

TOWN OF MISHICOT
MANITOWOC COUNTY, WISCONSIN
ORDINANCE NO. 2016-2

ORDINANCE REGARDING SEX OFFENDERS

1. **Findings and Intent.**

- A. The Town Board finds that 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, have many more victims that are never reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offenders' 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.

2. **Definitions.**

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

CHILD. A person under the age of 18.

CHILD DAY-CARE. Any facility that provides care and supervision for compensation to four or more children for less than 24 hours a day where a license is required under Sec. 48.65(1), Wis. Stats., for the operation of such facility.

CHILD SAFETY ZONE. Includes areas containing real property that includes prohibited locations of residence as described in Sec. 3-A and no loitering zones as described in Section 3-D.

DESIGNATED OFFENSE. Any person who is required to register under Sec. 301.45, Wis. Stats., for any sexual offense against a child or any person who is required to register under Sec. 301.45, Wis. Stats., and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to Sec. 301.46(2) and (2m), Wis. Stats.

LOITERING. Wandering without purpose or standing idling. To waste time; to be idle meaning to stand idly; to stop numerous times; or to delay and procrastinate.

MINOR. A person under the age of 18.

PARK/CONSERVATION AREA. Any area held open for use by the public for active or passive leisure purposes, including but not limited to any park, parkway, recreation or open space area, beach, playground, conservation area, or recreational trail.

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

PUBLIC/PRIVATE SCHOOL. Any public or private elementary or secondary school or religious school provided by a church or congregation.

SPECIALTY SCHOOL. Any specialized school for children, including but not limited to a gymnastics academy, dance academy, or music school.

TEMPORARY RESIDENCE. A place where the person abides, lodges, or resides for a period of 14 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 address.

3. **Residency and Loitering Restrictions.**

A. Prohibited location of residence.

- (1) It is unlawful for any designated offender to establish a permanent residence or temporary residence on property that is within 500 feet of real property consisting of any of the following:
 - (a) Public/private school
 - (b) Specialty school
 - (c) Child day-care
 - (d) Park/conservation area
- (2) The distance shall be measured from the closest boundary line of the real property supporting the residence of a person to the closest real property boundary line of the applicable above-enumerated use(s). A map depicting the above enumerated uses and the resulting residency restriction distance, as amended from time to time, is

on file with the office of the Town Clerk for public inspection pursuant to Subsection E of this section.

- B. Property owners prohibited from renting real property to certain sexual offenders and sexual predators. 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 chapter, if such place, structure, or part thereof, trailer or other conveyance is located within a prohibited location zone described in Subsection A.
- C. Prohibited activity. It is unlawful for any designated offender to participate in a holiday event involving children under 18 years of age by means of distributing candy or other items to children on Halloween, wearing a Santa Claus costume in a public place on or preceding Christmas, or wearing an Easter Bunny costume in a public place on or preceding Easter, or other similar activities that may, under the circumstances, then present, tend to entice a child to have contact with a designated offender. Holiday events in which the offender is the parent or legal guardian of the children involved, and no nonfamilial children are present, are exempt from this subsection.
- D. No loitering zone. It shall be unlawful for any designated offender to loiter or prowl within 250 feet of any real property that includes the following locations:
 - (1) Public/private school
 - (2) Specialty school
 - (3) Child day-care
 - (4) Park/conservation area
- E. Child safety zone maps. The Town shall maintain an official map showing locations identified in Subsections A and D of this section. The Town shall update the map as needed to reflect any changes in the location of prohibited zones. These shall be designated on the map as "child safety zones". The map is to be displayed in the office of the Town of Mishicot. In the event of a conflict, the terms of this chapter shall control.
- F. Original domicile restriction.
 - (1) It is unlawful for any designated offender to establish temporary or permanent residence within the Town of

Mishicot unless the offender was domiciled in the town at the time of the offense resulting in the registration in the sex offender registry or the designation under the special bulletin notification sex offender pursuant to Sec. 301.46(2) and (2m), Wis. Stat. or the person previously resided in the town for over two years.

- (2) Exemptions. A designator offender does not commit a violation of this chapter if any of the following apply:
- (a) The offender has established a residence prior to the effective date of this ordinance;
 - (b) The offender is a minor or ward under guardianship;
 - (c) The residence is also the primary residence of the person's parents, grandparents, siblings, spouse or child, provided that such parent, grandparent, sibling, spouse or child established their residence at least two years before the designated offender established residence at that location.

G. Penalties.

- (1) A person who violates the provisions of Subsection A or F shall be subject to a forfeiture of not less than \$500.00 and no more than \$1,000.00 for each violation. Each day a person maintains a residence in violation of this chapter constitutes a separate violation. The Town may also seek equitable relief to gain compliance.
- (2) Any person violating Subsection B, C or D of this section shall forfeit not less than \$500.00 and no more than \$1,000.00 for each violation.

H. Exception. A designated offender residing within a prohibited area as described in Subjection 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 Sec. 301.45, Wis. Stats., before the effective date of this chapter.
- (2) The person is a minor and is not required to register under Sec. 301.45 or 301.46, Wis. Stats.
- (3) The public/private school, specialty school, child day-care, or park/conservation area was opened or established after the person established the permanent residence or temporary residence and reported and

registered the residence pursuant to Sec. 301.45, Wis. Stats.

Date Adopted: 6/6/16

Date Posted: 6/16/16

Date Published: 6/20/16

APPROVED this 20th day of June, 2016.

Lee Stefaniak
Lee Stefaniak, Town Chairperson

Sarah Kowalski
Sarah Kowalski, Town Clerk