

Chapter 322

SEXUAL OFFENDER RESIDENCY REQUIREMENTS

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[HISTORY: Adopted by the Village Board of the Village of Lyndon Station 2-17-2009 by Ord. No. 2009-1. Amendments noted where applicable.]

§ 322-1. Findings.

The Village finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders reenter society, they are likely to be rearrested for a new rape or sexual assault. Given the high rate of recidivism for sexual offenders and that reducing opportunity and temptation is important to minimizing the risk of reoffense, there is a need to protect children, in addition to the protections afforded by state law, where they congregate or play in public places and near schools, day-care centers and other places that children frequent. The Village finds and declares that in addition to schools, day-care centers and public parks, children congregate at movie theaters, swimming pools, athletic fields, Village social events, fishing streams and recreational clubs.

§ 322-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CHILD — An individual who has not attained the age of 18.

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 the conviction, respectively:

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| 940.22(2) | Sexual exploitation by therapist |
| 940.225(1) | First degree sexual assault |
| 940.225(2) | Second degree sexual assault |
| 940.225(3) | Third degree sexual assault |
| 940.30 | False imprisonment (victim was a minor and not the offender's child) |
| 940.31 | Kidnapping (victim was a minor and not the offender's child) |
| 944.06 | Incest |
| 948.02(1) | First degree sexual assault of a child |

948.02(2)	Second degree sexual assault of a child
948.05	Sexual exploitation of a child
948.055	Causing a child to view or listen to sexual activity
948.06	Incest with a child
948.07	Child enticement
948.08	Soliciting a child for prostitution
948.095	Sexual assault of a child by a school staff person or a person who works or volunteers with children
948.11(2)(a) or (am)	Exposing a child to harmful material or harmful descriptions or narrations
948.12	Possession of child pornography
948.13	Child sex offender working with children
948.30	Abduction of another's child
975.06	Sex Crimes Law - Commitment to the department

PERSON — An individual who has been convicted of or has been found delinquent of or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children.

RESIDENCE — The place where a person resides, sleeps, abides, or lodges, on either a permanent or temporary basis, which may include more than one location and may be mobile or transitory.

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

§ 322-3. Residency restrictions.

- A. A person shall not reside within 1,500 feet of the real property comprising any of the following:
- (1) Any facility for children [which means a public or private school, a group home, as defined in § 48.02(7), Wis. Stats., 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 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.]; and/or
 - (2) Any facility used for:
 - (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 movie theater;
 - (h) A day-care center;
 - (i) Any specialized school for children, including but not limited to a gymnastics academy, dance academy or music school;
 - (j) A public swimming pool or other aquatic facility open to the public; and
 - (k) A fishing stream, creek or pond used by children.
- B. 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).
- C. A map depicting the above-enumerated uses and the resulting residency restrictions, as amended from time to time, shall be on file in the office of the Village Clerk-Treasurer for public inspection.

§ 322-4. Residency restriction exceptions.

A person residing within 1,500 feet of the real property comprising any of the uses enumerated in § 322-3 above does not commit a violation of this chapter if any of the following apply:

- A. The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
- B. The person established a residence prior to the effective date of this chapter that is within 1,500 feet of any of the uses enumerated in § 322-3 above or such enumerated use is newly established after such effective date and it is located within 1,500 feet of a residence of a person whose residence was established prior to the effective date of this chapter.
- C. The person is a minor or ward under guardianship.

§ 322-5. Original domicile restriction.

In addition to and notwithstanding the foregoing, but subject to § 322-4 above, no person shall be permitted to reside in the Village of Lyndon Station unless such person was domiciled in the Village of Lyndon Station at the time of the offense resulting in the person's most recent conviction for committing the sexually violent offense and/or crime against children.

§ 322-6. Child safety zones.

- A. No person shall enter or be present upon any real property upon which there exists any facility used for or which supports a use of:
- (1) A public park, parkway, parkland, or park facility;
 - (2) A public library;
 - (3) A recreational trail;
 - (4) A public playground;
 - (5) A school for children;
 - (6) Athletic fields used by children;
 - (7) A movie theater;
 - (8) A day-care center;
 - (9) Any specialized school for children, including but not limited to a gymnastics academy, dance academy or music school;
 - (10) A public swimming pool or other aquatic facilities open to the public;
 - (11) A fishing stream, creek, or pond used by children; and
 - (12) Any facility for children [which means a public or private school, a group home, as defined in § 48.02(7), Wis. Stats., 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 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.].
- B. A map depicting the above-enumerated uses and the resulting residency restriction distances, as amended from time to time, shall be on file in the office of the Village Clerk-Treasurer for public inspection.

§ 322-7. Child safety zone exceptions.

A person does not commit a violation of § 322-6 above and the enumerated uses may allow such person on the property supporting such use if any of the following apply:

- A. The property supporting an enumerated use under § 322-6 also supports a church, synagogue, mosque, temple or other house of religious worship (collectively "church"), subject to the following conditions:
- (1) Entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public;

- (2) Written advance notice is given from the person to an individual in charge of the church and approval to attend is given from an individual in charge of the church as designated by the church in advance of the attendance of by the person; and
 - (3) The person shall not participate in any religious education programs which include children.
- B. The property supporting an enumerated use under § 322-6 also supports a use lawfully attended by a person's natural or adopted child(ren), which child's use reasonably requires the attendance of the person as the child's parent upon the property, subject to the following conditions:
- (1) Entrance and presence upon the property occurs only during the hours, as posted to the public, of the person's natural or adopted child's activity; and
 - (2) Written advance notice is given from the person to an individual in charge of the use upon the property and approval to attend is given from an individual in charge of the use upon the property as designated by the owner of the use upon the property in advance of the activity.
- C. The property supporting an enumerated use under § 322-6 also supports a polling location in a local, state or federal election, subject to the following conditions:
- (1) The person is eligible to vote;
 - (2) The designated polling place for the person is an enumerated use; and
 - (3) The person enters the polling place property and proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate and the person vacates the property immediately after voting.
- D. The property supporting an enumerated use under § 322-6 also supports an elementary or secondary school lawfully attended by a person as a student, under which circumstances the person who is a student may enter upon that property supporting the school at which the person is enrolled as is reasonably required for the educational purposes of the school.

§ 322-8. Violations and penalties.

- A. Forfeitures. Any person who violates any provision of this chapter shall be subject to a forfeiture of not less than \$25 nor more than \$250 for each offense. Each day a violation continues shall constitute a separate offense. In addition, the Village may undertake all other legal and equitable remedies to prevent a violation of this chapter, including seeking injunctive relief below.
- B. Injunction. If a person establishes a residence or enters a child safety zone in violation of this chapter, the Village Attorney, upon referral from the Chief of Police, may bring an action in the name of the Village in the Circuit Court of Juneau County to permanently enjoin any such violation as a public nuisance.