

**VILLAGE OF WHEELER
DUNN COUNTY, WISCONSIN**

ORDINANCE NO. 2025- 02

**AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF WHEELER,
DUNN COUNTY, WISCONSIN TO ADD CHAPTER ____.**

The Village Board of the Village of Wheeler does hereby ordain as follows:

SECTION I. Amendment.

Chapter 5-1 of the Code is hereby created and entitled:

***RESIDENCE RESTRICTIONS AND ACTIVITY RESTRICTIONS RELATING TO SEX
OFFENDERS***

A. Purpose.

This article is a regulatory measure aimed at protecting the health and safety of the public, especially the children in the village from the risk that convicted sex offenders may reoffend in locations close to their residences or places where children congregate. The village board finds and declares that sex offenders are a serious threat to public safety of children. The village board further finds that when convicted sex offenders reenter society there is legitimate concern about the risk of re-offense, and reducing opportunity and temptation is important to minimizing the risk of re-offense. Therefore, in addition to protections afforded by state law, the village board finds there is a need to protect children in the village in places where they congregate or play in public, near schools, day-care centers and other places children frequent.

B. Definitions.

As used in this article and unless the context otherwise requires:

- (1) *Sexually violent offense* shall have the meaning as set forth in Wis. Stat. § 980.01(6), as amended from time to time.
- (2) *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, respectively:

§ 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; and
§ 975.06 Sex Crimes Law Commitment.

(3) *Sex offender* means:

- a. Any person who is required to register under Wis. Stat. § 301.45 for any offense against a child.
- b. Any person who is required to register under Wis. Stat. § 301.45 and who is subject to the special bulletin notification process set forth in Wis. Stat. §§ 301.46(2) and (2m), or any person who is under court ordered supervision by the state department of corrections for any sexual offense against a child;
- c. Any person who has been convicted of or has been found delinquent for or has been found not guilty by reason of disease or mental defect for a sexually violent offense and/or crime against children;
- d. Any person subject to the sex crimes commitment laws of Wis. Stat. § 975.06 or ch. 980; or
- e. Any person found not guilty by reason of disease or mental defect placed on lifetime supervision under Wis. Stat. § 971.17(1j) or required to comply with sex offender registration pursuant to Wis. Stat. § 971.17(1m).
- f. Any person who has been convicted of any offense listed in § _____ of this article.

- (4) *Residence (reside)* means the place where a person sleeps, which may include more than one location, and may be mobile or transitory.
- (5) *Youth center* shall include places of worship, for example churches and synagogues, and private businesses offering classes, training or activities specifically for persons under the age of 18.
- (6) *Child*. For purposes of this article, "child" means any person under the age of 18.

C. Residence restrictions.

A sex offender shall not reside within 500 feet of the real property comprising any of the following:

- (1) Any facility for children (which means a public or private school, a group home, as defined in Wis. Stats. § 48.02(7), a residential care center for children and youth, as defined in Wis. Stats. § 48.02(15d), a shelter care facility, as defined in Wis. Stats. § 48.02(17), a treatment foster home, as defined in Wis. Stats. § 48.02(17q), a day care center licensed under Wis. Stats. § 48.65, a day care program established under Wis. Stats. § 120.13(14), a day care provider certified under Wis. Stats. § 48.651, or a youth center as defined above; and/or
- (2) Any facility used for:
 - a. A public or private park, parkway, parkland, park facility;
 - b. A public library;
 - c. A public or private playground;
 - d. Athletic facilities used by children, not including golf courses;
 - e. Property used for a school forest.

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). If the 500-foot line falls within a lot or parcel, the entire lot or parcel shall be within the residence restricted zone.

D. Residence restriction exceptions.

A sex offender residing within 500 feet of the real property comprising any of the uses enumerated in § ____ C above, does not commit a violation of this article if any of the following apply:

- (1) The sex offender is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
- (2) The sex offender has established a residence prior to the effective date of this article, which is within 500 feet of any of the uses enumerated in § ____ above, or such enumerated use is newly established after such effective date and it is located within such 500 feet of a residence of a sex offender which was established prior to the effective date of this article.

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- (3) The sex offender is a minor or ward under guardianship.

E. Original domicile restriction.

In addition to and notwithstanding the foregoing, but subject to section ____ above, no sex offender and no individual who has been labeled a special bulletin notification (SBN) and is still on parole, extended supervision or monitoring shall be permitted to reside in the village, unless such sex offender was domiciled in the village at the time of the offense.

F. Sex offender restricted zones and activities.

It shall be unlawful for any sex offender to do any of the following:

- (1) Enter or be physically present within the boundaries of any school, park, daycare facility, or other use defined in § ____.
- (2) Loiter within 500 feet of the boundary of any such school, park, daycare facility or other use defined in § _____. Loiter shall include, but not be limited to, lingering in an apparently aimless way, spending time idly, walking or moving slowly and indolently with frequent stops and pauses, or not moving at all, in a place, at a time, or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of children in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the sex offender takes flight upon appearance of a law enforcement officer, refuses to identify himself or herself or manifestly endeavors to conceal himself or herself or any object. Unless flight by the sex offender or other circumstances makes it impractical, a law enforcement officer shall prior to any arrest for an offense under this section, afford the sex offender an opportunity to dispel any alarm which would explain his or her presence and conduct at the locations identified above. No sex offender 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 sex offender was true, and, if believed by the law enforcement officer at the time, would have dispelled the alarm.
- (3) Use photography, video equipment or any kind of surveillance equipment of any location defined in defined in § ____.
- (4) Holiday prohibitions: It is unlawful for any sex offender to participate in a holiday event involving children, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume or wearing an Easter Bunny costume. Holiday events in which the sex offender is the parent or guardian of the children involved, and the parent or guardian of any non-familial children are present, are exempt from this paragraph.

G. Sex offender restricted zone exceptions.

A sex offender does not commit a violation of section ____ above and the enumerated uses may allow such sex offender on the property supporting such use if any of the following apply:

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

- b. The sex offender's entrance and presence upon the property occurs only as provided in the written approval.

H. Appeals process.

Appeals for exceptions outside those enumerated above are to be referred to the chief of police to be processed as follows:

- (1) The chief of police is authorized to grant temporary exceptions to the sex offender restricted zone restrictions established in section ____, to allow a sex offender to be within a sex offender restricted zone temporarily for events such as a family reunion in a park, special event at or within a restricted zone involving sex offender's child or spouse, or other similar type situations.
- (2) For all other applications for exceptions, the chief of police shall call a special meeting of a committee to review the application. The committee shall be made up of at least four members from the following:
 - a. Chief of police;
 - b. A member of the police commission;
 - c. Representative from the public safety committee;
 - d. A member of the village board; and
 - e. Community member at large.
- (3) Standards for granting exceptions: To grant an exception the committee must find that:
 - a. There are circumstances unique to the sex offender that would not be common among other sex offenders subject to this article, and that application of the article to the sex offender would cause a hardship to that sex offender because of these unique circumstances.
 - b. Granting the exception will not be detrimental to the public health, safety or welfare of the community or to the neighborhood for which the exception is sought.
 - c. Granting the exception will not violate the spirit and the general and specific purposes of this article.
 - d. To be approved, an exception must receive an affirmative vote of the majority of the committee members.
- (4) All exceptions granted are to be documented. The document is to be maintained by the police department.
- (5) A copy of all exceptions granted will be available from the village police department, subject to the open records and other applicable state and local laws and regulations.

I. Violations.

- (a) *Residence restriction violations.* If a sex offender violates section ____ by establishing a residence or occupying residential premises within 500 feet of those premises as described therein, without any exception(s) as also set forth above, the village attorney, upon referral from the chief of police and the written determination by the chief of police that upon all of the facts and circumstances and the purpose of this article, such residence occupancy presents an activity or use of property that interferes substantially with the comfortable enjoyment of life, health, safety of another or others, shall bring an action in the name of the village in the circuit court for the county to permanently enjoin such residency as a violation of this article and as a public nuisance. In addition to the aforesaid injunctive relief, such person shall be subject to the general penalty provisions set forth under section ____ of this Code with the following minimum penalties:
- (1) A forfeiture of at least \$250.00 plus any applicable court costs for a first violation.
 - (2) A forfeiture of at least \$500.00 plus any applicable court costs for a second or subsequent violation.
 - (3) Each day a violation continues shall constitute a separate offense. In addition, the village may undertake all other legal and equitable remedies to prevent or remove a violation of this section.
- (b) *Sex offender restricted zone violations.* If a sex offender violates section ____, above, by being present within a sex offender restricted zone.
- (1) A forfeiture of at least \$1,000.00, a mandatory court appearance, plus any applicable court costs for a first violation.
 - (2) A forfeiture of at least \$2,500.00, a mandatory court appearance, plus any applicable court costs for a second or subsequent violation.

J. Compatibility and conflict with other ordinances

If any existing ordinance or part of an ordinance conflicts with this article, this article shall apply.

SECTION II. SEVERABILITY

If any provisions of this ordinance amendment or any application of this ordinance amendment to any person or circumstance is found to be invalid or unconstitutional, such a finding shall not affect the other provisions or applications of this ordinance amendment which can be given effect without the invalid or unconstitutional provision or applications.

SECTION III. EFFECTIVE DATE

This Ordinance shall take effect as of December 4, 2025, upon passage and publication as provided by law.

Adopted by the Village Board on December 3, 2025.

VILLAGE OF WHEELER

By: _____ *Signed 12-3-25*
Rob Hakanson, Village President

Attest: *Don Knutson*
Don Knutson, Village Clerk

Published: December 3, 2025, 2025.

Voted for:	<u>3</u>
Voted against:	<u>0</u>
Abstained:	<u>0</u>
Absent:	<u>0</u>
Date enacted:	<u>December</u> <u>3, 2025</u>

Typed Dec 4, 2025
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Amend To or
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