TOWN OF LOMIRA
DODGE COUNTY, WISCONSIN

SEX OFFENDER RESIDENCY ORDINANCE

The Town Board of the Town of Lomira, at a duly-noticed public meeting with quorum present and voting, hereby ordains the following:

Section 1: Recitals.

The Wisconsin Statutes, including Chapters 940, 944, and 948 thereof, govern the punishment of individuals who commit sex crimes. The Wisconsin Statutes also govern the release into the community of such individuals. The Town is responsible to maintain the public health, safety, and welfare and finds that sex offenders have high recidivism rates that threaten the public health, safety, and welfare, especially that of children.

Section 2: Purpose.

The purpose of this Ordinance is to protect the public health, safety, and welfare in the Town of Lomira by regulating the residency of sex offenders.

Section 3: Definitions.

(a) Sex Offender. A person who has been convicted of, has been found delinquent of, or has been found not guilty of by reason of disease or mental defect of a Sexually Violent Offense or a Crime Against Children.

(b) Sexually Violent Offense. Shall have the meaning set forth in Wis. Stat. § 980.01(6).

(c) Crime Against Children. Shall mean any of the following offenses set forth in the Wisconsin Statutes, as amended, or in the laws of this or any other state or the federal government having like elements necessary for conviction, respectively:

Wis. Stat. § 940.225(1) First Degree Sexual Assault.
Wis. Stat. § 940.225(2) Second Degree Sexual Assault
Wis. Stat. § 940.225(3) Third Degree Sexual Assault
Wis. Stat. § 940.22(2) Sexual Exploitation by Therapist
Wis. Stat. § 940.30 False Imprisonment – Victim was Minor and Not Offender's Child

Wis. Stat. § 940.31 Kidnapping – Victim was Minor and Not Offender's Child
Wis. Stat. § 944.02 Rape (prior statute, now Wis. Stat. § 940.225)
Wis. Stat. § 944.06 Incest
Wis. Stat. § 944.10 Sexual Intercourse with a Child (prior statute, now Wis. Stat. § 948.02)
Wis. Stat. § 944.11 Indecent Behavior with a Child (prior statute, now Wis. Stat. § 948.02)
Wis. Stat. §944.12 Enticing Child for Immoral Purposes (prior statute, now Wis. Stat. § 948.07)
Wis. Stat. § 948.02(1) First Degree Sexual Assault of a Child
Wis. Stat. § 948.02(2) Second Degree Sexual Assault of a Child
Wis. Stat. § 948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child
Wis. Stat. § 948.05 Sexual Exploitation of a Child
Wis. Stat. § 948.055 Causing a Child to View or Listen to Sexual Activity
Wis. Stat. § 948.06 Incest with a Child
Wis. Stat. § 948.07 Child Enticement
Wis. Stat. § 948.075 Use of a Computer to Facilitate a Child Sex Crime
Wis. Stat. § 948.08 Soliciting a Child for Prostitution
Wis. Stat. § 948.095 Sexual Assault of a Student by School Instruction Staff
Wis. Stat. § 948.11(2)(a) or (am) Exposing a Child to Harmful Material
Wis. Stat. § 948.12 Possession of Child Pornography
Wis. Stat. § 948.13 Convicted Child Sex Offender Working with Children
Wis. Stat. § 948.30 Abduction of Another's Child
Wis. Stat. § 971.17 Not Guilty by Reason of Mental Disease or an Included Offense
Wis. Stat. § 975.06 Sex Crime Law Enforcement

(d) Residence. A place where a person sleeps, abides, lodges, or resides on a permanent or regular basis. For purposes of this definition, a permanent basis means 14 or more consecutive days and a regular basis means 14 or more aggregate days during any calendar year and four or more days in any month. A person may have more than one residence.

Section 4: Residency Restriction.

(a) Except as otherwise provided in this Ordinance, a Sex Offender may not reside within 2,000 feet of any real property upon which there exists any of the following uses:

(1) A school for children.

(2) A public park, park facility, or pathway.

(3) A daycare licensed by the State of Wisconsin.

(4) A public library.

(5) A public playground.

(6) A public athletic field used by children.

(7) A residential care center for children.

(8) A public swimming pool.

(b) For purposes of this section, distance is to be measured in a straight line from the closest boundary line of the real property upon which the Sex Offender's residence is located to the closest boundary line of the real property of the applicable use.

Section 5: Residency Restriction Exceptions.

A Sex Offender residing within an area otherwise prohibited by Section 4 does not commit an offense if any of the following apply:

(a) The person is required to serve a sentence at a jail, prison, juvenile facility, or other facility located at the otherwise prohibited location.

(b) The person had established a Residence, as defined in Section 3 above, at the location prior to the effective date of this Ordinance.

(c) The use enumerated in Section 4 was established after the Sex Offender established a residence at the location and registered that residence as required by law.

(d) The Sex Offender is a minor or ward under guardianship.

Section 6: Safety Zones.

No Sex Offender may enter or be present on any real property upon which there exists any facility used for or which supports the use of:

(a) A school for children.

(b) A public park, park facility, or pathway.

(c) A daycare licensed by the State of Wisconsin.

(d) A public library.

(e) A public playground.

(f) A public athletic field used by children.

(g) A residential care center for children.

(h) A public swimming pool.

Section 7: Safety Zone Exceptions.

A Sex Offender present in an area otherwise prohibited by Section 6 does not commit an offense if any of the following apply:

(a) The property supporting a use enumerated in Section 6 also supports a church, synagogue, mosque, temple, or other house of religious worship, subject to the following conditions:

(1) Entrance and presence on the property may occur only during hours of worship or other religious program or service.

(2) The person may not participate in any religious education programs that include individuals under the age of 18.

(b) The property supporting a use enumerated in Section 6 also supports a use lawfully attended by the Sex Offender's natural or adopted child or children, which child's use reasonably requires the attendance of the Sex Offender, provided that entrance and presence on the property occurs only during hours of activity related to the use by the child or children.

(c) The property supporting a use enumerated in Section 6 also supports a polling location in a local, state, or federal election, subject to the following conditions:

(1) The Sex Offender is eligible to vote.

(2) The polling location is the designated polling location for the Sex Offender.

(3) The Sex Offender casts his or her ballot with whatever usual and customary assistance is available and vacates the property immediately after voting.

(d) The property supporting a use enumerated in Section 6 also supports a school lawfully attended by the Sex Offender as a student, provided that the Sex Offender may only remain on the property at such times that are reasonably required for his or her educational purposes.

(e) The property supporting a use enumerated in Section 6 also supports a police station, Town Hall, or other governmental building, provided that the Sex Offender vacates the property immediately after completing the activity that required his or her presence at the property.

Section 8: Original Residency Restriction.

In addition to the other residency restrictions set forth herein and subject to the limitations in Section 5, no Sex Offender may establish a residence in the Town of Lomira unless he or she was a resident of Dodge County at the time of the most recent offense resulting in the person's most recent conviction, commitment, or placement as a Sex Offender. This limitation shall not apply to the establishment of a residence at a dwelling that is owned by a member of the Sex Offender's family at the time the Sex Offender establishes residence therein. For purposes of this

section, a member of a Sex Offender's family means the Sex Offender's mother, father, brother, sister, child, or grandparent.

Section 9: Rental of Property for use by Sex Offenders.

No person may rent any place, structure, or part thereof with knowledge that it will be used as a residence by any Sex Offender that is prohibited from establishing residence therein by this Ordinance.

Section 10: Enforcement.

A person violating this Ordinance shall be subject to forfeitures in an amount of not less than $200 nor more than $500 for each violation plus the costs of prosecution (including reasonable attorneys' fees). For purposes of calculating forfeitures, each day that a violation exists shall constitute a separate offense. Violations of this Ordinance are also deemed public nuisances, and the Town may bring an action in circuit court to enjoin or abate any violation.

Section 11: Severability.

The terms and provisions of this Ordinance are severable. Should any term or provision of this Ordinance be found invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect, or, to the extent permitted by law, the court is authorized to substitute an alternative term or provision for the invalid term or provision.

Section 12: Rules of Construction.

In the construction of this Ordinance, references to the singular include the plural. References to "person" extends to natural persons, firms, corporations, partnerships, limited liability companies, or other entities.

Section 13: Effective Date.

This ordinance shall be effective upon its adoption and publication.

Dated this 11 day of May, 2016

TOWN OF LOMIRA

By: _____
Jeff Faber, Town Chairperson

Attest: _____
Lauri Betz, Town Clerk