upon approval of the Village Board of Trustees through written appeal by the affected party to the Village Administrator. The Village Board, with input and reports provided by the Police Department, shall convene at their next regularly scheduled meeting in closed session to consider the public interest as well as the interests of the affected party.

**(6) SEVERABILITY.** The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Village Board of Trustees would have passed the other provisions of this Ordinance irrespective of whether or not one (1) or more provisions may be declared invalid. If any provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

IT IS SO ORDAINED.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Dated \_\_\_\_\_

Published \_\_\_\_\_

BY THE BOARD:

By: \_\_\_\_\_

Nancy Brownson, President

By: \_\_\_\_\_

Laurie Bunnell, Clerk