

Kimberly Sex Offender Residency Ordinance

§ 400-2 Definitions.

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

CHILD

A person under the age of 16 years for purposes of this chapter.

DESIGNATED OFFENDER

Any person who is required to register under Wis. Stats. § 301.45 for any sexual offense against a child or any person who is required to register under Wis. Stats. § 301.45 and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to Wis. Stats. § 301.46(2) and (2m).

MINOR

A person under the age of 17 years.

PERMANENT RESIDENCE

A place where the person abides, lodges, or resides for 14 or more consecutive days.

TEMPORARY RESIDENCE

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 nonconsecutive days in any month and which is not the person's permanent residence.

§ 400-3 Designated offender residence prohibition; violations and penalties; exceptions.

A.

Prohibited location of residence. It is unlawful for any designated offender to establish a permanent residence or temporary residence within 2,000 feet of any school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Village as a place where children are known to congregate. This limiting designation is not limited to the Village. Example: A designated offender is restricted from living in the Village of Kimberly if a park in the Village of Combined Locks is within 2,000 feet of the proposed residence.

B.

Prohibited activity. It is unlawful for any designated offender to participate in a holiday event involving children under 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 designated offender is the parent or guardian of the

children involved, and no nonfamilial children are present, are exempt from this section. Participation is to be defined as actively taking part in the event.

C.

Measurement of distance.

(1)

For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Village where children are known to congregate.

(2)

The Village clerk shall maintain an official list of locations where children regularly congregate in concentrated numbers and an official map showing prohibited locations as defined by this section. The clerk shall update the list and map at least annually to reflect any changes in the location of prohibited zones. These shall be designated on the map as child safety zones.

D.

Penalties. A designated offender who violates this chapter shall be punished by a forfeiture not exceeding \$500. Each day a designated offender maintains a residence in violation of this chapter constitutes a separate violation. The Village may also seek equitable relief.

E.

Exceptions. A designated offender residing within a prohibited area as described in Subsection C(1) of this chapter does not commit a violation of this chapter if any of the following apply:

(1)

The designated offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stats. § 301.45 before the effective date of the ordinance from which this chapter is derived.

(2)

The designated offender is a minor and is not required to register under Wis. Stats. §§ 301.45 or 301.46.

(3)

The school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Village as a place where children are known to congregate within 2,000 feet of the designated offender's permanent residence was opened after the designated offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stats. § 301.45.

(4)

The residence is also the primary residence of the designated offender'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.