

**TOWN OF NAVARINO
SHAWANO COUNTY, WISCONSIN
SEX OFFENDER ORDINANCE 1-2016**

WHEREAS, the Town of Navarino places a high priority on maintaining public safety as well as dependency upon laws that deter and punish criminal behavior; and

WHEREAS, sex offenders have very high recidivism rates, sex offenders are the least likely to be cured and the most likely to reoffend and prey on the most innocent members of our society, and more than two-thirds of the victims of rape and sexual assault are under the age of 18 and sex offenders have a dramatically higher recidivism rate for their crimes than any other type of violent felon.

NOW, THEREFORE, The Town Board of the Town of Navarino, at a duly-noticed town board meeting with quorum present and voting, does ordain the following:

Sex Offenders

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 ("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 of children in the Town of Navarino by limiting contact between sex offenders and children to reduce the risk that sex offenders will re-offend. The Town of Navarino by prohibiting convicted sexual offenders from Residing in specified areas around locations where children regularly congregate in concentrated numbers.

Section 3: Definitions.

The following words and phrases shall have the following meanings:

(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) Child or Children means an individual under the age of eighteen (18) years.

(e) 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.

(f) 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 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 4: Residency Restriction Zones.

(a) Except as otherwise provided in this Ordinance, a Sex Offender shall not establish a residence or temporary residence within 5000 feet of any real property upon which there exists any of the following uses:

- (1) A school or any other facility for children.
- (2) A public park, park facility, pathway or recreational trail where children routinely congregate.
- (3) A daycare licensed by the State of Wisconsin.
- (4) A public playground or public recreational area.
- (5) A public athletic field used by children.
- (6) A residential care center for children.
- (7) Churches
- (8) Recreational and Educational Facilities open to the public

(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 or temporary 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 is not in violation of this Ordinance if any of the following apply:

- (a) The person had established a residence at the location prior to the effective date of this Ordinance.
- (b) 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.
- (c) The Sex Offender is a minor or ward under guardianship.

Section 6: Enforcement.

(a) A person violating this Ordinance shall be subject to forfeitures in an amount of not less than \$500 nor more than \$1,000 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 7: 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.

Section 8: Effective Date.

This ordinance shall be effective upon its adoption and publication/posting in the manner provided for by law.

Enacted this ____ day of _____, 2016

Town of Navarino by _____, Chairman Kevin Conradt

Town of Navarino by _____, Clerk Judy Krull

This is to certify that the Town Board of the Town of Navarino duly enacted the foregoing Ordinance on the ____ day of _____, 2016.