

ORDINANCE NO. 07-26 (2026)

**AN ORDINANCE CREATING CHAPTER 27 OF CITY OF WAUPACA MUNICIPAL CODE -
SEX OFFENDER RESIDENCY RESTRICTIONS AND CHILD SAFETY ZONES**

WHEREAS, the City of Waupaca is committed to promoting, protecting, and improving the health, safety, and welfare of the citizens of the City; and

WHEREAS, persons who have committed sexual crimes against children present a threat to the public safety; and

WHEREAS, the Sex Offender Residency Restrictions are intended to serve the City's compelling interest by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders may not reside or loiter,

NOW THEREFORE BE IT ORDAINED:

Section 1: Chapter 27 of City of Waupaca Municipal Code is hereby created and shall read as follows:

(1) Intent. Persons who have committed sexual crimes against children present a threat to public safety. It is the intent of this section not to impose a criminal penalty but rather to serve the City's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders may not reside or loiter.

(2) Definitions. The following words, term, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(a) ADULT CHILD For the purposes of this chapter, means a person who is 18 years of age or older.

(b) CHILD A Person under the age of 18 for the purpose of this Chapter.

(c) DESIGNATED OFFENDER Any person who is required to register under Wis. Stats. § 301.45 for any sexual offense against a child or any person who is required to register under Wis. Stats. § 301.45 for whom a bulletin to law enforcement agencies has been issued under Wis. Stats. § 301.46(2m). The term “designated offender” also includes any person subject to the sex crimes commitment provision of Wis Stats. § 975.06, and any person found not guilty by reason of disease or mental defect placed on lifetime supervision under Wis Stats § 971.17(1j).

(d) LOITERING Whether in a group, crowd, or as an individual, to stand idly about, loaf, prowl, congregate, wander, stand, linger aimlessly, proceed slowly or with many stops, to delay or dawdle.

(e) PERMANENT RESIDENCE A place where the person abides, lodges, or resides for 14 or more consecutive days.

(f) TEMPORARY RESIDENCE

- (1) A place where the person sleeps, abides, lodges or resides for a period of 14 or more days in the aggregate during any calendar year and which is not that person's permanent residence as defined in this section;
- (2) A place where the person routinely sleeps, abides, lodges or resides for a period of four or more consecutive or nonconsecutive days in any month and which is not that person's permanent residence as defined in this section; or
- (3) A place where a person sleeps, or which qualifies as a temporary residence under the holdings of the Wisconsin Supreme Court, and which may include more than one location, and may be mobile or transitory.

(g) PARK/CONSERVATION AREA Any area held open for use by the public for active or passive leisure purposes, including but not limited to any park, parkway, recreation or open space area, beach, playground, conservation area, lake access point, or recreational trail. "Park/conservation area" also means any private lake access point or private beach that owners of two or more lots of condominium units are entitled use, pursuant to a deed restriction, subdivision plat, condominium declaration, condominium plat, homeowners' association regulation or similar rights of common use.

(h) PUBLIC/PRIVATE SCHOOL an administrative unit, authorized by public authority or registered as private, designed to provide education to students. It can include public, private, tribal, charter, and virtual charter schools, requiring regular instruction.

(i) SPECIALTY SCHOOL Any specialized school for children, including but not limited to a gymnastics academy, dance academy, or music school.

(3) DESIGNATED RESIDENCE PROHIBITION; EXCEPTIONS; PENALTIES

A. Prohibited location of residence. It is unlawful for any designated offender to establish a permanent residence or temporary residence within 1,000 feet of any school, licensed day-care center, park, recreational trail, playground, specialty school, or place of worship.

B. Prohibited loitering. It is unlawful for any designated offender to loiter within 500 feet of any school, licensed day-care center, park, trail, playground, place of worship, specialty school, or any other place designated by the City as a place where children are known to congregate.

C. Prohibited activity. It is unlawful for any designated offender to participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children. Holiday events in which the offender is the parent or guardian of the children involved, and no nonfamilial children are present, are exempt from this subsection. "Participation" is to be defined as actively taking part in the event.

D. Residency restriction exceptions. An offender residing within 1,000 feet of real property that supports or upon which there exists any of the uses enumerated in subsection (A) of this section does not commit a violation of this chapter if any of the following apply:

- (1) The offender is required to serve a sentence or is otherwise involuntarily required to reside in a jail, prison, juvenile facility, or other correctional institution or mental facility.

- (2) The offender has established a residence prior to the effective date of the ordinance codified in this chapter.
- (3) The use enumerated in subsection (A) of this section began after the offender established a residence.
- (4) The offender is a minor or ward under guardianship.

E. Measurement of distance. The distance shall be measured from the closest boundary line of the real property supporting the residence of an offender to the closest boundary line of the real property that supports or upon which there exists any of the uses enumerated in this section. The City Clerk or their designee shall prepare an official map showing prohibited locations as defined by this section. The City Clerk or their designee shall maintain the map on file at the City Hall and update the map at least annually to reflect any changes in the location of prohibited zones. These shall be designated on the map as child safety zones.

F. PENALTIES. A person who violates any provision of this section shall be punished by a forfeiture not exceeding \$500. Each day a person maintains a residence in violation of this section constitutes a separate violation.

G. EXCEPTIONS. A designated offender residing within a prohibited area as described in this section does not commit a violation of this section if any of the following apply:

- (1) The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stats. § 301.45 before the effective date of this ordinance
- (2) The school, licensed day-care center, park, recreational trail, or playground within 1,000 feet of the person's permanent residence was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to WI. Stats. § 301.45.
- (3) The residence is also the primary residence of the person's parents, grandparents, siblings, spouse or adult children, provided that such parent, grandparent, sibling, spouse or adult child established the residence at least two years before the designated offender established residence at the location.

(4) PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND SEXUAL PREDATORS; PENALTIES.

A. It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this chapter, if such place, structure, or part thereof, trailer, or other conveyance, is located within a prohibited location zone described in the prohibited location and not subject to an exception set forth in this ordinance.

B. A property owner's failure to comply with this section shall constitute a violation of this chapter and shall subject the property owner to penalties set forth in section Penalties in this ordinance.

(5) APPEAL

A. Sex Offender Residence Board. The above 1,000-foot requirement may be waived upon approval of the Sex Offender Residence Board through appeal by the affected party. Such appeal shall be made, in writing, to the City Clerk's office, who shall forward the request to the Sex Offender Residence Board, which shall receive reports from the Waupaca Police Department on such appeal. The Board shall convene and consider the public interest, as well as the affected party's presentation and concerns. After deliberation, the Board shall forward its decision, in writing, via the minutes or otherwise to the Waupaca Police Department for its information and action. A written copy of the decision shall be provided to the affected party.

B. Membership. The Sex Offender Residence Board shall consist of five citizen members, three of whom shall constitute a quorum. The Mayor shall annually, between the last Monday of April and the first Monday of May, appoint, in writing, to be filed with the City Clerk, one member for a term of five years, subject to confirmation by the Council. The Mayor shall appoint the initial board members, subject to confirmation by the Council, for staggered terms so that one board member's term expires each year.

Section 2. This ordinance shall take effect upon passage and publication according to law.

/s/ Brian Smith
Brian Smith, Mayor

Adopted: August 18, 2026

Approved: August 18, 2026

Published: August 27, 2026

ATTEST:

/s/ Barb Nowak
Barb Nowak, City Clerk