

Chapter 282

SEX OFFENDER RESIDENCY

§ 282-1. Definitions.

§ 282-2. Sexual offender residence.

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[HISTORY: Adopted by the Village Board of the Village of Black Creek 10-9-2007 (Title 9, Ch. 4, § 9-4-3, of the 1987 Village Code). Amendments noted where applicable.]

§ 282-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CHILD — A person under the age of 16.

DESIGNATED OFFENDER — Any person who is required to register under § 301.45, Wis. Stats., for any sexual offense against a child or any person who is required to register under § 301.45, Wis. Stats., and who has been designated a special bulletin notification (SBN) sex offender pursuant to § 301.46(2) and (2m), Wis. Stats.

MINOR — A person under the age of 17.

PERMANENT RESIDENCE — A place where a person abides, lodges, or resides for 14 or more consecutive days.

RESTRICTED ZONE — These are areas designated by the Village Board to be areas where children can and will congregate to play, worship, or learn. This zone will be an area of 2,000 feet from any area where children are known to congregate for reasons of play, worship or learning.

TEMPORARY RESIDENCE — A place where a person abides, lodges, or resides for a period of 14 days 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.

§ 282-2. Sexual offender residence.

- A. Prohibited location of residence. It is unlawful for any designated offender or predator to establish a permanent residence or a temporary residence within 2,000 feet of any school, park, trail, playground, licensed day-care center, place of worship or any other place to designated by the Village as a place where children are known to congregate or gather.
- B. Measurement of distance/identification of areas. For the purpose 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 the temporary residence

to the nearest property line of a school, park, trail, playground, licensed day-care center, place of worship or any other place designated by the Village where children are known to congregate or gather.

- C. Penalties. A person who violates this section shall be punished by a forfeiture as provided in § 1-4, General penalty, of Chapter 1, General Provisions. Each day a person maintains a residence in violation of this chapter constitutes a separate violation. The Village further maintains the right to seek equitable relief to have the violator removed from the prohibited area. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- D. Exceptions A designated offender residing within a prohibited area as defined above does not commit a violation of this section if any of the following apply:
- (1) The person established the permanent residence or temporary residence and both reported and registered said residence pursuant to § 301.45, Wis. Stats., before the effective date of this chapter.
 - (2) The person is a minor and is not required to register under § 301.45 or 301.46, Wis. Stats.
 - (3) The school, park, trail, playground, licensed day-care center, place of worship or any other place so designated by the Village where children are known to congregate or gather which is located within 2,000 feet of the person's residence was opened after the person established the permanent or temporary residence and duly reported and registered the residence pursuant to § 301.45, Wis. Stats.
 - (4) The residence is also the primary residence of the person's parents, grandparents, sibling, spouse or children, provided that such parent, grandparents, sibling, spouse, or child established the residence at least two years before the designated offender established residence at the location.

§ 282-3. Property owners prohibited from renting real property.

- A. It is unlawful to let or to rent any place, structure or part thereof, trailer, or other conveyance with the knowledge that it will be used as a permanent residence or as a temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this chapter, if such place, structure or part thereof, trailer or other conveyance is located within a prohibited location zone (child safe zone) as described earlier in this chapter.
- B. A property owner's failure to comply with the provision of this section shall constitute a violation of said section and shall subject the property owner to the Code enforcement provisions as provided and described in this chapter.

§ 282-4. Appeal.

The above requirement may be waived or modified upon approval of the Village Board of Trustees through written appeal by the affected parties to the Village Clerk-Treasurer. The Village Board, with input and reports provided by the Police Department, shall convene at its

next regularly scheduled meeting in closed session to consider the public interest as well as the interests of the affected party in deciding if the provisions herein should be waived or modified.