

**Village of Lake Nebagamon, Douglas County, Wisconsin
Amendment to the Municipal Code**

**Chapter 13 , Section 13.07 of the Municipal Code of the Village of Lake Nebagamon entitled
“RESIDENCY AND SAFETY RESTRICTIONS FOR SEX OFFENDERS”
is hereby created to provide as follows:**

§13.07 RESIDENCY AND SAFETY RESTRICTIONS FOR SEX OFFENDERS

The Wisconsin Statutes govern the punishment of individuals who commit sex crimes. The Village of Lake Nebagamon has no authority or intent to intervene in this area. The Village of Lake Nebagamon recognizes statutory residency restrictions and the limited exemptions enumerated in Wis. Stat. §980.08. Nothing in this ordinance should be construed to apply to an offender currently in compliance with all court orders issued under Chapter 980 of the Wisconsin Statutes or to a person providing housing to the offender in compliance with those court orders.

A. Purpose This ordinance is a non-punitive, civil regulatory measure aimed at protecting the public health, safety and welfare of the children and citizens of the Village of Lake Nebagamon from the risk that convicted sex offenders may re-offend in locations close to their residences. The Village finds and declares that sex offenders who prey upon children are a serious threat to public safety and it is necessary for the Village to enact reasonable measures to reduce the opportunity and minimize the risk of re-offense by protecting children where they congregate or play in public places in addition to the protections afforded by state law near schools and other places children frequent.

B. Definitions

- a. Safety Zone any real property that supports or upon which there exists any facility used for or that supports: academic/religious education for children; a public park, parkway, parkland, park facility or recreational trail; a daycare facility; a public library; a public playground; a public athletic field used by children; or a public swimming and/or fishing area.
- b. Sex Offender a person who has been convicted of, or has been found delinquent of, or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children (as set forth within §980, 940, 944, 948, 971, or 975, as amended, or the laws of this or any other state or federal government having like elements necessary for conviction); or is required to register under §301.45 Wis. Stats., for any sexual offense against a child; or is required to register under §301.45 Wis. Stats., and who has been designated a special bulletin (SBN) sex offender pursuant to §301.44 (2) and (2m) Wis. Stats.
- c. Residence a place where a person sleeps, abides, lodges, or resides on a permanent or temporary basis. For purposes of this definition, a “permanent basis” means 14 or more consecutive days and a “temporary basis” means 14 or more aggregate days during any calendar year or four or more consecutive or nonconsecutive days in any month. A person may have more than one residence , and may be mobile or transitory.

C. Safety Zones

- a. No sex offender may be present within 500 feet of a designated safety zone.

D. Safety Zone Exceptions

- a. A sex offender present in an area otherwise prohibited by Section (C) does not commit an offense if any of the following apply:
 1. The property supporting a use in Section (C) 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.

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

- a. The sex offender is eligible to vote.
- b. The polling location is the designated polling location of the sex offender.
- c. The sex offender casts his or her ballot with whatever usual and customary assistance is available and vacates the property immediately after voting.

3. The property supporting a use in Section (C) also supports a police station, Village Hall, or other governmental building, provided the sex offender vacates the property immediately after completing the activity that required his or her presence at the property.

E. Residency Restrictions

- a. Safety Zones It is unlawful for a sex offender to establish a residence within 500 feet of a safety zone.
- b. Notification A sex offender must notify the Village Clerk a minimum of twenty-eight (28) days prior to establishing a residence within the Village of Lake Nebagamon.

F. Residency Restriction Exemptions

- a. A sex offender does not commit an offense if any of the following apply:
 1. The sex offender established the residence in compliance with §301.45 Wis. Stats. Before the original effective date of this Ordinance of October 15, 2020.
 2. The sex offender is a juvenile placed with a guardian.
 3. The safety zone situated within 500 feet of the sex offender's residence was opened or established after the sex offender established the residence pursuant to §301.45 Wis. Stats.
 4. The sex offender is a ward under guardianship, is placed in accordance with the guardianship orders, and is living with the appointed guardian.

G. Enforcement

- a. Any person violating §13.07 are also deemed public nuisances, and the Village may bring an action in circuit court to enjoin or abate any violation.

H. Severability

- a. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

I. Penalty

- a. Any person who shall violate any of the provisions of this section shall upon conviction thereof, be subject to a penalty as provided in 15.04 of this code. For the purposes of calculating penalties, each day that a violation exists shall constitute a separate offense.

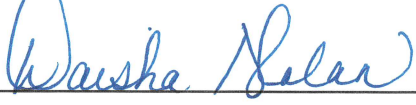
This Ordinance shall take effect upon approval and publication.

Dated the 14th day of October, 2020

By:


Darrell Kyle, Village President

ATTEST:



Daisha Nolan, Village Clerk

Adopted: 10/13/20

Notice Published: 10/15/20

