

**AN ORDINANCE CREATING SECTION 20, TOWN OF OCONTO FALLS  
MUNICIPAL CODE, REGARDING SEXUAL OFFENDER  
RESIDENCY RESTRICTIONS**

THE TOWN OF OCONTO FALLS DOES ORDAIN AS FOLLOWS:

**CHAPTER**

**SEXUAL OFFENDER RESIDENCY RESTRICTIONS**

20.01 TITLE OF CHAPTER

**20.02 FINDINGS AND INTENT**

20.03 DEFINITIONS

20.04 PROHIBITIONS, PENALTIES AND EXCEPTIONS

20.05 RENTAL PROPERTIES

20.06 APPEAL

20.07 SEVERABILITY

**20.08 EFFECTIVE DATE**

**SECTION 20.01 TITLE OF CHAPTER.**

Section 20, Town of Oconto Falls Code, Sexual Offender Residency Restrictions, is created as follows: **SEXUAL OFFENDER RESIDENCY RESTRICTIONS.**

**SECTION 20.02 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 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.
2. It is the intent of this ordinance not to impose a criminal penalty but rather to serve the Town's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the Town.

**SECTION 20.03 DEFINITIONS**

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

1. "Child" or "children" means a person or persons under

#### SECTION 20.03 DEFINITIONS

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

1. **“Child” or “children”** means a person or persons under the age of 16.
2. **“Designated Offender”** means any person who is required to register under Wis. Stat. §301.46 for any sexual offense against a child or any person who is required to register under Wis. Stat. §301.46 and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to Wis. Stat. §301.46 (2) and (2m).
3. **“Minor”** means a person under the age of 17.
4. **“Permanent Residence”** means a place where the person abides, lodges, or resides for 14 or more consecutive days.
5. **“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 not the person’s permanent residence.

#### SECTION 20.04 PROHIBITIONS, PENALTIES AND EXCEPTIONS

- 1) Prohibited Location of Residence. It is unlawful for any designated offender to establish a permanent residence or temporary residence in the Town of Oconto Falls within 1500 feet of any school, park, playground, library, day-care facility or other place where children normally congregate. The Town Clerk will maintain the official map showing the restricted areas.
- 2) Prohibited Activity. It is unlawful for any designated offender to participate in a holiday event involving children, 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. 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.
- 3) Registration. All Designated Offenders are required to register with the Town Clerk within thirty days of establishing a residence anywhere in the Town of Oconto Falls and must advise the Town Clerk of all changes of address within thirty days of such change.
- 4) Exceptions. A designated offender residing within the Town of Oconto Falls does not commit a violation of this section if any of the following apply:
  - a) The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. §301.46 before the effective date of this ordinance.
  - b) The person is a minor and is not required to register under Wis. Stat. §301.45 or §301.46.
  - c) 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 residence at the location.
- 5) Subsequent Offense. If a Designated Offender is convicted of another sexual offense described in Section 20.03 (2), after establishing residence in the

Town of Oconto Falls, that Designated Offender may not reside at any location in the Town unless permission is granted by the Town Board pursuant to Section 20.06.

**SECTION 20.05 PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND SEXUAL PREDATORS; PENALTIES.**

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 such permanent residence or temporary residence pursuant to this ordinance.
2. A property owner's failure to comply with provision of this section shall constitute a violation of this section, and shall subject the property owner to the code enforcement provisions in Section 20.07 as provided in this ordinance.

**SECTION 20.06 APPEAL.**

Town Board: The above requirements may be waived upon approval of the Town Board through appeal by the affected party. Such appeal shall be made to the Town Clerk, who shall forward the request to the Town Board, which shall receive reports from the Sheriff's Department on such appeal. The Town Board shall convene and consider the public interest as well as the affected party's presentation, the sexual offender's level of supervision and the nature of the offense. After deliberation, the Town Board shall provide a written decision to the affected party.

**SECTION 20.07 PENALTIES**

Penalties. A person who violates this chapter shall be punished by a forfeiture not exceeding \$500.00 plus court costs. Each day a person maintains a residence in violation of this ordinance constitutes a separate violation. The Town of Oconto Falls may also seek equitable relief.

**SECTION 20.08 SEVERABILITY**

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town of Oconto Falls would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision 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 20.09 EFFECTIVE DATE**

This Ordinance shall be effective on its date of publication.  
Adopted by the Town of Oconto Falls on the 8 day of February, 2010

OFFERED BY Dore Blalston  
SECONDED BY \_\_\_\_\_

AYES 3      NAYS 0      ABSENT 0

Adopted: Alfred Krasovec Jr  
Town Chairman

Attest: Green Holtz  
Town Clerk

**CERTIFICATION:**

IN WITNESS WHEREOF

I, \_\_\_\_\_, Clerk for the Town of Oconto Falls, hereby certify this is a true and accurate copy of Town of Oconto Falls Chapter 20 - Ordinance 10-1, which was adopted by the Town of Oconto Falls, at a regular meeting held on the 8 day of February, 2010, by the affirmative vote of "ayes", "nays" and "absent", which affirmative vote constituted more than a majority vote.

Attest Green Holtz  
Clerk

(SEAL) \_\_\_\_\_

Date of Publication Feb 16, 2010 Oconto County Times Herald