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**AGENDA**  
**PUBLIC SAFETY & WELFARE COMMITTEE**  
**VILLAGE OF SUSSEX**  
**5:00 P.M. TUESDAY, NOVEMBER 9, 2021**  
**SUSSEX CIVIC CENTER – COMMITTEE ROOM 2<sup>nd</sup> FLOOR**  
**N64W23760 MAIN STREET**

Pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a meeting of a Village Committee, at which a quorum of the Village Board may attend in order to gather information about a subject which they have decision making responsibility. The meeting will be held at the above noted date, time and location. Notice of Village Board Quorum, (Chairperson to announce the following if a quorum of the Village Board is in attendance at the meeting: Please let the minutes reflect that a quorum of the Village Board is present and that the Village Board members may be making comments under the Public Comments section of the agenda, during any Public Hearing(s) or if the rules are suspended to allow them to do so.)

1. Roll call
2. Consideration and possible action on minutes from meeting of June 15, 2021.
3. Discussion and possible action on Police Items:
  - A. Traffic Study Program
  - B. Ordinance 879 to Repeal and Recreation Subsection 9.09(21) Entitled “SEXUAL OFFENDER RESIDENCY RESTRICIONS, CHILD SAFETY ZONES” OF THE VILLAGE OF SUSSEX MUNICIPAL CODE
  - C. Police Chief’s Report
4. Discussion and possible action on Fire Items
  - A. Fire Chief’s Report
5. Adjournment.

Chairperson

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Jeremy Smith  
Village Administrator

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Jeremy Smith at 246-5200.

**DISCLAIMER- THE FOLLOWING ARE DRAFT MINUTES FROM  
THE PUBLIC SAFETY AND WELFARE COMMITTEE AND ARE  
SUBJECT TO CHANGE UPON APPROVAL OF THE VILLAGE BOARD**

**VILLAGE OF SUSSEX  
SUSSEX, WISCONSIN**

**Minutes of the Public Safety and Welfare Committee of  
June 15, 2021**

**1. Roll Call:**

The meeting was called to order at 6:00 p.m. at the Civic Center.

Members present: Ron Wells, Ben Jarvis, Stacy Riedel, and Martin Lastrilla.

Also present: Assistant Village Administrator Kelsey McElroy, Fire Chief Kris Grod, Director of Police Services Lisa Panas, Trustee Greg Zoellick, President Anthony LeDonne, and members of the press and public.

A quorum of the Village Board was present at the meeting.

**2. Consideration and possible action on minutes:**

A motion by Jarvis, seconded by Lastrilla, to approve the April 20, 2021 minutes as presented.

Motion carried 4-0.

**3. Police Items:**

**A. Police Chief's Report**

Captain Panas summarized the report included in the meeting packet.

**5. Fire Items:**

**A. Fire Chief's Report**

Chief Grod summarized the report included in the meeting packet.

**5. Adjournment**

A motion by Lastrilla, seconded by Jarvis to adjourn the meeting at 6:33 p.m.

Motion carried 4-0.

Respectfully submitted,

Kelsey McElroy-Anderson  
Assistant Village Administrator

# Village of Sussex

## Speed Study

August 2021

Waukesha County NE Substation  
Captain Lisa Panas  
Lieutenant Cory Farrell

### IDENTIFYING ISSUE

Vehicles speeding through neighborhoods is one of the most common issues that residents bring to village officials and law enforcement. Excessive speed endangers both lives and property and is a legitimate concern. It is difficult to accurately estimate the speed of moving autos without training. Many times data collected reveals that the speeding problem is not as extensive as residents think. In certain circumstances though, increased enforcement and other strategies are needed.



### DATA COLLECTION AND SPEED STUDY

We regularly conduct speed studies using an inconspicuous radar device - *Jamar, Black Cat II*. Data collected by this radar recorder provides our department with an accurate representation of driver habits and results are free of physical cues that may influence driver behavior. Devices visible to citizens many times affect driver habits, temporarily decrease speeds and are not representative of actual driver behavior. Many times the factual data collected from our studies do not support the perception that there is widespread speeding.



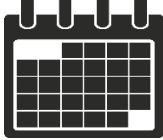








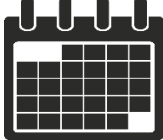




### TRAFFIC CALMING AND DRIVER FEEDBACK



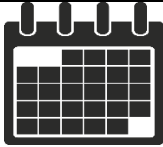




When our data reveals vehicle speed exceeds tolerance levels we utilize different tactics to deter this behavior. In an effort to alter driver behavior and improve overall conditions, we use visible deterrents such as speed trailers, speed board and marked squad cars to slow drivers in the area of concern. Speed trailers and boards are a physical reminder that provides instant driver feedback and driver education to help reduce vehicle speeds and improve safety for pedestrians and cyclists.



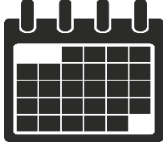




We will continue to conduct speed studies and provide accurate, factual information to citizens. When high speeds are recognized we will use other deterrent tactics.



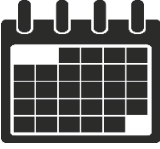



# SUSSEX STUDY RESULTS


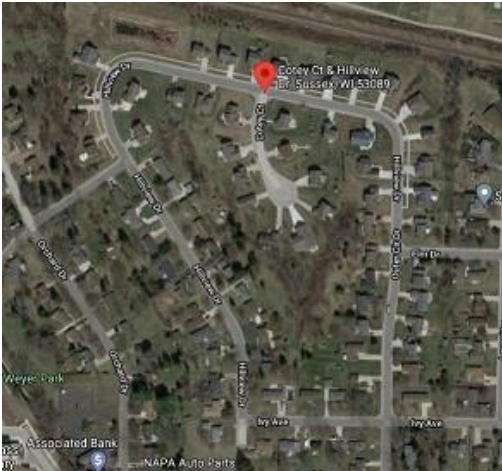
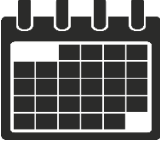



<p><b>LOCATION</b></p> <p>Ivy Ave At Westchester Dr</p>		
<p><b>TIME PERIOD</b></p> <p>09/05/2021 To 09/13/2021</p>		
<p><b>VEHICLES ANALYZED</b></p> <p>4,421</p>		<p><b>POSTED SPEED LIMIT</b></p> 
<p><b>TOTAL ENFORCABLE</b></p> <p>63 ~ 1%</p>		<p><b>AVERAGE SPEED</b></p> 

<p><b>LOCATION</b></p> <p>Craven Drive At Michele Lane</p>		
<p><b>TIME PERIOD</b></p> <p>August 29, 2021 To September 5, 2021</p>		
<p><b>VEHICLES ANALYZED</b></p> <p>1,418</p>		<p><b>POSTED SPEED LIMIT</b></p> 
<p><b>TOTAL ENFORCABLE</b></p> <p>6 ~ 0%</p>		<p><b>AVERAGE SPEED</b></p> 


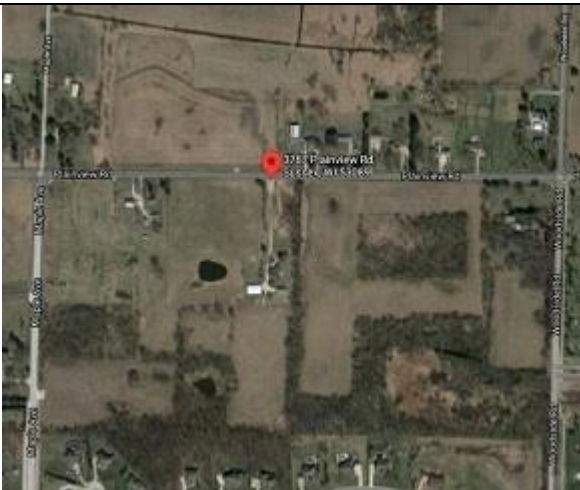
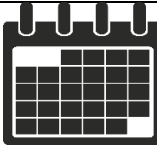




<b>LOCATION</b> Braddock Place At Field Drive	 
<b>TIME PERIOD</b> August 22, 2021 To August 29, 2021	
<b>VEHICLES ANALYZED</b>  <b>1,427</b>	<b>POSTED SPEED LIMIT</b>  
<b>TOTAL ENFORCABLE</b>  <b>5 ~ 0%</b>	<b>AVERAGE SPEED</b>  


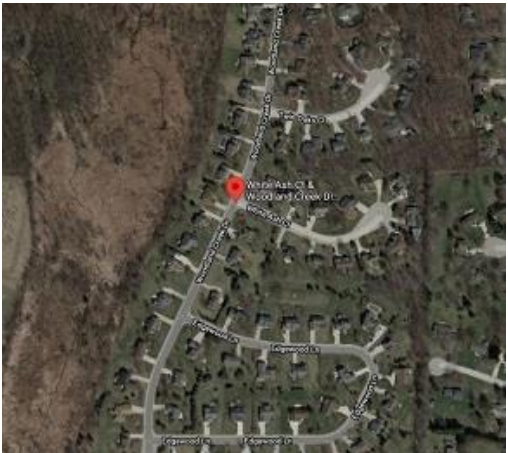
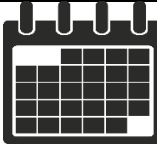




<b>LOCATION</b> Hidden Oaks Dr At Majestic Heights Trl	 
<b>TIME PERIOD</b> August 11, 2021 To August 22, 2021	
<b>VEHICLES ANALYZED</b>  <b>1,831</b>	<b>POSTED SPEED LIMIT</b>  
<b>TOTAL ENFORCABLE</b>  <b>5 ~ 0%</b>	<b>AVERAGE SPEED</b>  



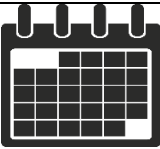


<b>LOCATION</b> Elm Dr At Kneiske Dr	 
<b>TIME PERIOD</b> August 4, 2021 To August 11, 2021	
<b>VEHICLES ANALYZED</b>  <b>1,859</b>	<b>POSTED SPEED LIMIT</b> 
<b>TOTAL ENFORCABLE</b>  <b>7 ~ 0%</b>	<b>AVERAGE SPEED</b>  



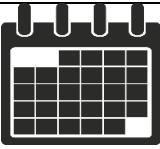


<b>LOCATION</b> Hillview Rd at Cotey Ct	 
<b>TIME PERIOD</b> April 23, 2021 To May 3, 2021	
<b>VEHICLES ANALYZED</b>  <b>1,553</b>	<b>POSTED SPEED LIMIT</b> 
<b>TOTAL ENFORCABLE</b>  <b>12 ~ 1%</b>	<b>AVERAGE SPEED</b>  





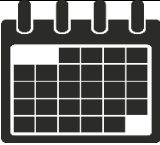




<p><b>LOCATION</b></p> <p>Plainview Rd Between Maple Ave and Woodside Rd</p>	 
<p><b>TIME PERIOD</b></p> <p>April 15, 2021 To April 23, 2021</p>	
<p><b>VEHICLES ANALYZED</b></p> <p>15,667</p>	<p><b>POSTED SPEED LIMIT</b></p>  
<p><b>TOTAL ENFORCABLE</b></p> <p>892 ~ 6%</p>	<p><b>AVERAGE SPEED</b></p>  



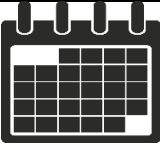




<p><b>LOCATION</b></p> <p>Woodland Creek Dr At White Ash Ct</p>	 
<p><b>TIME PERIOD</b></p> <p>June 21, 2021 To June 30, 2021</p>	
<p><b>VEHICLES ANALYZED</b></p> <p>4,918</p>	<p><b>POSTED SPEED LIMIT</b></p>  
<p><b>TOTAL ENFORCABLE</b></p> <p>262 ~ 5%</p>	<p><b>AVERAGE SPEED</b></p>  


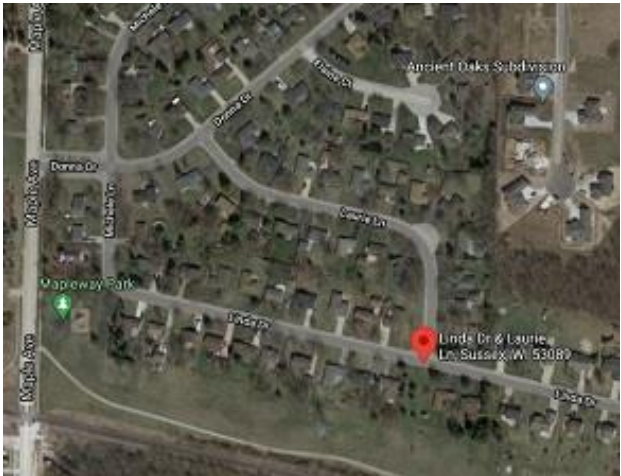
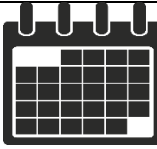


<p><b>LOCATION</b></p> <p>Woodside Rd At S Ridgeview Circle</p>	 
<p><b>TIME PERIOD</b></p> <p>May 4, 2021 To May 9, 2021</p>	
<p><b>VEHICLES ANALYZED</b></p> <p>11,307</p>	<p><b>POSTED SPEED LIMIT</b></p> 
<p><b>TOTAL ENFORCABLE</b></p> <p>627 ~ 6%</p>	<p><b>AVERAGE SPEED</b></p> 



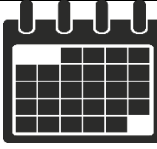


<p><b>LOCATION</b></p> <p>Woodside Rd At S Ridgeview Circle</p>	 
<p><b>TIME PERIOD</b></p> <p>February 16, 2019 To February 23, 2019</p>	
<p><b>VEHICLES ANALYZED</b></p> <p>17,397</p>	<p><b>POSTED SPEED LIMIT</b></p> 
<p><b>TOTAL ENFORCABLE</b></p> <p>3,733 ~ 21%</p>	<p><b>AVERAGE SPEED</b></p> 



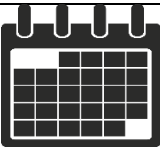








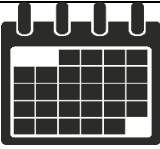




<p><b>LOCATION</b></p> <p>Pine Terrace At Sumac Lane</p> 	
<p><b>TIME PERIOD</b></p> <p>November 12, 2020 To November 25, 2020</p> 	
<p><b>VEHICLES ANALYZED</b></p> <p>6,814</p> 	<p><b>POSTED SPEED LIMIT</b></p> 
<p><b>TOTAL ENFORCABLE</b></p> <p>78 ~ 1%</p> 	<p><b>AVERAGE SPEED</b></p> 



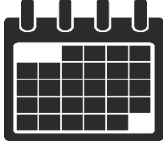



<p><b>LOCATION</b></p> <p>Maple Ave At Poplar Ave</p> 	
<p><b>TIME PERIOD</b></p> <p>July 15, 2019 To July 25, 2019</p> 	
<p><b>VEHICLES ANALYZED</b></p> <p>35,618</p> 	<p><b>POSTED SPEED LIMIT</b></p> 
<p><b>TOTAL ENFORCABLE</b></p> <p>130 ~ .03%</p> 	<p><b>AVERAGE SPEED</b></p> 



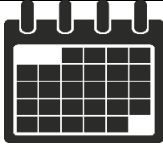



<p><b>LOCATION</b></p> <p>Linda Drive At Laurie Lane</p>	 
<p><b>TIME PERIOD</b></p> <p>Sept 16, 2018 To Sept 23, 2018</p>	
<p><b>VEHICLES ANALYZED</b></p> <p>5961</p>	<p><b>POSTED SPEED LIMIT</b></p> 
<p><b>TOTAL ENFORCABLE</b></p> <p>799 ~ 13%</p>	<p><b>AVERAGE SPEED</b></p> 

<p><b>LOCATION</b></p> <p>Linda Drive At Laurie Lane</p>	 
<p><b>TIME PERIOD</b></p> <p>March 14, 2019 To March 24, 2019</p>	
<p><b>VEHICLES ANALYZED</b></p> <p>5447</p>	<p><b>POSTED SPEED LIMIT</b></p> 
<p><b>TOTAL ENFORCABLE</b></p> <p>981 ~18%</p>	<p><b>AVERAGE SPEED</b></p> 

<p><b>LOCATION</b></p> <p>Ivy Ave At Grogan Dr</p>	 
<p><b>TIME PERIOD</b></p> <p>January 26,2020 To February 1, 2020</p>	
<p><b>VEHICLES ANALYZED</b></p> <p>4,804</p>	<p><b>POSTED SPEED LIMIT</b></p>  
<p><b>TOTAL ENFORCABLE</b></p> <p>83 ~ 1.7%</p>	<p><b>AVERAGE SPEED</b></p>  

<p><b>LOCATION</b></p> <p>Craven Drive At Michele Lane</p>	 
<p><b>TIME PERIOD</b></p> <p>February 8, 2019 To February 15,2019</p>	
<p><b>VEHICLES ANALYZED</b></p> <p>1,173</p>	<p><b>POSTED SPEED LIMIT</b></p>  
<p><b>TOTAL ENFORCABLE</b></p> <p>11</p>	<p><b>AVERAGE SPEED</b></p>  

<b>LOCATION</b> Braddock Place At Field Drive	 
<b>TIME PERIOD</b> June 11, 2018 To June 13, 2018	
<b>VEHICLES ANALYZED</b>  <b>341</b>	<b>POSTED SPEED LIMIT</b> 
<b>TOTAL ENFORCABLE</b> <b>0 ~ 0%</b>	<b>AVERAGE SPEED</b>  

<b>LOCATION</b> Hidden Oaks Dr At Majestic Heights Trl	 
<b>TIME PERIOD</b> June 16, 2018 To June 29, 2018	
<b>VEHICLES ANALYZED</b>  <b>687</b>	<b>POSTED SPEED LIMIT</b> 
<b>TOTAL ENFORCABLE</b> <b>0 ~ 0%</b>	<b>AVERAGE SPEED</b>  

## References

“JAMAR Radar Recorders.” Iowa Local Technical Assistance Program, [iowaltap.iastate.edu/radar-recorders/](http://iowaltap.iastate.edu/radar-recorders/).

“Traffic Calming to Slow Vehicle Speeds.” *U.S. Department of Transportation*, [www.transportation.gov/mission/health/Traffic-Calming-to-Slow-Vehicle-Speeds](http://www.transportation.gov/mission/health/Traffic-Calming-to-Slow-Vehicle-Speeds).



STATE OF WISCONSIN      VILLAGE OF SUSSEX      WAUKESHA COUNTY

ORDINANCE NO. 879

AN ORDINANCE TO REPEAL AND RECREATE SUBSECTION 9.09(21) ENTITLED  
SEXUAL OFFENDER RESIDENCY RESTRICIONS, CHILD SAFETY ZONES OF THE  
VILLAGE OF SUSSEX MUNICIPAL CODE.

WHEREAS, from time to time Ordinances need to be refreshed to reflect best practices and updated information; and

WHEREAS, the Village of Sussex has an Ordinance with Respect to Sexual Offender Residency Restrictions and Child Safety Zones, which has not been reviewed since 2017; and

WHEREAS, the Village of Sussex has determined some updates are necessary for public safety and to be consistent with guidance from the Village Attorney, current knowledge of effectiveness of sex offender restrictions, reports, data and court decisions, and

WHEREAS, the Village of Sussex deems it a priority to act in the interest of public safety and welfare of the community and children in the Village, and

WHEREAS, Sexual Offender Ordinances are a complex balance of specific fact sets, rights of individuals, real and perceived threats of safety to the public, and economic impacts for individuals and the community, and

WHEREAS, according to the U.S. Department of Justice, there are a record number of convicted sex offenders living in our communities<sup>1</sup> and convicted child sex offenders have been proven to be dangerous<sup>2</sup>; and

WHEREAS, research in this area has established sex offenders are rearrested for sex crimes four times more frequently than non-sex offenders<sup>3</sup> while the reduction of crime and criminal recidivism are inextricably linked to public safety within our community; and

WHEREAS, the risks posed by sex offenders against children, are nationally recognized in such landmark legislation as the 1994 Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act; 1996 Megan's Laws; and the 2006 Adam Walsh Child Protection and Safety Act; and these risks are also recognized by legislation in every State in the United States of America including Wisconsin; and

<sup>1</sup> Sex Offender Management Assessment and Planning Initiative, July 2015, *"This includes offenders returning to the community upon release from incarceration as well as offenders who are serving or who have been discharged from community-based sentences.,*

<sup>2</sup> Kester, 2013 WI App 50, 30.

<sup>3</sup> Sex Offender Management Assessment and Planning Initiative, July 2015, Langan, P., Schmitt, E., & Durose, M. (2003). *Recidivism of Sex Offenders Released from Prison in 1994.*

WHEREAS, the Village finds that the data concerning child sex offenders is horrific and demonstrates the need for action, including the following<sup>4</sup>:

- "sex crimes are unfortunately fairly common in the United States."
- "It is estimated that one in every five girls and one in every seven boys are sexually abused by the time they reach adulthood."
- "Children are particularly vulnerable. Approximately 67% of all victims of reported sexual assaults are under the age of 18, and more than half of these victims are under the age of 12."
- "Most sexual offenses are committed by someone the victim knows or acquaintance."
- "No single factor or combination of factors can fully explain why someone offends sexually, though some factors may combine to increase people's tendency to offend. These factors are ... [physiological, sociocultural, developmental] and situational/circumstantial (e.g. having easy access to victims...)."
- "About 12% to 24% of sex offenders will reoffend."

WHEREAS, the Village also finds these statistics of the U.S. Department of Justice to be shocking and a call to action<sup>5</sup>:

- "Approximately 1.8 million adolescents in the United States have been victims of sexual assault."
- "An estimated 60% of perpetrators of sexual abuse are known to the child but are not family members, e.g. family friends, babysitters, child care providers, neighbors."

WHEREAS, in September of 2015 the Wisconsin Department of Corrections conducted an extensive study of sex offender recidivism between 1997-2010 and found that in total there were 631 instances (4.9% of all releases) of sexual re-offending, and the top two types of re-offense were second degree sexual assault of a child (103 offenses), first degree sexual assault of a child (100 offenses); and within the top 10 re-offenses also were sex with a child ages 16 or older (46 offenses) and repeated sexual assault of the same child (33 offenses); and the study concludes that of all the repeat offenses committed by sex offenders, "sex offenses that specifically reference children represent a greater proportion of the whole;"<sup>6</sup>

WHEREAS, data within the Village is not a large enough sample size for statistical analysis, however, there is no reason to believe the outcomes would be different in the Village than were demonstrated statewide by the Department of Corrections data; and

<sup>4</sup> Center for Sex Offender Management (CSOM) statistics. CSOM is a collaborative effort of the U.S. Department of Justice, Office of Justice Programs, the National Institute of Corrections, the State Justice Institute, and the American Probation and Parole Association, and these quoted statistics are from its "Fact Sheet: What You Need to Know about Sex Offenders".

<sup>5</sup> U.S. Department of Justice, National Sex Offender Public Website "Facts and Statistics"

<sup>6</sup> Joseph R. Tatar II, Ph.D. and Anthony Streveler, M.S.W., Sex Offender Recidivism After Release from Prison, Office of the Secretary, Research and Policy Unit. State of Wisconsin Department of Corrections (September 2015).

WHEREAS, the creation of Sex Offender Residency Restrictions and Child Safety Zones by municipal ordinance around locations where children regularly congregate is a reasonable step toward protecting children and deterring recidivism by reducing the opportunity for new offenses within our community; and

WHEREAS, there are many studies and reports concerning recidivism of sex offenders and the effectiveness of sex offender residency restrictions<sup>7</sup>, which guide the Village in the matter; and

WHEREAS, the literature on the subject includes some studies that support the practice of imposing sex offender residency restrictions and others that are critical of the practice; and

WHEREAS, the Village finds it to be significant that some of the key studies that have concluded that sex offender residency restrictions have limited effectiveness have added significant qualifications to that conclusion; e.g. in "An Evaluation of Sex Offender Residency Restrictions in Michigan and Missouri," (Huebner, et al., 2013), the authors generally do not support sex offender residency restrictions, but nevertheless find that following adoption of sex offender residency restrictions "the rate of recidivism for technical violations significantly decreased for Missouri sex offenders..." (id. at 9) and "the number of sex offense convictions did decline..." in Missouri (id. at 10); and

WHEREAS, the Village recognizes the merits, mentioned in some studies, of individualized consideration of the risks and benefits of residency restrictions on an offender-by-offender basis, and the Village has carefully considered how it can best

WHEREAS, the Village of Sussex as a local government, the closest form of Government to the people cannot simply ignore or avoid the complexities of this topic as other levels of Government have, nor can the Village avoid the real life outcomes from the decisions of other branches of Government so within its policies and through this Ordinance the Village intends to continue its practice of adjusting and balancing its regulations to ensure the safety and welfare of the community continues and due process is available for all, and

<sup>7</sup> These include but are not limited to: *Recidivism of sex offenders released from prison in 1994*, U.S. Department of Justice, Office of Justice Programs, copyright November 2003; *The final report of the Commission to Improve Community Safety and Sex Offender Accountability*, of the State of Maine, dated January 2004; *Sex Offender Recidivism Prediction*, Correctional Service of Canada dated October 14, 2004; *Recidivism of Sex Offenders*, May 2001, Center for Sex Offender Management; *Treating Sex Offenders*, Wisconsin Lawyer Magazine, October 1994; *The Impact of Residency Restrictions on Sex Offenders and Correctional Management Practices: A Literature Review*, Marcus Nieto and Professor David Jung, California Research Bureau, California State Library, August 2006; *Sex Offenders: You Are Now Free to Move About the Country*, and *Analysis of Doe v. Miller's Effects on Sex Offender Residential Restrictions*, UMKC Law Review, Spring 2005; *There Goes the Neighborhood? Estimates of the Impact of Crime Risk on Property Values from Megan's Laws*, Linden and Rockoff, National Bureau of Economic Research, May 2006; *The Effect of Proximity to a Registered Sex Offender's Residence on Single-Family Housing Selling Price*, Goliath Appraisal Journal, July 2003; *Sex Offenders, Sexually Violent Predators, Punishment, Residence Restrictions and Monitoring*, California Proposition 83, Analysis by the Legislative Analyst; *An Evaluation of Sex Offender Residency Restrictions in Michigan and Missouri*, Huebner, et al., 2013.

WHEREAS, the Village recognizes that it cannot eliminate all risk of child sex offender re-offense, and it must balance all of the competing public policies, but intends by these regulations to strike the legislative balance that is appropriate for the circumstances of the Village of Sussex; and

WHEREAS, it is not the intent of this ordinance to banish sex offenders from residing within the Village of Sussex, and careful attention has been given to ensure that there are ample locations for sex offenders to reside within the Village of Sussex in compliance with the requirements of this ordinance:

NOW, THEREFORE BE IT ORDAINED by the Village Board of the Village of Sussex, Waukesha County, Wisconsin, that:

**SECTION 1.** Subsection 9.09(21) entitled “SEXUAL OFFENDER RESIDENCY RESTRICTIONS, CHILD SAFETY ZONES” are hereby repealed and recreated as follows.

(21) SEXUAL OFFENDER RESIDENCY RESTRICTIONS; CHILD SAFETY ZONES.

(A) Purpose & Intent.

1. Section 9.09(21) is a regulatory measure aimed at protecting the health and safety of children in Sussex from the risk that convicted sex offenders may reoffend in locations close to their residences. The Village finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders reenter society, they are much more likely than any other type of offender to be rearrested for a new sexual assault. The Village further finds that, 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 centers and other places children frequent. The Village finds and declares that in addition to schools and day-care centers, children congregate or play at public parks.
2. Code Section 9.09(21) is not intended to impose a criminal penalty or punishment of sexual offenders, but rather to serve the Village’s compelling interest to promote, protect, and improve the health, safety, and welfare of children in the Village by creating areas around locations where children regularly congregate in concentrated numbers where sexual offenders and sexual predators are prohibited from loitering and/or establishing temporary or permanent residence and by regulating certain activities that may be used by sexual offenders to prey upon children.
3. Due to the high rate of recidivism for sexual offenders, and because reducing both opportunity and temptation would help minimize the risk of re-offense, the Village finds that there is a compelling need to protect children where they congregate or play in public places.

(B) Definitions. As used in code section 9.09U. and unless the context otherwise requires:

1. Child is a person under the age of 18.
2. Children is two or more persons under the age of 18.

3. Child Safety Location is the site upon which any of the following are located without regard to whether such site is located within the geographic limits of the Village of Sussex:
  - (a) Facility for Children
  - (b) Group home, as defined in Wis. Stat. sec. 48.02(7)
  - (c) Library, that is held open for use by the public
  - (d) Licensed day care center as defined in Wis. Stat. sec. 48.65
  - (e) Public or private primary, elementary, secondary, middle, junior high, or high school
  - (f) Recreational trail, playground, athletic fields used by children, or park
  - (g) Specialized school for children, including, without limitation, a gymnastics academy, dance academy, or music school
  - (h) Swimming pool, wading pool, splash pad, or aquatic facility held open for use by the public
  - (i) A public or private golf course or range
4. Child Safety Zone is any place within the municipality that is physically located within one thousand feet (1,000') of any Child Safety Location.
5. Crimes Against Children 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 was a child at the time of the offense, respectively:
  - 940.225(1) First degree sexual assault
  - 940.225(2) Second degree sexual assault
  - 940.225(3) Third degree sexual assault
  - 940.22(2) Sexual exploitation by therapist
  - 940.30 False Imprisonment-victim was minor and not the offender's child
  - 940.31 Kidnapping-victim was minor and not the offender's child
  - 944.01 Rape (prior statute)
  - 944.06 Incest
  - 944.10 Sexual intercourse with a child (prior statute)
  - 944.11 Indecent behavior with a child (prior statute)
  - 944.12 Enticing child for immoral purposes (prior statute)
  - 948.02(1) First degree sexual assault of a child
  - 948.02(2) Second degree sexual assault of a child
  - 948.025 Engaging in repeated acts of sexual assault of the same child
  - 948.05 Sexual exploitation of a child
  - 948.055 Causing a child to view or listen to sexual activity
  - 948.06 Incest with a child
  - 948.07 Child enticement
  - 948.075 Use of a computer to facilitate a child sex crime
  - 948.08 Soliciting a child for prostitution
  - 948.095 Sexual assault of a student by school instructional staff
  - 948.11(2)(a) or (am) Exposing child to harmful material-felony sections
  - 948.12 Possession of child pornography
  - 948.13 Convicted child sex offender working with children
  - 948.30 Abduction of another's child
  - 971.17 Not guilty by reason of mental disease – of an included offense
  - 975.06 Sex Crimes Law, commitment
6. Domicile is an individual 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.

7. Facility for children is a public or private school, a group home, as defined in Section 48.02(7), Wisconsin Statutes, a residential care center for children and youth, as defined in Section 48.02(15d), Wisconsin Statutes, a shelter care facility, as defined in Section 48.02(17), Wisconsin Statutes, a day care center licensed under Section 48.65, Wisconsin Statutes, a day care program established under Section 120.13(14), Wisconsin Statutes, a day care provider certified under Section 48.651, Wisconsin Statutes, or a youth center, as defined in Section 961.01(22), Wisconsin Statutes.
8. Minor is a person under the age of 17.
9. Permanent Residence means a place where the person sleeps abides lodges or resides for 14 or more consecutive days.
10. Sex Offender is a person who has been convicted of or has been found delinquent of or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against a child or children.
11. Sexually Violent Offense shall have the meaning as set forth in § 980.01(6), Wis. Stats., as amended from time to time.
12. 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 non-consecutive days in any month and which is not the person's domicile.

(C) Residency Restrictions For Sex Offenders, Exceptions.

1. Child Safety Zone Restriction. Subject to the exceptions in Section (C)32, no sex offender shall establish a permanent or a temporary residence within the Village that is within a Child Safety Zone, as determined by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of any Child Safety Location.
- ~~2. Original Domicile Restriction. In addition to Section (C)1, but subject to the exceptions in Section (C)1, no sex offender, shall establish a permanent or a temporary residence within the Village and no supervised release of a sex offender shall be established in the Village unless such person was domiciled in the Village at the time of the offense resulting in the person's most recent conviction for committing the sexually violent offense and/or crime against a child or children.~~
32. Exceptions. A sex offender may not be found in violation of the residency restrictions in Section (C)1 if the sex offender established that any of the following apply:
  - a. The person was domiciled in the Village prior to October 25, 2011 provided, however, that if the person was then subject to Wis. Stat. Sec. 301.45, the person must have also reported and registered the residence pursuant to Wis. Stat. Sec. 301.45 prior to such date to take advantage of the exception.
  - b. The person is a minor and is not required to register under Wis. Stats. Sec. 301.45 and Sec. 301.46.
  - c. The Child Safety Location began after the sex offender had established the permanent or temporary residence and reported and registered the residence if required pursuant to Wis. Stat. Sec. 301.45.
  - d. The Sex Offender is subject to an active court order to serve a sentence or is otherwise involuntarily required to reside in a jail, prison, juvenile

facility, or other correctional institution or mental facility within the Child Safety Zone.

e. The Sex Offender is granted an exemption through the Sexual Offender Appeal Process.

- (D) Renting Real Property To Sex Offenders, Restricted. No person shall let or rent any place, structure, or part thereof, trailer, or other conveyance, with the knowledge that it will be used as a permanent or temporary residence by a sex offender contrary to the provisions of Section (C) above.
- (E) Prohibited Activities by Sex Offenders, Exception.
- 1 Prohibited Activities by Sex Offenders, Except as provided in subsection (E)2, no sex offender shall participate in a holiday event in the Village involving a child or children by means of distributing candy or other items to such child or children in relationship to Halloween, wearing a Santa Claus costume in a public place in relationship to Christmas, or wearing an Easter Bunny costume in a public place in relationship to Easter, or other similar activities that may, under the circumstances then present, tend to entice a child to have contact with a sex offender.
  - 2 Exception. Events in which the sex offender is a parent or legal guardian of the child or children involved are exempt from the provisions of Section (E)1 above provided that no child or children other than a child or children of the sex offender are present at the event or if the Sex Offender is granted an exemption through the Sexual Offender Appeal Process.
- (F) Loitering by Sex Offender, Prohibited, Exception.
1. Loitering by Sex Offender. No sex offender shall loiter or prowl on or within two hundred feet (200') of any Child Safety Location, at a time, or a manner not usual for law abiding individuals, under circumstances that warrant alarm for the safety of the persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a law enforcement officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself of any object. Unless flight by the actor or other circumstances makes it impractical, a law enforcement officer shall prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him or her to identify himself or herself or explain his or her presence and conduct at the aforementioned locations. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true, and, if believed by the law enforcement officer at the time, would have dispelled the alarm.
  2. Exception. The prohibitions set forth in section 6(a) above shall not apply where the sex offender is a minor who is with one or both of his or her parents or guardians at the time of the offense or the actor was exercising First Amendment rights produced by the United States Constitution, including freedom of speech, free exercise of religion and the right of assembly.
- An offender does not commit a violation of loitering in a Child Safety Zone as stated above and the enumerated uses may allow such person on the property supporting such use if any of the following apply:

- a. The property supporting an enumerated use under also supports a church, synagogue, mosque, temple or other house of religious worship (collectively "church"), subject to the following conditions:
  - i. Entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; and
  - ii. Written advance notice is made from the person to an individual in charge of the church, and approval from an individual in charge of the church as designated by the church is made in return, of the attendance by the person; and
  - iii. The offender shall not participate in any religious education programs which include individuals under the age of 18, unless other adults who are not offenders are also present.
  
- b. The property supporting an enumerated use also supports a use lawfully attended by a person's natural or adopted child(ren), which child's use reasonably requires the attendance of the person as the child's parent upon the property, subject to the following conditions:
  - i. Entrance and presence upon the property occurs only during hours of activity related to the use as posted to the public; and
  - ii. Written advance notice is made from the person to an individual in charge of the use upon the property, and approval from an individual in charge of the use upon the property as designated by the owner of the use upon the property is made in return, of the attendance by the person.
  
- c. The property supporting an enumerated use also supports a polling location in a local, state or federal election, subject to the following conditions:
  - i. The person is eligible to vote;
  - ii. The designated polling place for the person is an enumerated use; and
  - iii. The person enters the polling place property and proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate, and the person vacates the property immediately after voting.
  - iv. The property supporting an enumerated use also supports an elementary or secondary school lawfully attended by a person as a student, under which circumstances the person who is a student may enter upon that property supporting the school at which the person is enrolled, as is reasonably required for the educational purposes of the school.

d. The Sexual Offender is granted an exemption through the Sexual Offender Appeal process.

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(G) Child Safety Zone Map. The Village Clerk's Office shall maintain an official map showing Child Safety Zones within the Village. The Village Clerks' Office shall update the map at least annually to reflect any changes in the location of Child Safety Zones. The map is to be displayed in the office of the Village Clerk. In the event of a conflict, the terms of this Ordinance shall control. In no event shall a failure to update the map in compliance with this Ordinance preclude the prosecution or conviction of any sex offender under this Ordinance.

(H) Appeal of Sexual Offender Appeal Process. The Village recognizes that circumstances surrounding Sexual Offender status are not all the same, nor do all Sexual Offenders pose the same or in some cases possibly any additional risk to children at large. In order to balance the rights of the public to enjoy safety in their community and protect the most vulnerable members of the community with the rights of individual citizens to enjoy their freedoms the following Appeal Process may be used by a Sexual Offender to consider the merits of the specific case.

- a. A Sex Offender may seek an exemption from this Ordinance by petitioning to the Sex Offender Residence Board ("Residence Board").
- b. The Residence Board shall consist of the members of the Village of Sussex Public Safety and Welfare Committee.
- c. The Residence Board shall approve an official petition form. The Designated Sex Offender seeking an exemption must complete the petition and submit it to the Village Clerk who shall forward it to the Residence Board. The Residence Board shall hold a hearing on each petition, during which the Residence Board may review any pertinent information and accept oral or written statements from any person. The Residence Board shall base its decision on factors related to the Village's interest in promoting, protecting, and improving the health, safety and welfare of the community. Applicable factors for the Residence Board's consideration shall include, but are not limited to:
  - i. Nature of the offense that resulted in sex offender status
  - ii. Date of offense
  - iii. Age at time of offense
  - iv. Recommendation of probation or parole officer
  - v. Recommendation of Police Department
  - vi. Recommendation of any treating practitioner
  - vii. Counseling, treatment and rehabilitation status of sex offender
  - viii. Remorse of sex offender
  - ix. Duration of time since sex offender's incarceration
  - x. Support network of sex offender
  - xi. Relationship of sex offender and victim(s)
  - xii. Presence or use of force in offense(s)
  - xiii. Adherence to terms of probation or parole
  - +xiv. Proposals for safety assurances of sex offender
  - xv. Location of Domicile in relation to Child Safety Zone and Child Safety Zone locations with respect to nature of offense.
  - ##xvi. Conditions to be placed on any exception from the requirements of this Ordinance

d. The Residence Board shall decide by majority vote whether to grant or deny an exemption. An exemption may be unconditional or limited to a certain address or time, or subject to other reasonable conditions. The Residence Board's decision may be appealed to the Village Board under Chapter 24 of the Village Municipal Code. A written copy of the decision shall be provided to the Designated Sex Offender.

**SECTION 5.** The Village Clerk is hereby directed to update and correct any code references in other Chapters of the Municipal Code that may be impacted by the renumbering of this Chapter of Village of Sussex municipal Code.

**SECTION 6.** The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of the court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections, or portions thereof the ordinance which shall remain in full force and effect. Any other ordinances are hereby repealed as to those terms that conflict.

**SECTION 7.** This ordinance shall take effect immediately upon passage and posting or publication as provided by the law.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Village President

ATTEST: \_\_\_\_\_  
Clerk-Treasurer



## ORDINANCE NO. 879

AN ORDINANCE TO REPEAL AND RECREATE SUBSECTION 9.09(21) ENTITLED  
SEXUAL OFFENDER RESIDENCY RESTRICIONS, CHILD SAFETY ZONES OF THE  
VILLAGE OF SUSSEX MUNICIPAL CODE.

WHEREAS, from time to time Ordinances need to be refreshed to reflect best practices and updated information; and

WHEREAS, the Village of Sussex has an Ordinance with Respect to Sexual Offender Residency Restrictions and Child Safety Zones, which has not been reviewed since 2017; and

WHEREAS, the Village of Sussex has determined some updates are necessary for public safety and to be consistent with guidance from the Village Attorney, current knowledge of effectiveness of sex offender restrictions, reports, data and court decisions, and

WHEREAS, the Village of Sussex deems it a priority to act in the interest of public safety and welfare of the community and children in the Village, and

WHEREAS, Sexual Offender Ordinances are a complex balance of specific fact sets, rights of individuals, real and perceived threats of safety to the public, and economic impacts for individuals and the community, and

WHEREAS, according to the U.S. Department of Justice, there are a record number of convicted sex offenders living in our communities<sup>1</sup> and convicted child sex offenders have been proven to be dangerous<sup>2</sup>; and

WHEREAS, research in this area has established sex offenders are rearrested for sex crimes four times more frequently than non-sex offenders<sup>3</sup> while the reduction of crime and criminal recidivism are inextricably linked to public safety within our community; and

WHEREAS, the risks posed by sex offenders against children, are nationally recognized in such landmark legislation as the 1994 Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act; 1996 Megan's Laws; and the 2006 Adam Walsh Child Protection and Safety Act; and these risks are also recognized by legislation in every State in the United States of America including Wisconsin; and

<sup>1</sup> Sex Offender Management Assessment and Planning Initiative, July 2015, *"This includes offenders returning to the community upon release from incarceration as well as offenders who are serving or who have been discharged from community-based sentences.,,*

<sup>2</sup> Kester, 2013 WI App 50, 30.

<sup>3</sup> Sex Offender Management Assessment and Planning Initiative, July 2015, Langan, P., Schmitt, E., & Durose, M. (2003). *Recidivism of Sex Offenders Released from Prison in 1994.*

WHEREAS, the Village finds that the data concerning child sex offenders is horrific and demonstrates the need for action, including the following<sup>4</sup>:

- "sex crimes are unfortunately fairly common in the United States."
- "It is estimated that one in every five girls and one in every seven boys are sexually abused by the time they reach adulthood."
- "Children are particularly vulnerable. Approximately 67% of all victims of reported sexual assaults are under the age of 18, and more than half of these victims are under the age of 12."
- "Most sexual offenses are committed by someone the victim knows or acquaintance."
- "No single factor or combination of factors can fully explain why someone offends sexually, though some factors may combine to increase people's tendency to offend. These factors are ... [physiological, sociocultural, developmental] and situational/circumstantial (e.g. having easy access to victims...)."
- "About 12% to 24% of sex offenders will reoffend."

WHEREAS, the Village also finds these statistics of the U.S. Department of Justice to be shocking and a call to action<sup>5</sup>:

- "Approximately 1.8 million adolescents in the United States have been victims of sexual assault."
- "An estimated 60% of perpetrators of sexual abuse are known to the child but are not family members, e.g. family friends, babysitters, child care providers, neighbors."

WHEREAS, in September of 2015 the Wisconsin Department of Corrections conducted an extensive study of sex offender recidivism between 1997-2010 and found that in total there were 631 instances (4.9% of all releases) of sexual re-offending, and the top two types of re-offense were second degree sexual assault of a child (103 offenses), first degree sexual assault of a child (100 offenses); and within the top 10 re-offenses also were sex with a child ages 16 or older (46 offenses) and repeated sexual assault of the same child (33 offenses); and the study concludes that of all the repeat offenses committed by sex offenders, "sex offenses that specifically reference children represent a greater proportion of the whole;"<sup>6</sup>

WHEREAS, data within the Village is not a large enough sample size for statistical analysis, however, there is no reason to believe the outcomes would be different in the Village than were demonstrated statewide by the Department of Corrections data; and

4 Center for Sex Offender Management (CSOM) statistics. CSOM is a collaborative effort of the U.S. Department of Justice, Office of Justice Programs, the National Institute of Corrections, the State Justice Institute, and the American Probation and Parole Association, and these quoted statistics are from its "Fact Sheet: What You Need to Know about Sex Offenders".

5 U.S. Department of Justice, National Sex Offender Public Website "Facts and Statistics"

<sup>6</sup> Joseph R. Tatar II, Ph.D. and Anthony Streveler, M.S.W., Sex Offender Recidivism After Release from Prison, Office of the Secretary, Research and Policy Unit. State of Wisconsin Department of Corrections {September 2015}.

WHEREAS, the creation of Sex Offender Residency Restrictions and Child Safety Zones by municipal ordinance around locations where children regularly congregate is a reasonable step toward protecting children and deterring recidivism by reducing the opportunity for new offenses within our community; and

WHEREAS, there are many studies and reports concerning recidivism of sex offenders and the effectiveness of sex offender residency restrictions<sup>7</sup>, which guide the Village in the matter; and

WHEREAS, the literature on the subject includes some studies that support the practice of imposing sex offender residency restrictions and others that are critical of the practice; and

WHEREAS, the Village finds it to be significant that some of the key studies that have concluded that sex offender residency restrictions have limited effectiveness have added significant qualifications to that conclusion; e.g. in "An Evaluation of Sex Offender Residency Restrictions in Michigan and Missouri," (Huebner, et al., 2013), the authors generally do not support sex offender residency restrictions, but nevertheless find that following adoption of sex offender residency restrictions "the rate of recidivism for technical violations significantly decreased for Missouri sex offenders..." (id. at 9) and "the number of sex offense convictions did decline..." in Missouri (id. at 10); and

WHEREAS, the Village recognizes the merits, mentioned in some studies, of individualized consideration of the risks and benefits of residency restrictions on an offender-by-offender basis, and the Village has carefully considered how it can best

WHEREAS, the Village of Sussex as a local government, the closest form of Government to the people cannot simply ignore or avoid the complexities of this topic as other levels of Government have, nor can the Village avoid the real life outcomes from the decisions of other branches of Government so within its policies and through this Ordinance the Village intends to continue its practice of adjusting and balancing its regulations to ensure the safety and welfare of the community continues and due process is available for all, and

<sup>7</sup> These include but are not limited to: **Recidivism of sex offenders released from prison in 1994**, U.S. Department of Justice, Office of Justice Programs, copyright November 2003; **The final report of the Commission to Improve Community Safety and Sex Offender Accountability**, of the State of Maine, dated January 2004; **Sex Offender Recidivism Prediction**, Correctional Service of Canada dated October 14, 2004; **Recidivism of Sex Offenders**, May 2001, Center for Sex Offender Management; **Treating Sex Offenders**, Wisconsin Lawyer Magazine, October 1994; **The Impact of Residency Restrictions on Sex Offenders and Correctional Management Practices: A Literature Review**, Marcus Nieto and Professor David Jung, California Research Bureau, California State Library, August 2006; **Sex Offenders: You Are Now Free to Move About the Country**, and **Analysis of Doe v. Miller's Effects on Sex Offender Residential Restrictions**, UMKC Law Review, Spring 2005; **There Goes the Neighborhood? Estimates of the Impact of Crime Risk on Property Values from Megan's Laws**, Linden and Rockoff, National Bureau of Economic Research, May 2006; **The Effect of Proximity to a Registered Sex Offender's Residence on Single-Family Housing Selling Price**, Goliath Appraisal Journal, July 2003; **Sex Offenders, Sexually Violent Predators, Punishment, Residence Restrictions and Monitoring**, California Proposition 83, Analysis by the Legislative Analyst; **An Evaluation of Sex Offender Residency Restrictions in Michigan and Missouri**, Huebner, et al., 2013.

WHEREAS, the Village recognizes that it cannot eliminate all risk of child sex offender re-offense, and it must balance all of the competing public policies, but intends by these regulations to strike the legislative balance that is appropriate for the circumstances of the Village of Sussex; and

WHEREAS, it is not the intent of this ordinance to banish sex offenders from residing within the Village of Sussex, and careful attention has been given to ensure that there are ample locations for sex offenders to reside within the Village of Sussex in compliance with the requirements of this ordinance:

NOW, THEREFORE BE IT ORDAINED by the Village Board of the Village of Sussex, Waukesha County, Wisconsin, that:

**SECTION 1.** Subsection 9.09(21) entitled “SEXUAL OFFENDER RESIDENCY RESTRICIONS, CHILD SAFETY ZONES” are hereby repealed and recreated as follows.

(21) SEXUAL OFFENDER RESIDENCY RESTRICTIONS; CHILD SAFETY ZONES.

(A) Purpose & Intent.

1. Section 9.09(21) is a regulatory measure aimed at protecting the health and safety of children in Sussex from the risk that convicted sex offenders may reoffend in locations close to their residences. The Village finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders reenter society, they are much more likely than any other type of offender to be rearrested for a new sexual assault. The Village further finds that, 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 centers and other places children frequent. The Village finds and declares that in addition to schools and day-care centers, children congregate or play at public parks.
2. Code Section 9.09(21) is not intended to impose a criminal penalty or punishment of sexual offenders, but rather to serve the Village’s compelling interest to promote, protect, and improve the health, safety, and welfare of children in the Village by creating areas around locations where children regularly congregate in concentrated numbers where sexual offenders and sexual predators are prohibited from loitering and/or establishing temporary or permanent residence and by regulating certain activities that may be used by sexual offenders to prey upon children.
3. Due to the high rate of recidivism for sexual offenders, and because reducing both opportunity and temptation would help minimize the risk of re-offense, the Village finds that there is a compelling need to protect children where they congregate or play in public places.

(B) Definitions. As used in code section 9.09U. and unless the context otherwise requires:

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2. Children is two or more persons under the age of 18.
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  - (e) Public or private primary, elementary, secondary, middle, junior high, or high school
  - (f) Recreational trail, playground, athletic fields used by children, or park
  - (g) Specialized school for children, including, without limitation, a gymnastics academy, dance academy, or music school
  - (h) Swimming pool, wading pool, splash pad, or aquatic facility held open for use by the public
  - (i) A public or private golf course or range
4. Child Safety Zone is any place within the municipality that is physically located within one thousand feet (1,000') of any Child Safety Location.
  5. Crimes Against Children 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 was a child at the time of the offense, respectively:
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    - 940.225(2) Second degree sexual assault
    - 940.225(3) Third degree sexual assault
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    - 940.30 False Imprisonment-victim was minor and not the offender's child
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    - 944.06 Incest
    - 944.10 Sexual intercourse with a child (prior statute)
    - 944.11 Indecent behavior with a child (prior statute)
    - 944.12 Enticing child for immoral purposes (prior statute)
    - 948.02(1) First degree sexual assault of a child
    - 948.02(2) Second degree sexual assault of a child
    - 948.025 Engaging in repeated acts of sexual assault of the same child
    - 948.05 Sexual exploitation of a child
    - 948.055 Causing a child to view or listen to sexual activity
    - 948.06 Incest with a child
    - 948.07 Child enticement
    - 948.075 Use of a computer to facilitate a child sex crime
    - 948.08 Soliciting a child for prostitution
    - 948.095 Sexual assault of a student by school instructional staff
    - 948.11(2)(a) or (am) Exposing child to harmful material-felony sections
    - 948.12 Possession of child pornography
    - 948.13 Convicted child sex offender working with children
    - 948.30 Abduction of another's child
    - 971.17 Not guilty by reason of mental disease – of an included offense
    - 975.06 Sex Crimes Law, commitment
  6. Domicile is an individual 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.
  7. Facility for children is a public or private school, a group home, as defined in Section 48.02(7), Wisconsin Statutes, a residential care center for children and

youth, as defined in Section 48.02(15d), Wisconsin Statutes, a shelter care facility, as defined in Section 48.02(17), Wisconsin Statutes, a day care center licensed under Section 48.65, Wisconsin Statutes, a day care program established under Section 120.13(14), Wisconsin Statutes, a day care provider certified under Section 48.651, Wisconsin Statutes, or a youth center, as defined in Section 961.01(22), Wisconsin Statutes.

8. Minor is a person under the age of 17.
9. Permanent Residence means a place where the person sleeps abides lodges or resides for 14 or more consecutive days.
10. Sex Offender is a person who has been convicted of or has been found delinquent of or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against a child or children.
11. Sexually Violent Offense shall have the meaning as set forth in § 980.01(6), Wis. Stats., as amended from time to time.
12. 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 non-consecutive days in any month and which is not the person's domicile.

(C) Residency Restrictions For Sex Offenders, Exceptions.

1. Child Safety Zone Restriction. Subject to the exceptions in Section (C)2, no sex offender shall establish a permanent or a temporary residence within the Village that is within a Child Safety Zone, as determined by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of any Child Safety Location.
2. Exceptions. A sex offender may not be found in violation of the residency restrictions in Section (C)1 if the sex offender established that any of the following apply:
  - a. The person was domiciled in the Village prior to October 25, 2011 provided, however, that if the person was then subject to Wis. Stat. Sec. 301.45, the person must have also reported and registered the residence pursuant to Wis. Stat. Sec. 301.45 prior to such date to take advantage of the exception.
  - b. The person is a minor and is not required to register under Wis. Stats. Sec. 301.45 and Sec. 301.46.
  - c. The Child Safety Location began after the sex offender had established the permanent or temporary residence and reported and registered the residence if required pursuant to Wis. Stat. Sec. 301.45.
  - d. The Sex Offender is subject to an active court order to serve a sentence or is otherwise involuntarily required to reside in a jail, prison, juvenile facility, or other correctional institution or mental facility within the Child Safety Zone.
  - e. The Sex Offender is granted an exemption through the Sexual Offender Appeal Process.

(D) Renting Real Property To Sex Offenders, Restricted. No person shall let or rent any place, structure, or part thereof, trailer, or other conveyance, with the knowledge that it will be used as a permanent or temporary residence by a sex offender contrary to the provisions of Section (C) above.

(E) Prohibited Activities by Sex Offenders, Exception.

- 1 Prohibited Activities by Sex Offenders, Except as provided in subsection (E)2, no sex offender shall participate in a holiday event in the Village involving a child or children by means of distributing candy or other items to such child or children in relationship to Halloween, wearing a Santa Claus costume in a public place in relationship to Christmas, or wearing an Easter Bunny costume in a public place in relationship to Easter, or other similar activities that may, under the circumstances then present, tend to entice a child to have contact with a sex offender.
- 2 Exception. Events in which the sex offender is a parent or legal guardian of the child or children involved are exempt from the provisions of Section (E)1 above provided that no child or children other than a child or children of the sex offender are present at the event or if the Sex Offender is granted an exemption through the Sexual Offender Appeal Process

(F) Loitering by Sex Offender, Prohibited, Exception.

1. Loitering by Sex Offender. No sex offender shall loiter or prowl on or within two hundred feet (200') of any Child Safety Location, at a time, or a manner not usual for law abiding individuals, under circumstances that warrant alarm for the safety of the persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a law enforcement officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself of any object. Unless flight by the actor or other circumstances makes it impractical, a law enforcement officer shall prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him or her to identify himself or herself or explain his or her presence and conduct at the aforementioned locations. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true, and, if believed by the law enforcement officer at the time, would have dispelled the alarm.
2. Exception. The prohibitions set forth in section 6(a) above shall not apply where the sex offender is a minor who is with one or both of his or her parents or guardians at the time of the offense or the actor was exercising First Amendment rights produced by the United States Constitution, including freedom of speech, free exercise of religion and the right of assembly.

An offender does not commit a violation of loitering in a Child Safety Zone as stated above and the enumerated uses may allow such person on the property supporting such use if any of the following apply:

- a. The property supporting an enumerated use under also supports a church, synagogue, mosque, temple or other house of religious worship (collectively "church"), subject to the following conditions:
  - i. Entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; and
  - ii. Written advance notice is made from the person to an individual in charge of the church, and approval from an individual in charge of the church as designated by the church is made in return, of the attendance by the person; and
  - iii. The offender shall not participate in any religious education programs which include individuals under the age of 18, unless other adults who are not offenders are also present.

- b. The property supporting an enumerated use also supports a use lawfully attended by a person's natural or adopted child(ren), which child's use reasonably requires the attendance of the person as the child's parent upon the property, subject to the following conditions:
  - i. Entrance and presence upon the property occurs only during hours of activity related to the use as posted to the public; and
  - ii. Written advance notice is made from the person to an individual in charge of the use upon the property, and approval from an individual in charge of the use upon the property as designated by the owner of the use upon the property is made in return, of the attendance by the person.
  
- c. The property supporting an enumerated use also supports a polling location in a local, state or federal election, subject to the following conditions:
  - i. The person is eligible to vote;
  - ii. The designated polling place for the person is an enumerated use; and
  - iii. The person enters the polling place property and proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate, and the person vacates the property immediately after voting.
  - iv. The property supporting an enumerated use also supports an elementary or secondary school lawfully attended by a person as a student, under which circumstances the person who is a student may enter upon that property supporting the school at which the person is enrolled, as is reasonably required for the educational purposes of the school.
  
- d. The Sexual Offender is granted an exemption through the Sexual Offender Appeal process.

(G) Child Safety Zone Map. The Village Clerk's Office shall maintain an official map showing Child Safety Zones within the Village. The Village Clerks' Office shall update the map at least annually to reflect any changes in the location of Child Safety Zones. The map is to be displayed in the office of the Village Clerk. In the event of a conflict, the terms of this Ordinance shall control. In no event shall a failure to update the map in compliance with this Ordinance preclude the prosecution or conviction of any sex offender under this Ordinance.

(H) Sexual Offender Appeal Process. The Village recognizes that circumstances surrounding Sexual Offender status are not all the same, nor do all Sexual Offender's pose the same or in some cases possibly any additional risk to children at large. In order to balance the rights of the public to enjoy safety in their community and protect the most vulnerable members of the community with the rights of individual citizens to enjoy their freedoms the following Appeal Process may be used by a Sexual Offender to consider the merits of the specific case.

- a. A Sex Offender may seek an exemption from this Ordinance by petitioning to the Sex Offender Residence Board ("Residence Board").
- b. The Residence Board shall consist of the members of the Village of Sussex Public



Safety and Welfare Committee.

c. The Residence Board shall approve an official petition form. The Designated Sex Offender seeking an exemption must complete the petition and submit it to the Village Clerk who shall forward it to the Residence Board. The Residence Board shall hold a hearing on each petition, during which the Residence Board may review any pertinent information and accept oral or written statements from any person. The Residence Board shall base its decision on factors related to the Village's interest in promoting, protecting, and improving the health, safety and welfare of the community. Applicable factors for the Residence Board's consideration shall include, but are not limited to:

- i. Nature of the offense that resulted in sex offender status
- ii. Date of offense
- iii. Age at time of offense
- iv. Recommendation of probation or parole officer
- v. Recommendation of Police Department
- vi. Recommendation of any treating practitioner
- vii. Counseling, treatment and rehabilitation status of sex offender
- viii. Remorse of sex offender
- ix. Duration of time since sex offender's incarceration
- x. Support network of sex offender
- xi. Relationship of sex offender and victim(s)
- xii. Presence or use of force in offense(s)
- xiii. Adherence to terms of probation or parole
- xiv. Proposals for safety assurances of sex offender
- xv. Location of Domicile in relation to Child Safety Zone and Child Safety Zone locations with respect to nature of offense.
- xvi. Conditions to be placed on any exception from the requirements of this Ordinance

d. The Residence Board shall decide by majority vote whether to grant or deny an exemption. An exemption may be unconditional or limited to a certain address or time, or subject to other reasonable conditions. The Residence Board's decision may be appealed to the Village Board under Chapter 24 of the Village Municipal Code. A written copy of the decision shall be provided to the Designated Sex Offender.

**SECTION 5.** The Village Clerk is hereby directed to update and correct any code references in other Chapters of the Municipal Code that may be impacted by the renumbering of this Chapter of Village of Sussex municipal Code.

**SECTION 6.** The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of the court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections, or portions thereof of the ordinance which shall remain in full force and effect. Any other ordinances are hereby repealed as to those terms that conflict.

**SECTION 7.** This ordinance shall take effect immediately upon passage and posting or publication as provided by the law.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Village President

ATTEST: \_\_\_\_\_  
Clerk-Treasurer



# Waukesha Sheriff Department North East Substation News

*FALL 2021*

## Community Connections

### Training & Activities

- ALICE Training for local schools
- National Night Out
- Touch a Truck

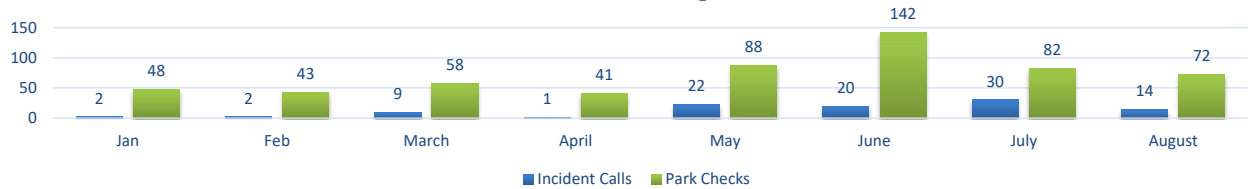


### Drug Take Back & Brat Fry

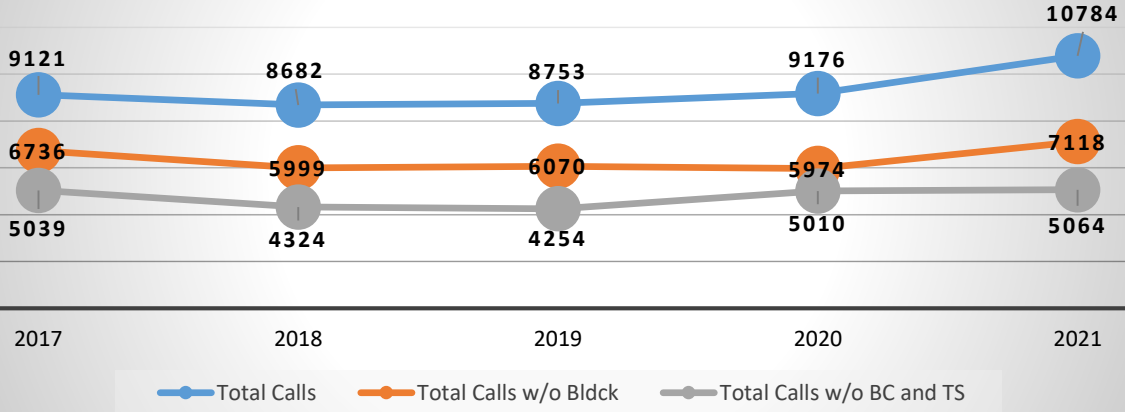
October 23rd, 2021  
10am-2pm  
Pick n Save



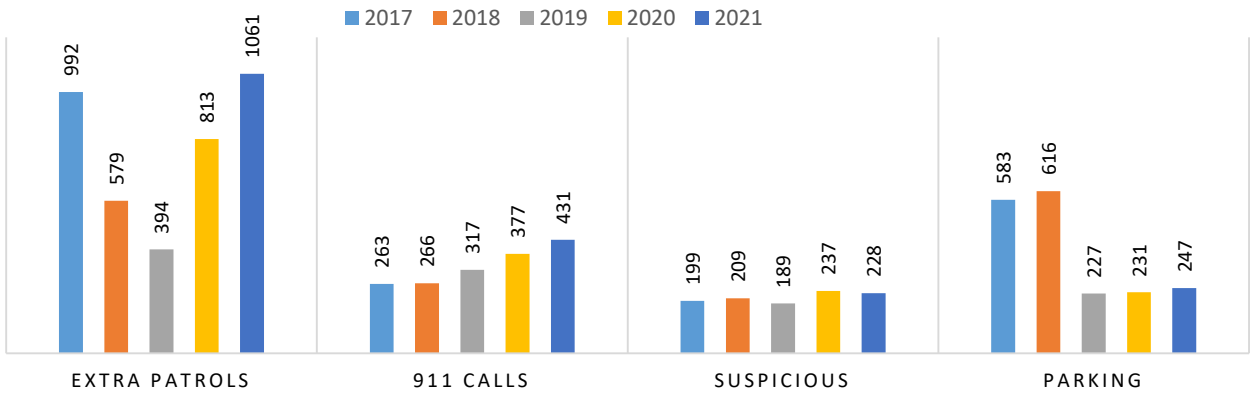
2021 Sussex Village Park



# Calls for Service



## 2017-2021 JANUARY - AUGUST



## 2017-2021 JANUARY-AUGUST

