

TOWN OF LAND O'LAKES

SEXUAL OFFENDER PLACEMENT ORDINANCE

2016-04

AN ORDINANCE AMENDING TOWN OF LAND O'LAKES 2014-3
PLACEMENT OF SEX OFFENDERS IN RESPONSE TO 2015 WIS. ACT 156
RELATING TO RESIDENCY REQUIREMENTS FOR SEXUALLY VIOLENT
PERSONS ON SUPERVISED RELEASE

WHEREAS, on March 1, 2016, the Wisconsin legislature adopted 2015 Wisconsin Act 156 which relates to residency requirements for sexually violent persons ("SVPs") who have completed their criminal sentences, are under civil commitment and meet the criteria for supervised release; and

WHEREAS, on December 14, 2016, the Town Board discussed the implications of 2015 Wisconsin Act 156 and made a motion to have the Town Board consider amendment of current Town ordinances to incorporate the changes in State law; and

WHEREAS, the Town Board of the Town of Land O'Lakes has reviewed 2015 Wisconsin Act 156, considered the public health, safety and welfare of the residents of the Town of Land O'Lakes, and determined that it is in the public health, safety and welfare of the residents of the Town of Land O'Lakes to amend Town of Land O'Lakes Ordinance 2014-3 to be consistent with State law, all as set forth in this ordinance.

NOW, THEREFORE, the Town Board of the Town of Land O'Lakes, Vilas County, Wisconsin, in consideration of the above recitals and findings, which are incorporated by reference does ordain as follows:

Portions of Section 2014-3 of the Town Code of Ordinances are hereby AMENDED, all as set forth below:

2014-3 SEXUAL OFFENDER PLACEMENT

Section I. PURPOSE AND INTENT. *[No changes.]*

Section II. DEFINITIONS, *[No changes.]*

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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 Land O'Lakes, when such residence is located within 1500 feet of any child safety zone;
2. It is unlawful for any Registered Sexual Offender who committed a sexually violent offense against an adult at risk, or an elder adult at risk, as defined in Section 12. 980.08 (4) (f) 3, to abide, lodge or reside in a permanent or temporary residence located within the Town of Land O'Lakes, when such residence is located within 1500 feet of a nursing home or an assisted living facility;
3. 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 Land O'Lakes;
4. Any Registered Sexual Offender having a permanent residence within 1500 feet of any child safety zone, as defined herein, or within 1500 feet of a nursing home or an assisted living facility, does not commit a violation of this Section if:
 - a. The Registered Sexual Offender established the permanent or temporary residence prior to the effective date of this Ordinance.
 - 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;
5. No Registered Sexual Offender shall enter on, or remain within the 1500 foot buffer zone (a) "No Presence Areas" 250 feet from Child Congregation Areas; and (b) "No Residence Areas" 1500 feet from Child Congregation Areas.)
 - a. *[No change]*;
 - b. *[No change]*;
 - c. *[No change]*;
 - d. *[No change]*;
 - e. *[No change]*;

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Section IV. Enforcement.

1. This ordinance is adopted in order to pursue any nuisance injunction the Town deems necessary for non-compliance of Chapter 980.135 residency restriction. Further, it is the intent of the Town Board that this ordinance is adopted in order to establish the Town's standing for any subsequent legal action it may pursue through the Court for enforcement of the state statute.
2. *[No change.]*
3. *[No change.]*

Section V. Measurement

1. For purposes of measuring the separation of the residence from the child safety zone or from a nursing home or an assisted living facility, 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 nearest outer-most property line of the child safety zone, a nursing home or an assisted living facility.

Section VI. Miscellaneous.

1. **Exceptions.** Persons subject to this ordinance are not in violation where the following apply:
 - a. There are accompanied at all times by a minor child of which they have legal custody and the Department of Corrections or Department of Health Services has authorized the contact, as required by the conditions of the person's release; or
 - b. Their presence on the property of a school is for the purpose of discussing the education of a minor child of which they have legal custody, and their presence is with the prior knowledge and consent of the school official with whom the person is meeting and the Department of Corrections or Department of Health Services has authorized the visit, as required by the conditions of the person's release; or

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- c. They are within a motor vehicle in transit; or
- d. As to a Designated Sex Offender's permanent residence location only, the Designated Sex Offender is physically residing in the permanent residence prior to the effective date of this ordinance or any amendment thereto; or
- e. Enforcement is found to directly conflict with Wis. Stat. s. 980.135, which is entitled "Local restrictions; limited exemption".

Section VII. Severability

- 1. 1. [No change]

Section VIII. Effective Date

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

Dated this 14th day of December, 2016

/s/Dan Balog, Chairman

/s/Samuel Otterpohl, Supervisor

/s/Michael Stopczynski, Supervisor

Attest:

/s/Lynn Bybee, Clerk-Treasurer