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**VILLAGE OF TWIN LAKES**  
**Proposed Ordinance Language**  
**Sex Offender Residency Restrictions; Child Safety Zones.**

**(A) Purpose and intent.**

(1) The village finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders re-enter society, they are much more likely than any other type of offender to be re-arrested for a new rape or sexual assault. Given the high rate of recidivism for sex offenders and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children where they congregate or play in public places in addition to the protections afforded by state law near schools and daycare centers. The village finds and declares that, in addition to schools and daycare centers, children congregate or play in a number of public places, including public parks and other facilities for children.

(2) This section is a regulatory measure aimed at protecting the health and safety of children in Twin Lakes from the risk that convicted sex offenders may re-offend in locations close to their residences. It is the intent of this section not to impose a criminal penalty but rather to serve the village's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the village by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence; and by creating child safety zones where children regularly congregate in concentrated numbers wherein access by certain sexual offenders and sexual predators to such zones shall be restricted or excluded.

**(B) Definitions.** As used in this section and unless the context otherwise requires:

(1) *Crime against children* means any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction and involving a person under the age of 18 years, respectively:

**Wisconsin Statute Sections**

940.225(1) First Degree Sexual Assault;  
940.225(2) Second Degree Sexual Assault;  
940.225(3) Third Degree Sexual Assault;  
940.22(2) Sexual Exploitation by Therapist;  
940.30 False Imprisonment-victim was minor and not the offender's child;  
940.31 Kidnapping-victim was minor and not the offender's child;  
944.01 Rape (prior statute);  
944.06 Incest;  
944.10 Sexual Intercourse with a Child (prior statute);  
944.11 Indecent Behavior with a Child (prior statute);  
944.12 Enticing Child for Immoral Purposes (prior statute);  
948.02(1) First Degree Sexual Assault of a Child;  
948.02(2) Second Degree Sexual Assault of a Child;  
948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child;  
948.05 Sexual Exploitation of a Child;



948.055 Causing a Child to View or Listen to Sexual Activity;  
948.06 Incest with a Child;  
948.07 Child Enticement;  
948.075 Use of a Computer to Facilitate a Child Sex Crime;  
948.08 Soliciting a Child for Prostitution;  
948.095 Sexual Assault of a Student by School Instructional Staff;  
948.11(2)(a) or (am) Exposing Child to Harmful Material-felony sections;  
948.12 Possession of Child Pornography;  
948.13 Convicted Child Sex Offender Working with Children;  
948.30 Abduction of Another's Child;  
971.17 Not Guilty by Reason of Mental Disease-of an included offense; and  
975.06 Sex Crimes Law Commitment.

(2) *Facility for children* means a public or private school, a *group home*, as defined in Wis. Stats. §48.02(7), a *residential care center for children and youth*, as defined in Wis. Stats. §48.02(15d), a *shelter care facility*, as defined in Wis. Stats. §48.02(17), a *foster home*, as defined in Wis. Stats. §48.02(6), a *treatment foster home*, as defined in Wis. Stats. §48.02(17q), a *daycare center licensed under Wis. Stats. §48.65*, a *daycare program established under Wis. Stats. §120.13(14)*, a *daycare provider certified under Wis. Stats. §48.651*, or a *youth center*, as defined in Wis. Stats. §961.01(22).

(3) *Offender* means 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.

(4) *Permanent residence* means a place where the person sleeps, abides, lodges, or resides for 14 or more consecutive days.

(5) *Sexually violent offense* shall have the meaning as set forth in Wis. Stats. §980.01(6), as amended from time to time.

(6) *Temporary residence* means residence or premise meeting either of the following criteria:

a. A place where the person sleeps, abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not that person's permanent residence as defined in (b)(4) above; or

b. A place where the person routinely sleeps, abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not that person's permanent residence as defined in (b)(4) above.

(C) *Residency restrictions.*



(1) An offender shall not reside within 2,000 feet of real property that supports or upon which there exists any of the following uses, but not limited to:

- a. Any facility for children;
- b. A public park, parkway, parkland, park facility;
- c. Public / Private beaches
- d. A public library;
- e. A recreational trail;
- f. A public playground;
- g. A school for children;
- h. Athletic fields used by children;
- i. A daycare center;
- j. Any specialized school for children, including, but not limited to, a gymnastics academy, dance academy or music school; or
- k. Public / Private Golf course.

(2) *Prohibited Activity*- it is unlawful for any designated offender to participate in a holiday event involving children under the age of 18 years of age, 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) *Measurement of distance*. The distance shall be measured from the closest boundary line of the real property supporting the residence of an offender to the closest boundary line of the real property that supports or upon which there exists any of the uses enumerated in (c)(1) above.

(4) *Residency restriction exceptions*. An offender residing within 2,000 feet of real property that supports or upon which there exists any of the uses enumerated in (c)(1) above does not commit a violation of this section if any of the following apply:

- a. The offender is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
- b. The offender has established a permanent or temporary residence and reported and registered that residence pursuant to Wis. Stats. § 301.45 prior to the effective date of this section.
- c. The use enumerated in (c)(1) above began after the offender established a permanent or temporary residence and reported and registered that residence pursuant to Wis. Stats. § 301.45.
- d. The offender is a minor or ward under guardianship.

(5) *Original domicile restriction*. Subject to (c)(3) above, no offender shall be permitted to reside in the Village of Twin Lakes, unless that person was domiciled in the Village of Twin Lakes at the time of the most recent offense giving rise to that person's status as an offender.



(D) *Child safety zones.*

(1) No offender shall enter or be present upon any real property that supports or upon which there exists any facility used for or that supports any one or more of the following uses:

- a. A public park, parkway, parkland, park facility;
- b. A public library;
- c. A recreational trail;
- d. A public playground;
- e. A school for children;
- f. Athletic fields used by children;
- g. A daycare center;
- h. Any specialized school for children, including, but not limited to a gymnastics academy, dance academy or music school;
- i. Any facility for children.
- j. Public / Private golf course
- k. Public / Private beaches

(2) *Child safety zone exceptions.* An offender does not commit a violation of (d)(1) above, and may be allowed on the property used for or supporting a use enumerated in (d)(1) above if any of the following apply:

a. The property used for or supporting a use enumerated in (d)(1) above also supports a church, synagogue, mosque, temple or other house of religious worship (collectively "church"), subject to all of the following conditions:

1. The offender's entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; and

2. The offender sends advance written notice to an individual designated by the church to be in charge and receives advance approval from that individual allowing the offender's attendance; and

3. The offender shall not participate in any religious education programs which include individuals under the age of 18.

b. The property used for or supporting a use enumerated in (d)(1) above also supports a use lawfully attended by an offender's natural or adopted child, which child's use reasonably requires the attendance of the offender as the child's parent upon the property, subject to all of the following conditions:

1. The offender's entrance and presence by the offender upon the property occurs only during hours of activity related to the use as posted to the public; and



2. The offender sends advance written notice to an individual designated by the property owner to be in charge of the property's enumerated use, and receives advance approval from that individual allowing the offender's attendance.

c. The property used for or supporting a use enumerated in (d)(1) above also supports a polling location in a local, state or federal election; subject to all of the following conditions:

1. The offender is eligible to vote;
2. The designated polling place for the person is an enumerated use; and
3. The offender enters the polling place, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate, and vacates the property immediately after voting.

d. The property used for or supporting a use enumerated in (d)(1) above also supports an elementary school lawfully attended by an offender as a student, subject to the condition that the offender may only enter upon the property supporting the school at which the person is enrolled for such purposes and at such times as are reasonably required for the educational purposes of the school.

(E) ***Property owners prohibited from renting real estate property to certain sexual offenders and sexual predators.***

It shall be unlawful for any property owner to lease or rent any place, room, structure, mobile home, trailer or any part thereof, with the knowledge that it will be used as a Permanent Residence or Temporary Residence by any person prohibited from establishing a Permanent Residence or Temporary Residence therein pursuant to this ordinance, if such place, structure, or mobile home, trailer or any part thereof, is located within a Prohibited Location zone as defined in Section II. Notwithstanding the exception set forth in Section III (5)(a), it shall be unlawful for a property owner to renew a leasehold interest established prior to the effective date of this Ordinance, whether the leasehold interest is on month-to-month basis or for a definite term, for a period beyond six (6) months from the effective date of this Ordinance.

(F) ***Penalties and remedies.***

(1) **Forfeiture-** Any person who violates any provisions of this Section shall, upon conviction thereof, be subject to a forfeiture not to exceed Five Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of payment thereof, shall be committed to the County Jail for a period not to exceed ninety (90) days. Each day such violation continues shall be considered a separate offense.

(2) **Injunction.**

a. **Violation of residency restrictions-** If an offender establishes a permanent or temporary residence in violation of subsection (c) above, the chief of police may refer the matter to the village attorney. The referral shall include a written determination by the chief of police that, upon all of the facts and circumstances and the purpose and intent of this section, such



violation interferes substantially with the comfortable enjoyment of life, health, safety of another or others. Upon such referral, the village attorney shall bring an action in the name of the village in circuit court to permanently enjoin such residency as a public nuisance.

b. **Violation of child safety zones-** If an offender violates subsection (d)(1) above more than once in any twelve-month period, the chief of police may refer the matter to the village attorney. The referral shall include a written determination by the chief of police that, upon all of the facts and circumstances and the purpose and intent of this section, such violations interfere substantially with the comfortable enjoyment of life, health, safety of another or others. Upon such referral, the village attorney shall bring an action in the name of the village in circuit court to permanently enjoin such violations as a public nuisance.