

ORDINANCE NO. 2007-07

VILLAGE OF CRIVITZ MARINETTE COUNTY, WI

AN ORDINANCE CREATING SECTION 11-2-18 OF THE VILLAGE OF CRIVITZ CODE OF ORDINANCES REGARDING SEXUAL OFFENDER RESIDENCY RESTRICTIONS.

SECTION 1. Section 11-2-18 of the Village of Crivitz Code of Ordinances is created as follows:

Section 11-2-18 Sexual Offender Residency Restrictions.

(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 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 offender victimization to society at large, while incalculable, clearly exorbitant.
- (b) It is the intent of this ordinance not to impose a criminal penalty but rather to serve the Village's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the Village 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.

- (a) Child means a person under the age of 16 for purposes of this ordinance.
- (b) Designated Offender means any person who is required to register under Wis. Stats. Sec. 301.45 for any sexual offense against a child or any person who is required to register under Wis. Stats. Sec. 301.45 and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to Wis. Stat. Sec. 301.46(2) and (2m).
- (c) Minor means a person under the age of 17.
- (d) Permanent Residence means a place where the person abides, lodges, or resides for 14 or more consecutive days.
- (e) Temporary Residence means 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 non-consecutive days in any month and which is no the person's permanent address.

(3) Sexual Offender and Sexual Predator Residence, Prohibition, Penalties, Exceptions .

- (a) Prohibited Location of Residence. It is unlawful for any designated offender to establish a permanent residence or temporary residence within 2,500 feet of any school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Village 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, or other similar activities. Holiday events in which the offender is the parent or guardian of the children involved, and non-familial children are present, are exempt from this paragraph. 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 or temporary residence to the nearest outer property line of a school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Village where children are known to congregate.
 - 2. The Village Police Department shall maintain an official map showing prohibited locations as defined by the ordinance. The Police Department 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. The map is to be displayed in the office of the Crivitz Village Clerk.
- (d) 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 Village may also seek equitable relief.
- (e) Exceptions. A designated offender residing within a prohibited area as described in Section (2)(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 Wis. Stat. Sec. 301.45 before the effective date of this Ordinance.
 - 2. The person is a minor and is not required to register under Wis. Stat. Sec. 301.45 or Sec. 301.46.
 - 3. The school licensed day care center, park, trail, playground, place of worship, or any other place designated by the Village as a place where children are known to congregate within 2,500 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. Stats. Sec. 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 the residence at the location.

(4) Property Owners Prohibited From Renting Real Property to Certain Sexual Offenders and Sexual Predators .

(a) 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 is located within a prohibited location zone described in Section (3)(a).

(b) A property owner's failure to comply with provisions of this section shall constitute a violation of this section, and shall subject the property owner to the code enforcements provisions in Section (3)(d) as provided in this ordinance.

(5) Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village 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 provisions of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance or the application of such other provisions to other persons or circumstances shall not be affected.

SECTION 2. All ordinance, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by law.

Offered by Trustee: _____ Vote: Ayes: _____ Nays: _____

Seconded by Trustee: _____ Abstentions: _____ Absent: _____

Date of Adoption: _____

Date of Publication: _____

BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF CRIVITZ, WISCONSIN

Attest:

John J. Deschane
President

Marilyn L. Padgett
Clerk/Treasurer