

**TOWN OF COTTAGE GROVE**

**Ordinance No. 2016- 01**

**AN ORDINANCE AMENDING TCG 10.10 CHILD SAFETY AREAS  
IN RESPONSE TO 2015 WIS. ACT 156  
RELATING TO RESIDENCY REQUIREMENTS FOR SEXUALLY VIOLENT  
PERSONS ON SUPERVISED RELEASE**

**WHEREAS**, on March 1, 2016, the Wisconsin legislature adopted 2015 Wisconsin Act 156 which relates to residency requirements for sexually violent persons (“SVPs”) who have completed their criminal sentences, are under civil commitment and meet the criteria for supervised release; and

**WHEREAS**, on April 19, 2016, the Town meeting discussed the implications of 2015 Wisconsin Act 156 and made a motion to have the Town Board consider amendment of current Town ordinances to incorporate the changes in State law; and

**WHEREAS**, the Town Board of the Town of Cottage Grove has reviewed 2015 Wisconsin Act 156, considered the public health, safety and welfare of the residents of the Town of Cottage Grove, and determined that it is in the public health, safety and welfare of the residents of the Town of Cottage Grove to amend Town of Cottage Grove Ordinance 10.10 to be consistent with State law, all as set forth in this ordinance.

**NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE RECITALS AND FINDINGS, WHICH ARE INCORPORATED BY REFERENCE, THE TOWN BOARD OF THE TOWN OF COTTAGE GROVE DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Portions of Section 10.10 of the Town Code of Ordinances are hereby AMENDED, all as set forth below in blue type:

10.10           **CHILD SAFETY AREAS.**

- (1)   **FINDINGS AND PURPOSE OF ORDINANCE.** [*No changes.*]
- (2)   **DEFINITIONS.** [*No changes.*]
- (3)   **CHILD SAFETY AREAS.** *Shall be amended to read as follows:* No Designated Sex Offender, as defined in Section 10.10(2) above, shall violate the Child Safety Areas established by this ordinance. Two Child Safety Areas are hereby created: (a) “No Presence Areas” 250 feet from Child Congregation Areas; and, (b) “No Residence Areas” ~~1000~~ 1500 feet from Child Congregation Areas.

- (a) [No changes.]
- (b) **No Residence Areas.** *Shall be amended to read as follows:* No Designated Sex Offender, as defined in Section 10.10(2) above, shall have a temporary residence or permanent residence within ~~1000~~ 1500 feet of any Child Congregation Area, including those listed in TCG Ord. ss. 10.10(3)(a)1. - 10.10(a)13. (inclusive). In addition, no Designated Sex Offender shall have a temporary residence or permanent residence on a property adjacent to a child's primary residence. As used here, "adjacent" means that the properties share a property line (without regard to a road) and the living quarters are not more than 1,500 feet apart.

(4) **VIOLATIONS.** [No changes.]

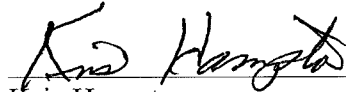
(5) **MISCELLANEOUS.** [No changes.]

- (b) **Exceptions.** *Shall be amended to read as follows:* Persons subject to this ordinance are not in violation where the following apply: (1) they are accompanied at all times by a minor child of which they have legal custody and the Department of Corrections or Department of Health Services has authorized the contact, as required by the conditions of the person's release; or (2) their presence on the property of a school is for the purpose of discussing the education of a minor child of which they have legal custody, and their presence is with the prior knowledge and consent of the school official with whom the person is meeting and the Department of Corrections or Department of Health Services has authorized the visit, as required by the conditions of the person's release; or (3) they are within a motor vehicle in transit; or (4) as to a Designated Sex Offender's permanent residence location only, the Designated Sex Offender is physically residing in the permanent residence prior to the effective date of this ordinance or any amendment thereto; or (5) enforcement is found to directly conflict with Wis. Stat. s. 980.135, which is entitled "Local restrictions; limited exemption."

**SECTION 2.** This ordinance shall take effect upon passage and publication as provided by law.

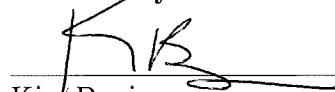
Approved by the Town Board of the Town of Cottage Grove this 2<sup>nd</sup> day of May, 2016, by a vote of 4 in favor and 0 opposed.

**TOWN OF COTTAGE GROVE**



Kris Hampton  
Town Chairperson

**Attested By:**



Kim Banigan  
Town Clerk