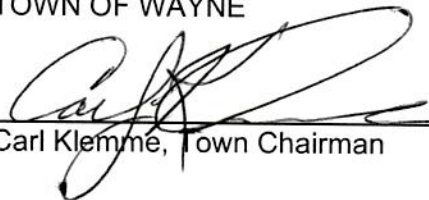


SECTION 4: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its passage and posting/publication as provided by law.

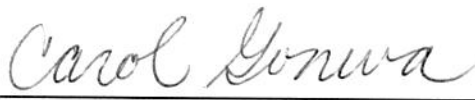
PASSED and ADOPTED this 21 day of December, 2022

TOWN OF WAYNE



Carl Klemme, Town Chairman

Attest:



Carol Gonwa, Town Clerk

Exhibit A

SECTION 1: SEX OFFENDER REGULATIONS

(1) Purpose. This Section is a regulatory measure aimed at protecting the health and safety of children in the Town of Wayne from the risk that convicted sex offenders may re-offend in locations close to their residences. The Town has closely considered this question and had made numerous findings and expressions of intent within the preamble to the Ordinance which adopts this Code Section which are incorporated herein by reference. 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 sexual assault. The Town finds and declares that sex offenders who prey upon children are a serious threat to public safety. 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, day-care center\$ and other places children frequent such as public parks.

(2) Definitions.

Child means a person under the age of 18.

Child Safety Location means the site upon which any of the following are located without regard to whether such site is located within the geographic limits of the Town of Wayne:

1. Facility for children;
2. Group home, as defined in Wis. Stat. sec. 48.02(7);
3. Library, that is held open for use by the public;
4. Licensed day care center as defined in Wis. Stat. sec. 48.65;
5. Public or private primary, elementary, secondary, middle, junior high, or high school;
6. Recreational trail, playground or park;
7. Specialized school for children, including, without limitation, a gymnastics academy, dance academy, or music school; the Schoenstatt Retreat Center is a specialized school;
8. Swimming pool, wading pool, or aquatic facility held open for use by the public;
9. A public or private golf course or range;
10. Church or places of worship;
11. Movie theater; and
12. Wayne Town Hall.

Child Safety Zone means any place within the Town that is physically located within two thousand, five-hundred feet (2,500') of any Child Safety Location.

~~*Crime against children* shall mean 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 where the victim is a child:~~

~~Sec.940.225(1) First Degree Sexual Assault; Sec.940.225(2) Second Degree Sexual Assault; Sec.940.225(3) Third Degree Sexual Assault;~~

~~Sec.940.30 False Imprisonment-victim was minor and not the offender's child;~~

~~Sec.940.31 Kidnapping-victim was minor and not the offender's child; Sec.948.02(1) First Degree Sexual Assault of a Child;~~

~~Sec.948.02(2) Second Degree Sexual Assault of a Child;~~

~~Sec.948.025 Engaging in repeated Acts of Sexual Assault of the Same Child;~~

~~Sec.948.05 Sexual Exploitation of a Child;~~

~~Sec.948.055 Causing a Child to View or Listen to Sexual Activity; Sec.948.06 Incest with a Child;~~

~~Sec.948.07 Child Enticement;~~

~~Sec.948.075 Use of a Computer to Facilitate a Child Sex Crime; Sec.948.08 Soliciting a Child for Prostitution;~~

~~Sec.948.095 Sexual Assault of a Student by a School Instructional Staff; Sec.948.11(2)(a) or (am) Exposing Child to Harmful Material-felony sections;~~

~~Sec.948.12 Possession of Child Pornography~~

Domicile means an individual's fixed and permanent home where the individual intends to remain permanently and indefinitely and to which whenever absent the individual intends to return provided, however, that no individual may have more than one domicile at any time. Domicile does not include a residence for any special or temporary purpose.

Dwelling means any building, structure or part that shall be used as a home or place of abode by one or more persons.

Dwelling unit means any individual apartment, structure or room used as a place of abode by one or more persons.

Residence means the place where a person abides, lodges or resides, which may include more than one location, and may be mobile or transitory.

Sex Offender means:

1. Any person who is required to register under §301.45, Wis. Stats., for any offense against a child or any person who is required to register under §301.45, Wis. Stats., and who is subject to the Special Bulletin Notification process set forth in §301.46(2) and (2m), Wis. Stats.;
2. Any person subject to the sex crimes commitment provisions of §975.06, Wis. Stats.;
3. Any person found not guilty by reason of disease or mental defect placed on lifetime supervision under §971.17(1j), Wis. Stats.

Specialty School means any specialized school which teaches subjects such as, but not limited to, dance, gymnastics, music, or martial arts.

Temporary Residence means 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 domicile.

(3) Residency Restriction.

(a) 2,500 foot Requirement. ~~Subject to the exceptions in Section 3(c), No Sex Offender person who has been convicted of or been found not guilty by reason of a mental defect or disease of a crime against children~~ may reside within 2,500 feet of real property used for any of the following:

- (1) Any facility for children, including public, private or specialty schools; a group home, as defined in Sec.48.02(7), Stats.; a residential care center for children and youth, as defined in Sec.48.02(1Sd), Stats.; a shelter care facility, as defined in Sec.48.02(17), Stats.; a foster home, as defined in Sec.48.02(6) , Stats.; a treatment foster home, as defined in Sec.48.02(17q), Stats.; a day-care center licensed under Sec.48.65, Stats.; a day- care program established under Sec.120.12(14), Stats.; a day care provider ce11ified under Sec.48.651, Stats.; or a youth center, as defined in Sec.961.0 l(22), Stats.
- (2) Any facility used for a public park, aquatic facility, library, multi -use recreational trail, playground, or athletic field. The distance shall be measured from the closest boundary line of the real property supporting the residence of a person to the closest real property boundary line of the applicable above enumerated use(s). The facility from which the distance is measured may be outside the Town limits if known to and identified by the Town, however, the residency restriction applies only within the Town. A map depicting the above-enumerated uses and the resulting residency restriction distances, as amended from time-to-time, is on file in the Office of the Town Clerk for public inspection.

(3) Exceptions. A Sex Offender person residing within 2,500 feet of the real property comprising any of the uses enumerated above, does not commit a violation if any of the following apply:

- (a) The Sex Offender person established a residence prior to the effective date of this Ordinance.
- (b) Such enumerated use is established or located after such effective date.
- (c) The Sex Offender person is a minor or ward under guardianship living with their parent or guardian.

(b) Original Domicile. ~~No Sex Offender person who has been convicted of a crime against children shall be permitted to reside in the Town of Wayne if such person was not domiciled in the Town of Wayne at the time of their offense resulting in the Sex Offender person's most recent conviction for committing the crime against children.~~ The original domicile restriction shall only apply to Sex Offenders whose applicable crimes or offenses were committed after [Clerk to insert date] when an original domicile restriction was first enacted..