

## Chapter 264

### SEX OFFENDER RESIDENCY RESTRICTIONS

**[HISTORY: Adopted by the Town Board of the Town of Scott 3-11-2008. Amendments noted where applicable.]**

#### **§ 264-1. 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 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 chapter 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.

#### **§ 264-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**CHILD** — A person under the age of 16.

**DESIGNATED OFFENDER** — Any person who is required to register under § 301.45, Wis. Stats., for any sexual offense against a child or any person who is required to register under § 301.45, Wis. Stats., and who has been designated a special bulletin notification (SBN) sex offender pursuant to § 301.46(2) and (2m), Wis. Stats.

**MINOR** — A person under the age of 17.

**PERMANENT RESIDENCE** — A place where the person abides, lodges, or resides for 14 consecutive days or more.

**TEMPORARY RESIDENCE** — A place where the person abides, lodges, or resides for a period of 14 days or more 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.

#### **§ 264-3. Prohibited residences and activities; 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 at which no nonfamilial children are present, are exempt from this subsection. "Participation" is to be defined as actively taking part in the event.
- C. Measurement of distance.
  - (1) 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 the 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.
  - (2) The Town Clerk shall maintain an official map showing prohibited locations as defined by this chapter. 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."<sup>1</sup>
- D. Violations and penalties. A person who violates this section shall be punished by a forfeiture not exceeding \$500. Each day a person maintains a residence in violation of this chapter constitutes a separate violation. The Town may also seek equitable relief.
- E. Exceptions. A designated offender residing within a prohibited area as described in Subsection A does not commit a violation of this section if any of the following apply:
  - (1) The person established the permanent residence or temporary residence and reported and registered the residence pursuant to § 301.45, Wis. Stats., before the effective date of this chapter.
  - (2) The person is a minor and is not required to register under § 301.45 or 301.46, Wis. Stats.
  - (3) 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 person's permanent residence was designated after the person established the permanent residence

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<sup>1</sup>. Editor's Note: The current Child Safety Zones map is on file in the Town offices.

or temporary residence and reported and registered the residence pursuant to § 301.45, Wis. Stats.

- (4) The residence is also the primary residence of the person's parents, grandparents, siblings, spouse, or children, provided that such parent, grandparents, sibling, spouse or child established the residence at least two years before the designated offender established residence at the location.

**§ 264-4. Sale of real property to designated offenders.**

- A. It is unlawful for any owner, real estate broker or real estate salesperson to participate in the sale of any place, structure, or part thereof, trailer or other conveyance with the knowledge that it will be used as a temporary or permanent residence by a person prohibited from establishing such permanent or temporary residence pursuant to this chapter, if such place, structure, part thereof, trailer or conveyance is located within a prohibited location zone described in § 264-3A.
- B. Failure to comply with the provisions of this section shall constitute a violation of this section, and shall subject the person violating this section to the code enforcement provisions and procedures as provided in this chapter.

**§ 264-5. Appeals; Sex Offender Residence Board.**

- 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, which 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 Chairperson 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.