

ORDINANCE NO: 2023-10

AN ORDINANCE TO CREATE 2023-10 OF THE MUNICIPAL CODE OF ORDINANCES OF THE VILLAGE OF SOLDIERS GROVE RELATING TO SEXUAL OFFENDER RESTRICTIONS.

The Village Board of the Village of Soldiers Grove, Crawford County, Wisconsin do ordain as follows:

Section I: Section 2023-10 of the Municipal Code of the Village of Soldiers Grove is hereby created to read as follows:

2023-10 Sex Offenders: Residency Restrictions

(a) Finding and purpose

(1) The Village of Soldiers Grove Trustees are empowered by Wis. Stat. § 61.34(1) to enact legislation promoting the health, safety, and welfare of the public.

(2) The Wisconsin Statutes provide for the punishment, treatment and supervision of persons convicted or otherwise responsible for sex crimes against children, including their release into the community. Wisc. Stat. Chapter 980 provides for the civil likelihood to reoffend, and specifically, Wis. Stat. §980.08, provides for the supervised release of such persons into the community.

(3) The Village of Soldiers Grove finds and declares that sex offenders who prey upon children are a serious threat to public safety and it is necessary for the Village to enact reasonable measures to minimize the risk of the children in the Village falling prey to sexually violent persons.

(4) This section is a non-punitive, regulatory measure aimed at protecting the health and safety of children in the Village from the risk that convicted sex offenders may reoffend. It is the intent of this chapter not to impose a criminal penalty but rather to serve the Village's compelling interest in promoting, protecting and improving the health, safety and welfare of the citizens of the Village.

(b) Definitions

As used in the section, and unless the context requires otherwise:

(1) DESIGNATED OFFENDER

"Sex Offender" is any person who is required to register under §301.45, Wis. Stats., and in any sexual offense against a child or any person who is required to register under §301.45 Wis. Stats., and who has been designated special bulletin notification (SBN) sex offender pursuant to §301.45 (2) and (2m), Wis. Stats., and any person who has been convicted of or has been delinquent of or has been found not guilty by reason of disease or mental defect of the offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction, respectively:

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| § 948.015(10), Wis. Stats. | Solicitation of an intimate or private representation of a child |
| § 948.081, Wis. Stats. | Patronizing a child |
| § 948.10, Wis. Stats. | Exposing genitals, public area, or intimate parts |
| § 948.11(2), Wis. Stats. | Exposing a child to harmful material or harmful descriptions or narrations |
| § 948.14, Wis. Stats. | Registered sex offender and photographing minors |

(2) CHILD

A Person who is less than 18 years of age.

(3) MINOR

A person under the age of 17.

(4) CHILD SAFETY LOCATION

The site upon which any of the following are located:

- a. A public park, parkway, parkland, or park facility;
- b. A public library;
- c. A recreational trail;
- d. A public playground;
- e. A school for children;
- f. Athletic fields used by children;
- g. A day-care center;
- h. A Community Building
- (i) For-profit children's play facilities;
- (j) A bus stop
- (k) Any facility for children [which means a public or private school or a group

home, as defined in § 48.02(7), Wis. States.; a residential care center for children and youth, as defined in §48.02(15d), Wis. Stats.; a shelter care facility, as defined in § 48.02(17), Wis. Stats.; a foster home, as defined in § 48.02(6), Wis. Stats.; a treatment foster home, as defined in § 48.02(17Q), Wis. Stats.; a day-care center licensed under § 48.65, Wis. Stats.; a day-care program established under §120.13(14), Wis. Stats.; a day-care provider certified under § 48.651, Wis. Stats.; or a youth center, as defined in § 961.01(22), Wis. Stats.

(5) CHILD SAFETY ZONE

Any place within the Village that is physically located within 1,500 feet of any child safety location.

(6) PERMANENT RESIDENCE

A place where a person sleeps, abides, lodges, or resides for 14 or more consecutive days.

(7) SEXUALLY VIOLENT OFFENSE

Shall have the meaning as set forth in § 980.01(6), Wis. Stats., as amended from time to time.

(8) A "CRIME AGAINST CHILDREN"

Any of the following offenses set forth within the Wisconsin statutes, as amended, or the laws of this or any other State or the Federal government, having like elements necessary for conviction, where the victim is under the age of 18.

TEMPORARY RESIDENCE

A place where a person sleeps, abides, lodges, or resides which may include more than one location, and may be mobile or transitory for a period of 14 or less days in the aggregate during any calendar year and which is not the person's permanent address or place where the person routinely sleeps, abides, lodges, or resides for a period of 14 or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

3.) Residency Restriction

- A. A Sex Offender shall not reside within 1500 feet of any real property that supports or upon which there exists any of the following uses:
 - a. A school for children
 - b. A bike path, hiking trail, public park, park facility or park pathway
 - c. Any other place designated by the Village Board as a place where children are known to congregate and as set forth in the Sexual Offender Restriction Map
- B. The distance shall be measured from the closest boundary line of the real property supporting the residence of a Sex Offender to the closest boundary line of the real property that supports or upon which there exists any of the uses enumerated in 3 (A) above.
- C. It is unlawful for a property owner to let or rent any place, structure or part thereof, trailer, or other conveyance, if the property owner knows or should have known that it will be used as a permanent or temporary residence pursuant to this section if such place, structure or part thereof, or trailer, is located within 1500 feet of a child safety zone as described herein.

4.) Residency Restriction Exceptions

- A. The Sex Offender physically resides in a residence that was established, reported and registered pursuant to Wisconsin Statute § 301.45 prior to the effective date of this ordinance.
- B. Safety Zone Exceptions
A Sex Offender who enters upon or who is present upon or within a Safety Zone does not commit a violation of this ordinance if any of the following apply:
 - 1) The property supports a church or any other house of religious worship, subject to all of the following condition:
 - a. The Sex Offender's entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public and
 - b. The Sex Offender shall not participate in any religious education programs that include individuals under the age of 18.
 - 2) The property supports a use lawfully attended by a Sex Offender's natural or adopted child(ren), which child's use reasonably requires the attendance of the Sex Offender as the child's parent upon the property, subject to the following condition:
 - a. The Sex Offender's entrance and presence upon the property occurs only during hours of activity related to the use as posted to the public.
 - 3) The property also supports a polling location in a local, state or federal election, subject to all of the following conditions:
 - a. The Sex Offender is eligible to vote;
 - b. The property is the designated polling place for the Sex Offender; and
 - c. The Sex Offender enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is to any member of the electorate, and vacates the property immediately after voting.
 - 4) The property also supports a court, government office or room for public governmental meetings, subject to all of the following conditions:
 - a. The Sex Offender is on the property only to transact business at the government office or place of business, other than a public library, or attend an official meeting of a governmental body; and
 - b. The Sex Offender leaves the property immediately upon completion of the business or meeting.

5.) Original Domicile Restriction

Residency Prohibited. No offender who has ever been ruled a sexually violent offender by a petition filed under Wis. Stat. Ch. 980 or any offender who has been convicted of a crime against children as defined in subsection (2) "Crime Against Children" of the section shall be permitted to reside in the Village, and no supervised release of such offender shall be established in the Village, unless the offender was domiciled in the Village at the time of an offense resulting in conviction or the person previously resided in the Village for over five years.

6.) Child Safety Zone Map

The Village Clerk's Office shall maintain an official map showing the child safety zones within the Village. The Village Clerk's Office shall update the map at least annually to reflect any changes in the location of child safety zones. The map is to be displayed in the office of the Village Clerk. In the event of a conflict, the terms of the section shall control. In no event shall a failure to update the map in compliance with this section preclude the persecution or conviction of any designated offender under this section.

7.) Appeal

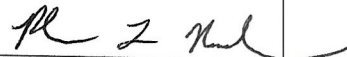
The residency restriction of the section may be waived upon approval of the Village Board through an appeal by the affected offender. Such appeal shall be made in writing to the Village Clerk, who shall forward the request to the Public Safety Committee and the Chief of Police. The Chief of Police shall forward a report on the appeal request to the Public Safety Committee. The Public Safety Committee will convene within 30 days of the appeal being filed with the Clerk to hear from the Chief of Police and the affected offender or their counsel. After deliberation, the Public Safety Committee shall forward a recommendation to the Village Board, who shall act on the recommendation at their next regularly scheduled meeting. A written copy of the decision shall be provided to the affected offender by the Village Clerk. The Public Safety Committee may reject a waiver request when the request is filed with the Village Clerk within 90 days of denial by the committee of a prior identical waiver request of the requester, absent a change in circumstance.

8.) Penalties

Any person found guilty of violating this section shall be penalized by a forfeiture not less than \$300.00 and not to exceed \$1000.00 each day an offender maintains a residence in the violation of this section constitutes a separate violation. The Village may also seek equitable relief or any other relief available at law.

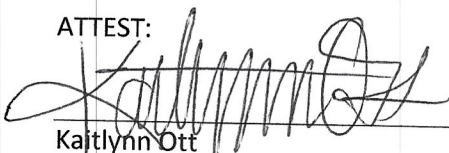
PASSED AND APPROVED, THIS DAY OF 2023

By the Village Board of Soldiers Grove Wisconsin, Crawford County.



Paul Nicholson,
Village President

ATTEST:



Kaitlynn Ott
Village Clerk / Treasurer