

The Town Board of the Town of Silver Cliff does hereby ordain as follows:

SECTION 1.0

Introduction

Section 1.01. Findings and Intent.

(1) 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 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.

(2) It is the intent of this ordinance not to impose a criminal penalty, but rather to serve the Town of Silver Cliff'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 wherein designated sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

Section 1.02. Title. This ordinance shall be known as, referred to, or cited as the Sexual Offender Residency Ordinance, Town of Silver Cliff, Marinette County, Wisconsin.

Section 1.03. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

Section 1.04. Severability. If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 1.05. Effective Date. This ordinance shall be effective after adoption by the Town Board of Silver Cliff and publication or posting as provided by law.

SECTION 2.0

Rules and Definitions

Section 2.01. Rules. In the construction of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when the content clearly indicates otherwise.

- (1) Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural the singular.
- (2) The word "shall" is mandatory and not discretionary.
- (3) The word "may" is permissive.

- (4) The masculine gender includes the feminine and neuter.

Section 2.02. Definitions.

(1) Child. A person under the age of sixteen (16).

(2) Designated Offender. 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. Stats. Sec. 301.46(2) and 2(m).

(3) Minor. A person under the age of eighteen (18).

(4) Permanent Residence. A place where a person abides, lodges, or resides for fourteen (14) or more consecutive days.

(5) Protected Area. A school, day care center, park, trail, playground, picnic grounds, place of worship, boat landing, campground/ camping area, or any other place designated by the Town of Silver Cliff as a place where children are known to congregate.

(6) Temporary Residence. A place where a person abides, lodges, or resides for a period of fourteen (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 (4) or more consecutive or non-consecutive days in any month and which is not the person's permanent address.

SECTION 3.0

Sexual Offender and Sexual Predator Residence, Prohibition, Exceptions

a. **Prohibited Location of Residence.** It is unlawful for any designated offender to establish a permanent residence or temporary residence within two thousand five hundred (2,500) feet of any protected area 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 parties or distributing candy or other items to children). Holiday events in which the offender is the parent or guardian of the children involved, and no 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.** For the 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 boundary line of a protected area.

d. **Exceptions.** A designated offender residing within a protected area does not commit a violation of this section if any of the following apply:

- 1. The offender established the permanent residence or temporary residence and reported

and registered the residence pursuant to Wis. Stat. ss 301.34 before the effective date of this ordinance.

2. The offender is a minor and is not required to register under Wis. Stat. ss 301.45 or ss 301.46.

3. The protected area within two thousand five hundred (2,500) feet of the offender's permanent residence was opened after the offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. ss 301.45.

4. The residence is also the primary residence of the offender's parent, grandparent, sibling, spouse, or child, provided that such parent, grandparent, sibling, spouse, or child established the residence at least two (2) years before the offender established residence at the location.

SECTION 4.0

Property Owners Prohibited From Renting Real Property to Designated Offenders

(1) 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 a permanent residence or temporary residence pursuant to this ordinance, if such place, structure (or part thereof), trailer or other conveyance is located within two thousand five hundred (2,500) feet of any protected area as defined in 2.02(5).

(2) A property owner's failure to comply with the provisions of this section shall constitute a violation of this ordinance.

SECTION 5.0

Penalties

Penalties. A person who violates any provision of this ordinance may be punished by a monetary forfeiture determined by the Silver Cliff Town Board plus those costs of prosecution permitted by Wisconsin statute. Each day a person maintains a residence in violation of this ordinance constitutes a separate violation.

Adopted this 11 day of July, 2017 by the Town Board of the Town of Silver Cliff.

Henry A. Burkel
Henry Burkel, Chairman

Bruce Weber
Bruce Weber, Supervisor

Jeffrey Schaal
Jeffrey Schaal, Supervisor

Steffanie Bishop
Steffanie Bishop, Clerk