

TOWN OF NORRIE, MARATHON COUNTY, WISCONSIN
ORDINANCE: SEX OFFENDER RESIDENCY RESTRICTIONS

Ordinance 2022 – 2 “Sex Offender Residency Restrictions”

The Town Board of Norrie (hereafter, “Board” and “Town”), Marathon County, Wisconsin does hereby create local residency restrictions for sex offenders (hereafter, “Ordinance”) to address a compelling interest in protecting the public.

1. A Sex Offender (*see definitions*) may not reside or otherwise be placed into a residence that is less than 1,500 feet from any school premises, child care facility, place of worship, youth center, nursing home, or public place such as parks, beaches, libraries, recreational trails, or town halls (*hereafter and collectively, “Prohibited Areas”*).

2. To the extent allowed under Wisconsin state law and allowing for certain exceptions as set forth in the Ordinance, no Sex Offender shall be permitted to reside in the Town unless such person was living in the Town at the time of the offense resulting in the person’s most recent Sex Offense (*see definitions*) conviction.

Wisconsin State Statutes

Certain sections of Chapter 980 of the Wisconsin State Statutes set forth specific restrictions and prohibitions relating to the residency of a Sexually Violent Person (SVP) (*see definitions*).

Per Chapter 980, no county, city, town, or village may enforce an ordinance or resolution that restricts or prohibits a Sex Offender from residing at a certain location or that restricts or prohibits a person from providing housing to a Sex Offender if the Sex Offender is:

1. Subject to supervised release under Chapter 980
2. Residing where he or she is ordered, and
3. In compliance with all court orders issued under Chapter 980.

Definitions

Residency

Residency is defined as the voluntary concurrence of physical presence with intent to remain in a place of fixed habitation, and physical presence shall serve as unambiguous evidence of intent to remain.

Sexually Violent Person

A Sexually Violent Person (SVP) is defined under Wisconsin's State Statute, Chapter 980.135 as an individual who has committed a violent sexual offense by reason of insanity or mental defect, and who is dangerous because he or she suffers from a mental disorder that makes it likely that the person will engage in one or more acts of sexual violence.

Sex Offense and Sex Offender

A Sex Offense is defined as a sexually violent or non-violent crime and/or illegal acts against a child.

A Sex Offender is one who has committed and been convicted of a Sex Offense. A Sex Offender under this Ordinance includes, but is not limited to, a SVP.

Exceptions

Grandfather Clause

A Sex Offender is exempt from the Ordinance if the person is out of compliance immediately upon the Ordinance's coming into effect. If that person moves, he or she loses his or her grandfather status and all future locations must be in compliance with the Ordinance.

Subsequent Establishment of a Prohibited Area

A Sex Offender is not in violation of the Ordinance if any of the Prohibited Areas are formed after the person had already established residency or was otherwise placed into a residence.

Living with Family Members

A Sex Offender is not in violation of the Ordinance if he or she establishes residency in the home of a close relative, including, but not limited to, parents, adult children (over age 25), grandparents, siblings, cousins, aunts, and uncles.

Other

Any other reasonable grounds for additional exception(s) may be presented to the Board for its consideration. If accepted, the Ordinance may be amended accordingly.

State Law Takes Precedence

In the event any conflict exists between the provision(s) of the Ordinance and Wisconsin state statutes, Wisconsin state law shall prevail.

Village Powers

Only towns that have been granted village powers by a majority of the electors may pass a sexual offender ordinance. The Board was granted or otherwise re-affirmed its existing village powers by a majority vote of the eligible electors voting at a special town meeting (with notice) on October 10, 2022.

Full Force and Effect

This ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

Town Board, Town of Norrie

By: Alfred E. King
Alfred E. King, Chairman

Sid King
Sid King, Supervisor

Robert J Strupp
Robert J Strupp, Supervisor

Attest

By: Carla King
Carla King, Clerk

Adopted and Published

Adopted Date: December 12, 2022

Published Date: December 12, 2022