

SEXUAL OFFENDER PLACEMENT ORDINANCE

Town of Cloverland

Ordinance Chapter 23.01

Ordinance regarding the placement of sex offenders.

SECTION I. Purpose and Intent.

WHEREAS, the Town of Cloverland , Vilas County , Wisconsin , is a family oriented community which highly values its children, and is a place that families with young children find highly desirable; and

WHEREAS, the Town of Cloverland, desires to afford the citizens of the Town of Cloverland protection from sexual predators, sexually violent predators and sexual offenders, to the maximum extent allowed by controlling law, in order to advance public health, safety and welfare, and to benefit the citizens of the Town; and

WHEREAS, the Town of Cloverland has determined it is necessary to regulate and restrict the number of sexual predators, sexually violent predators and sexual offenders, from residing at the same location; and further to prevent sexual predators or offenders from re-offending in the Town of Cloverland; and

WHEREAS, the Town Board of the Town of Cloverland finds sex offenders who are required to register as sexual predators under Wisconsin Statute present an extreme threat to the health, safety and welfare of children; and

WHEREAS, it is the intent of this Ordinance 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 and locations where children regularly congregate where registered child sex offenders and child sexual predators are prohibited from loitering and/or prohibited from establishing temporary or permanent residency.

NOW, THEREFORE, the Town Board of the Town of Cloverland , Vilas County , Wisconsin , hereby ordains as follows:

SECTION II. Definition.

1. For the purposes of this Ordinance, the following terms, words and derivations thereof shall be defined as follows:

a. Registered Sexual Offender. As defined in Section 51.375.(1)(d) Wis. Stats., which section defines persons who have been convicted of sexual offenses and are required to register with the State of Wisconsin and who have been ordered to be placed under the supervision of the Wisconsin Department of Corrections under Chapter 980 Wis. Stats, or the Administrative Code Provisions which implement Chapter 980 Wis. Stats, or any successor Statute to Chap. 980 Wis. Stats., or any violation of Chapter 948 Wis. Stats., representing a sexual assault of a child or children.

b. Temporary Residence. Any place where a person may abide, lodge or reside, but is not that person's permanent residence.

c. Permanent Residence. Any place where a person may abide, lodge, or reside for a period of fourteen (14) or more consecutive days.

d. Child Safety Zone. Means areas, whether public or privately owned, and which provide facilities or attractions to children, whether intended to provide such attractions or not which, because of the nature of the area, is an area where children are likely to be attracted to, or being a place where children congregate, whether regularly or irregularly. Examples of these areas, but not limited to, the following are: parks, daycare centers (whether licensed or not), boat landings, town hall property or any town property open for purposes of a park, and any businesses which are open to the public in which children are brought by their parents, guardians or relatives.

e. Loiter. Means standing, sitting idly, whether or not the person is in a vehicle or remaining in or around an area.

f. Child. Means a person who is less than 18 years of age.

Section III. Sexual Offender Prohibition.

1. It is unlawful for any Registered Sexual Offender to abide, lodge or reside in a permanent or temporary residence located within the Town of Cloverland , when such residence is located within 2000 feet of any child safety zone.

2. It is unlawful for more than one Registered Sexual Offender to abide, lodge or reside, whether permanently or temporarily, in any permanent or temporary residence located in the Town of Cloverland .

3. Any Registered Sexual Offender having a permanent residence within 2000 feet of any child safety zone, as defined herein, does not commit a violation of this Section if:

a. The Registered Sexual Offender established the permanent residence prior to the effective date of this Ordinance unless required to abandon that permanent residence. Any new permanent residence must be at a location that is not within 2000 feet of any child safety zone.

b. The Registered Sexual Offender was a minor when committing the offense causing designation as a Registered Sexual Offender, and was not sentenced as an adult for that offense;

c. The Registered Sexual Offender resides with his or her parents;

4. No Registered Sexual Offender shall enter on, or remain within the 2000 foot buffer zone surrounding a child safety zone except to:

a. Attend a scheduled meeting with an attorney who is recognized as a licensed attorney with the State Bar Association;

b. Attend a scheduled interview with a social service provider;

c. Comply with a request or a Court Order from the judiciary;

d. Attend church services or church functions;

e. Attend to familial or parental obligations;

Section IV. Enforcement.

1. A violation of this Ordinance shall be deemed a public nuisance per se. The Town may pursue any enforcement action or legal remedy available under controlling state law and any legal remedy available to Town to terminate any violation of this Ordinance. In addition, any person or organization or governmental entity violating this Ordinance shall be ordered to forfeit the sum of \$100.00 and each day of continued violation and non-compliance shall constitute a separate offense.

2. The Town Board, or its designee, shall issue a citation alleging the offense of this ordinance and deliver it to the person, organization or governmental entity which is alleged to have violated this Ordinance;

3. No sexual offender, registered sexual offender, sexual predator, or any person under the supervision of the State of Wisconsin Department of Corrections pursuant to Chap. 980 Wis. Stats., shall be placed, take, or maintain residence in the Town of Cloverland unless the Town Board has been given sixty (60) days written notice of such placement or taking or maintaining of a residence which notice shall provide satisfactory proof to the Town Board of compliance with this Ordinance.

Section V. Measurement

1. Measurement of distance. For purposes of measuring the separation of the residence from the child safety zone, all distances shall be measured from the outer-most property line of the parcel upon which the residence is located running in a direct line to the outer-most property line of the child safety zone.

Section VI. Severability.

1. If any Section, subdivision, sentence, clause, phrase or portion of this Ordinance is held invalid by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section VII. Effective date.

1. This Ordinance shall take effect upon passage and publication as provided for by law.

Dated this 3 day of July, 2013.

ORDINANCE NUMBER 23.01a
AMENDMENT TO CHAPTER 23.01 OF THE CODE OF ORDINANCES
OF THE TOWN OF CLOVERLAND

The Town Board of the Town of Cloverland does hereby ordain as follows:

WHEREAS, the Town Board of the Town of Cloverland discussed its Ordinance with regard to the placement of sexual offenders in the Town of Cloverland and its existing Ordinance; and

WHEREAS, it has become apparent that the Department of Health Services is attempting to place another sexual offender in the Town and is utilizing an exception to the Ordinance to do so for an individual who is not and never has been a resident of Vilas County; and

WHEREAS, the Town believes that the Wisconsin Statutes provide that individuals who are placed in a DHS facility are to be placed in a County in which they have significant ties or family in which they have spent the better part of their life; and

WHEREAS, the Town Board has been notified that this individual that is proposed to be placed is an Ashland County resident who has no ties to Vilas County and the only reason he is being placed in Vilas County is the availability of a DHS facility;

NOW, THEREFORE, the Town Board of the Town of Cloverland does hereby ordain to amend Chapter 23.01, Section III (3)(b) as follows:

"Chapter 23.01, Section III, paragraph (3)(b) is hereby deleted from the above-mentioned ordinance.

That the remainder of Chapter 23.01 remains in full force and effect unless amended herein."

Dated this 4 day of December, 2015.

TOWN OF CLOVERLAND:

Scott Maciosek

By: Scott Maciosek, Chairman

Julie Priefer

By: Julie Priefer, Clerk/Treasurer

Date adopted: December 2, 2015

Date published: 12/7/2015

Date effective: 12/31/2015

ORDINANCE NUMBER _____
AMENDMENT TO CHAPTER 23.01 OF THE CODE OF ORDINANCES
OF THE TOWN OF CLOVERLAND

The Town Board of the Town of Cloverland does hereby ordain as follows:

WHEREAS, the Town Board of the Town of Cloverland has discussed Chapter 23.01 with regard to the placement of sexual offenders in the Town of Cloverland and its existing Ordinances; and

WHEREAS, it has become apparent that the Department of Health Services of the State of Wisconsin may attempt at some point to place individuals in the Town of Cloverland who are not or ever have been residents of Vilas County; and

WHEREAS, the Town believes that the individuals if they are going to be placed in the Town of Cloverland should be and must have some residential tie to Vilas County;

NOW, THEREFORE, the Town Board of the Town of Cloverland does hereby ordain to amend Chapter 23.01 of the Ordinances of the Town of Cloverland as follows:

Section III of Chapter 23.01 is hereby amended to add the following new paragraph:

"5. No individual may be placed in the Town of Cloverland under any program of the Department of Health Services with regard to sexual predators who has not at some point in their life been a resident of Vilas County and specifically, must have been a resident of Vilas County at the time that any offense for which they have become designated a sexual predator was committed."

Dated this ____ day of _____, 2016.

TOWN OF CLOVERLAND:

By: Scott Maciosek, Chairman

By: Julie Priefer, Clerk/Treasurer

Date adopted: _____

Date published: _____

Date effective: _____