

ORDINANCE O2023-03-01

**AN ORDINANCE REPEALING AND RE-CREATING PORTIONS OF SECTION 275-24
OF THE MUNICIPAL CODE CONCERNING RESIDENCY
RESTRICTIONS FOR SEX OFFENDERS**

WHEREAS, the Village of Richfield regulates sex offender residency in Chapter 275 of the Village of Richfield Municipal Code; and

WHEREAS, upon review of the Village's sex offender residency restrictions, Village staff recommended to the Village Board certain revisions be made to the Village's definitions for sex offender residency restrictions; and

WHEREAS, upon review of the recommendations, the Village Board finds that it is in the best interest of Village of Richfield residents and will be a benefit to the health, general welfare, and safety of Village residents to revise Section 275-24 of the Municipal Code consistent with the recommendations.

NOW, THEREFORE, the Village Board of the Village of Richfield, Washington County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 275 of the Village of Richfield Municipal Code entitled "Peace and Good Order," Article VI entitled "Sex Offenders," Section 275-24 entitled "Sex Offender Residency Restrictions," Subsection B entitled "Definitions" is hereby repealed and re-created as follows:

- B. Definitions. As used in this section and unless the context otherwise requires, the following terms shall have the meanings indicated:

OFFENDER

- (1) Any person who is required to register under § 301.45, Wis. Stats., for any offense against a child ~~or any person who is required to register under § 301.45, Wis. Stats.,~~ and who is subject to the Special Bulletin Notification process set forth in § 301.46(2) and (2m), Wis. Stats.;
- (2) Any person subject to the sex crimes commitment provisions of § 975.06, Wis. Stats.;
- (3) Any person found not guilty by reason of disease or mental defect placed on lifetime supervision under § 971.17(1j), Wis. Stats.

~~ORIGINAL DOMICILE~~

~~The offender's true, fixed and permanent home, to which the offender intends to return and remain even though currently residing elsewhere.~~

SECTION 2: CONTINUATION OF EXISTING PROVISIONS.

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 3: SEVERABILITY.

The several sections of this Ordinance are declared to be severable. If any section or provision thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such declaration shall apply only to the specific section(s) or portion(s) thereof directly specified in said declaration, and shall not affect the validity of any other provisions, sections, or portions of the Ordinance, which shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its passage and posting/publication as provided by law.

PASSED and ADOPTED this 16 day of March, 2023

VILLAGE OF RICHFIELD



John Jeffords, Village President

Attest:



Jim Healy, Village Administrator/Clerk