

Adopted September 21, 2009

## XXV. SEXUAL OFFENDERS RESIDENCY 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 his 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. Permanent Residence: A place where the person abides, lodges, or resides for 14 or more days.
5. 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 nonconsecutive days in any month and which is not the person's permanent residence.

### C. SEX OFFENDERS AND SEXUAL PREDATOR RESIDENCE, PROHIBITION PENALTIES; EXCEPTIONS

1. "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, 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. "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 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.

3. "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.

4. 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.

5. "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 2,000 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 to the Town Clerk, who shall forward the request to the Town Board. The Town Board shall convene and consider the public interest as well as the affected party's presentation and concerns. After deliberation, the Town Board shall forward its decision in writing and a written copy of the decision shall be provided to the affected party. A written notice will be sent out to any resident within 2000 feet of the affected property.

**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.

  
\_\_\_\_\_  
Todd Christensen, Chairman

  
\_\_\_\_\_  
Attest: Colleen Magley, Clerk

Posted September 21, 2009