

SEXUAL OFFENDER PLACEMENT ORDINANCE
CITY OF EAGLE RIVER
Ordinance Number 531
Ordinance Regarding the Placement of Sex Offenders.

Section I. Purpose and Intent.

WHEREAS, the City of Eagle River, Vilas County, Wisconsin, is a family oriented community which highly values its children and is a place that families with young children find highly desirable; and

WHEREAS, the City of Eagle River desires to afford the citizens of the City of Eagle River protection from sexual predators, sexually violent predators and sexual offenders, to the maximum extent allowed by controlling law, in order to advance public health, safety and welfare, and to benefit the citizens of the City; and

WHEREAS, the City of Eagle River has determined it is necessary to regulate and restrict the number of sexual predators, sexually violent predators and sexual offenders, from residing at the same location; and

WHEREAS, the City Council of the City of Eagle River finds sex offenders who are required to register as sexual predators under Wisconsin Statute present an extreme threat to the health, safety and welfare of children; and

WHEREAS, it is the intent of this Ordinance to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas and locations where children regularly congregate where registered sex offenders and sexual predators are prohibited from loitering and/or prohibited from establishing temporary or permanent residency.

NOW, THEREFORE, the City Council of the City of Eagle River, Vilas County, Wisconsin, does hereby ordain as follows:

Section II. Definitions.

1. Registered Sexual Offender – As defined in section 51.375 (1)(d) Wis. Stats., which defines persons who have been convicted of sexual offenses and are required to register with the State of Wisconsin and who have been ordered to be placed under supervision of the Wisconsin Department of Corrections under Chapter 980 Wis. Stats., or the Administrative Code Provisions which implement Chapter 980 Wis. Stats., or any successor Statute or Chapter 980 Wis. Stats.
2. Temporary Residence – Any place where a person may abide, lodge or reside but is not that person's permanent residence.

3. Permanent Residence – Any place where a person may abide, lodge or reside for a period of fourteen (14) or more consecutive days.

4. Child Safety Zone – Means areas whether public or privately owned and which provide facilities or attractions to children, whether intended to provide such attractions or not which, because of the nature of the area, is an area where children are likely to be attracted to, or being a place where children congregate whether regularly or irregularly. Examples of these areas, but not limited to, are; parks, daycare facilities (licensed or not), boat landings, city hall or city property open for the purpose of a park, and any businesses which are open to the public in which children are brought by their parents, guardians or relatives.

5. Loiter – Means standing, sitting idly, whether or not the person is in a vehicle or remaining in or around an area.

6. Child – Means a person who is less than 18 years of age.

Section III. Sexual Offender Prohibition.

1. It is unlawful for any Registered Sexual Offender to abide, lodge or reside in a permanent or temporary residence located within the City of Eagle River, when such residence is located within 2000 feet of any Child Safety Zone.

2. It is unlawful for more than one Registered Sexual Offender to abide, lodge or reside, whether permanently or temporarily, in any permanent or temporary residence located in the City of Eagle River.

3. Any Registered Sexual Offender having a permanent residence within 2000 feet of any Child Safety Zone, as defined herein, does not commit a violation of this Section if:

a. The Registered Sexual Offender established the permanent residence prior to the effective date of this Ordinance unless required to abandon that permanent residence. Any new permanent residence must be at a location that is not within 2000 feet of any Child Safety Zone.

b. The Registered Sexual Offender was a minor when committing the offense causing designation as a Registered Sexual Offender, and was not sentenced as an adult for that offense.

c. The Registered Sexual Offender resides with his/her parents.

d. The Registered Sexual Offender is confined at the Vilas County Jail.

4. No Registered Sexual Offender shall enter on, or remain within the 2000 foot buffer zone surrounding a Child Safety Zone except to;

a. Attend a scheduled meeting with an attorney who is recognized as a licensed attorney with the State Bar Association.

b. Attend a scheduled meeting with probation or parole agent of the Wisconsin Department of Corrections or be at an appointed place and time as directed by a probation or parole agent of the Wisconsin Department of Corrections.

c. Attend a scheduled interview with a social service provider.

d. Comply with a request or a Court Order from the judiciary.

e. Attend church services or church functions.

f. Attend to familial or parental obligations.

Section IV. Enforcement.

1. The City may pursue any enforcement action or legal remedy available under controlling state law and any legal remedy available to the City to terminate any violation of this Ordinance. In addition, any person or organization or governmental entity violating this Ordinance shall be ordered to forfeit an amount as required by the City Bond Schedule and each day of continued violation and non-compliance shall constitute a separate offense.

2. The City, or its designee, shall issue a citation alleging the offense of this ordinance and deliver it to the person, organization or governmental entity which is alleged to have violated this Ordinance.

3. No sexual offender, registered sexual offender, sexual predator or any person under the supervision of the State of Wisconsin Department of Corrections, pursuant to Chap. 980 Wis. Stats., shall be placed, take, or maintain residence in the City of Eagle River unless the City Council has been given sixty (60) days written notice and such placement complies with this ordinance.

Section V. Measurement.

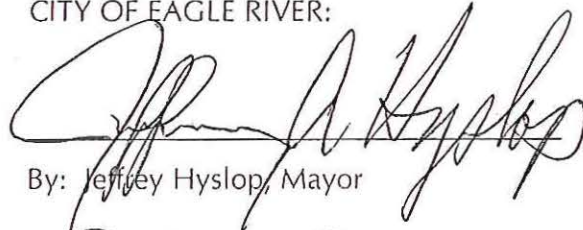
1. Measurement of distance. For the purpose of measuring the separation of the residence from the Child Safety Zone, all distances shall be measured from the outer-most property line of the parcel upon which the residence is located running in a direct line to the outer-most property line of the Child Safety Zone.

Section VI. Severability.


1. If any Section, subdivision, sentence, clause, phrase or portion of this Ordinance is held invalid by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance.

Dated this 7th day of July, 2015.

CITY OF EAGLE RIVER:



By: Jeffrey Hyslop, Mayor



By: Debra A. Brown, Clerk

Date adopted: 7-7-15

Date published: 7-15-15

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