

Amended October 18, 2016  
Adopted February 11, 2014

## **XXVI. SEXUAL OFFENDERS RESTRICTIONS**

### **A. FINDINGS AND INTENT**

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 and to repeat their offenses; and most sexual offenders commit many offenses, having 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.

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.

### **B. 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 Wis. Stat. 301.45 for any sexual offense against a child or any person who is required to register under Wis. State 301.45 and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to Wis. State 301.46(2) and (2m).
3. Minor: A person under the age of 17.
4. Loitering: 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.
5. Permanent Residence: A place where the person abides, lodges, or resides for 14 or more days.
6. Temporary Residence: A place where the person abides, lodges, or resides for a period of 14 days 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.

C. SEX OFFENDER RESIDENCY AND OR ACTS,

1. "Prohibited Location of Residence". It is unlawful for any designated offender to establish a permanent residence or temporary residence within 1500 feet of any school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Town of Morrison as a place where children are known to congregate.
2. "Loitering Prohibited". It is unlawful for any designated offender to loiter at any time within 1500 feet of any school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Town of Morrison as a place where children are known to congregate.
3. "Prohibited Activity". It is unlawful for any designated offender to participate in a holiday event involving children less than 18 years of age. Events in which the offender is the parent or guardian of the children involved, and non-familial children are present, may be exempted from this paragraph upon review by the Town Appeals Committee and approval of the Town Board. Participation is to be defined as actively taking part in the event.
4. "Residency Restrictions". A person who has been convicted of, or adjudicated delinquent for, or has been found guilty by reason of mental disease or defect of a sexually violent offense and/or a crime against children, shall not be permitted to reside in the Town of Morrison unless such person was domiciled in the Town of Morrison at the time of the offense resulting in the person's most recent conviction for committing the sexually violent offense and/or crime against children.
5. Any sexual offenders domiciled in the Town of Morrison, who move to a different residence or re-offend, will be subject to all regulations of this current ordinance.
6. "Measurement of Distance"
  - a. For 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 temporary residence to nearest outer property line of a school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Town where children are known to congregate.
  - b. The Town shall maintain an official map showing prohibited locations as defined by this ordinance. The Town 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 safe zones.

- c. "Penalties". A person who violates this section shall be punished by 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.
- d. "Exceptions". A designated offender residing within a prohibited area as described in Section C does not commit a violation of this section if any of the following apply:
  - 1. The person established the permanent residence and reported and registered the 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. State 301.45 or 301.46.
  - 3. The school, licensed day care, park, trail, playground, place of worship, or any other place designated by the Town as a place where children are known to congregate within 1500 feet of the persons permanent residence was opened after the person established the permanent residence or temporary residence and 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 years before the designated offender established residence at the location.

#### D. 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, located within a prohibited location zone described in Section C1 and C3.
- 2. A property owner's failure to comply with provision of this section shall constitute a violation of this section. Upon conviction, forfeit not less than \$100, not more than \$200 dollars, together with the cost of prosecution. Each violation and each day a violation continues or occurs shall constitute a separate offense.

#### E. APPEAL

- 1. "Process". The above requirements may be waived upon approval of the Town 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 Town's Appeal Committee and Zoning Administrator. The Town Appeals Committee and Zoning Administrator shall convene and consider the public interest as well as the affected party's presentation and concerns. After deliberation, the Town Appeals Committee shall forward its recommendation through the Zoning Administrator to the Town Board in writing. The Town Board will review the Appeals Committee recommendation and make a decision. A written copy of the decision shall be provided to the affected party. A written notice will be sent out to any resident within 1500 feet of the affected property.

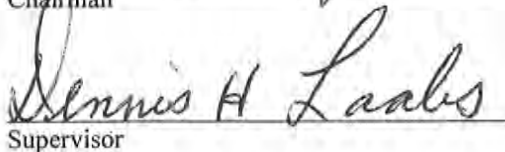
2. The Town Appeals Committee will consist of three members. The three members will consist of one Town Board Member, one Plan Commission member, and one member at large who is a resident of the town. These members will be appointed by the Town Chairman and will serve for a three year term.

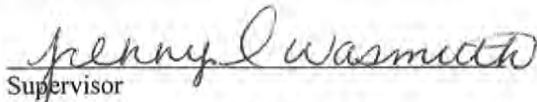
#### F. SEVERABILITY

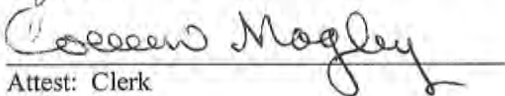
1. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or application to any person or circumstance is held invalid, the remainder of the ordinance or the application of such other provisions or other persons or circumstances shall not be affected.

October 18,2016

  
Chairman

  
Supervisor

  
Supervisor

  
Attest: Clerk

**Ordinance 2018-01**

**Ordinance Establishing the Appointment of a Town Attorney**

State of Wisconsin

Town of Morrison, Brown County

**Whereas** the Town Board of the Town of Morrison, Brown County, Wisconsin, has the specific authority under S. 60.37 (2) to appoint a Town Attorney.

**Therefore**, the Town Board of Morrison, Brown County, Wisconsin, does ordain as follows:

**Appointment of an Attorney:**

1. The Office of Town Attorney is an appointed position. The Town Attorney may be appointed by the Town Board and shall serve at the pleasure of the Board. The Town Board shall negotiate and establish the compensation in a contract for the designation, retention or employment of an attorney based on a regular salary, per diem rate, retainer, hourly rate, or other methods agreed to by the attorney and the Town Board.

**Duties of the Town Attorney may include:**

1. Conducting all of the law business requested by the Town
2. Giving written legal opinions, when requested by Town officials
3. Drafting ordinances, bonds and other instruments as instructed by Town Officials
4. The employment or compensation of special counsel to assist in or take charge of any matter in which the Town is interested.
5. Performing such other duties as provided by State law and as designated by the Town Board.

Adopted this 8th day of May, 2018

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Tom Kempen, Chairman

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Dennis Laabs, Supervisor

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Jenny Wasmuth, Supervisor

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Attest: Colleen Magley, Town Clerk

**Ordinance 2018-\_\_\_\_\_**  
**Town of Morrison**  
**Brown County, WI**

**All-Terrain Vehicle and Utility Terrain Vehicle Ordinance**

**A. Intent.** The intent of this ordinance is to establish routes and provide for the safe operation of ATVs and UTVs upon designated roadways within the Town of Morrison

**B. Authority.** The Town Board of the Town of Morrison, Brown County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle and Utility Terrain Vehicle Ordinance under s. 23.33(8)(b) and (11), Wis. Stats.

**C. Designation and Regulation of ATV and UTV Routes.**

1) **Adoption of State ATV and UTV Laws and Definitions:** State ATV and UTV laws and definitions found in Wisconsin State Statutes 23.33 and Wisconsin Administrative Code NR 64 are adopted by reference and fully incorporated herein by reference, pursuant to Wisconsin State Statutes 23.33 (11)(a).

2) **Routes**

a. Any Town Road that is signed in accordance with NR 64.12 and NR 64.12(7)c (as those sections may hereafter be amended) may be used by ATVs and UTVs in accordance with such signage and as provided by the applicable portions of s 23.33 Wis. Stats. and this ordinance.

b. The following roads cannot be used by ATVs or UTVs:

1. All lettered County Highways (G, NN, W, Z)
2. State Highway 96

3) **Local Regulation:** The operator of an ATV/UTV shall obey all State of Wisconsin laws regarding the operation of ATVs/UTVs and the following conditions:

a. No person may operate an ATV or UTV on the roadway portion of any highway in the town unless it has been designated and

- D. The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Town would have passed the other provisions of this chapter irrespective of whether one or more provisions may be declared invalid. If any provision of this chapter or the application of any person or circumstances is held invalid, the remainder of the chapter and the application of such provisions to other person's circumstances shall not be deemed affected.
- E. The Town Clerk shall immediately send a copy of the ordinance to the Wisconsin Department of Natural Resources (WDNR), the state traffic patrol, and to the Brown County Sheriff's Department per Wisconsin State Statute 23.33(11)(b).
- F. This ordinance shall become effective upon its passage and posting according to law.

Adopted    June 5   , 2018  .

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Tom Kempen, Chairman

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Jenny Wasmuth, Supervisor

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Dennis Laabs, Supervisor

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Attested by Colleen Magley, Clerk