

**Town of Scott
Brown County, Wisconsin**

Ordinance 2008-03-01

**ORDINANCE RELATING TO SEXUAL OFFENDERS
RESIDENCY RESTRICTIONS**

THE TOWN BOARD OF THE TOWN OF SCOTT, BROWN COUNTY, WISCONSIN, DOES
ORDAIN THAT THIS ORDINANCE BE CREATED TO READ AS FOLLOWS:

Section 1. SEXUAL OFFENDERS RESIDENCY RESTRICTIONS

(1) Findings and Intent

- a. Repeat sexual offenders, sexual offenders who use physical violence and sexual offenders who prey on children are sexual predators who represent an extreme threat to the 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 ordinance 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.

(2) Definitions

- a. CHILD means a person under the age of 16 for purposes of this ordinance.
- 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 and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to Wis. Stat. §301.46 (2) & (2m).
- c. MINOR means a person under the age of 17.
- 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 (4) or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

(3) Sexual Offender and Sexual Predator Residence, Prohibition; Penalties; Exceptions.

- a. PROHIBITED LOCATION OF RESIDENCE. It is unlawful for any designated offender to establish a permanent residence or temporary residence within 2,000 feet of any school, school bus stop, 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.
- b. 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 Claus costume on or preceding Christmas or wearing an Easter Bunny costume on or preceding Easter. 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.
- c. MEASUREMENT OF DISTANCE.
 - i. 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 nearest outer property line of a school, bus stop along a school bus route, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Town where children are known to congregate.
 - ii. The Town 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 location of prohibited zones. These shall be designated on the map as child safety zones.
- d. PENALTIES. A person who violates this section shall be punished by a forfeiture not exceeding \$500.00. Each day a person maintains a residence in violation of this ordinance constitutes a separate violation. The Town may also seek equitable relief.

- e. 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:
- 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 Wis. Stat. §301.45 or §301.46.
 - iii. The school, school bus stop, 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 within 2,000 feet of the persons permanent residence was designated after the person established 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 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.

(4) Appeal.

- a. Sex Offender Residence Board. The above requirements may be waived upon approval of the Sex Offender Residence Board through appeal by the affected party. Such appeal shall be made to the Town Clerk's Office who shall forward the request to the Sex Offender Residence Board, which shall receive reports from the 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 to the Town of Scott Zoning Administrator and/or the Brown County Sheriff's Department for their information and action. A written copy of the decision shall be provided to the affected party.
- b. Membership. The Board shall consist of five citizens, three of whom shall constitute a quorum. The Chairman shall annually, between the last Monday of April and the first Monday of May, appoint, in writing to be filed with the secretary of the Board, one member for a term of five years, subject to confirmation by the Board.

(5) **Severability.** The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision 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 circumstances shall not be affected.

(6) **Repeal of Inconsistent Ordinances.**

All existing Town ordinances, parts of ordinances, and amendments thereto in conflict with any of the provisions of this Ordinance are hereby repealed.

(7) **Effective Date**

This Ordinance shall take effect upon its passage and publication.

Approved and adopted this _____ day of _____, 2008.

Mike VanLanen, Chairman

Cyril VanLaanen, Supervisor

Kenneth Jacobs, Supervisor

Colleen Harris, Supervisor

Thomas DePas, Supervisor

ATTEST:

Donald L. Gibson, Clerk/Treasurer

Date of Publication: _____

'Child Safe Zones'

- ▶ Park, School, or Trail Zone
- Bus Stop - 'Safe Zone'
- ◆ School Bus Stop

