



# PUBLIC NOTICES



## NOTICE

### ORDINANCE 2024 – 792 OF THE ORDINANCES FOR THE CITY OF CUMBERLAND FOR 2024.

An ordinance creating Section 10.055 – Sex offender residency restrictions and child safety zones and amending Section 10.08 - Penalty.

THE COMMON COUNCIL OF THE CITY OF CUMBERLAND DO ORDAIN AS FOLLOWS:

Section 1. Section 10.055 of the City Code – Sex Offender Residency Restrictions and Child Safety Zones is hereby created as follows:

#### 10.055 - Sex offender residency restrictions and child safety zones.

(a) *Purpose and intent.* The City finds and declares that certain sex offenders are a serious threat to public safety. Given the high rate of recidivism for sex offenders, the City believes that in addition to the protections afforded by state law near schools, day care centers and other places children frequent, reducing opportunity and temptation is appropriate to minimizing the risk of re-offense to better protect the children in these public places. This section is a regulatory measure aimed at protecting the health and safety of children in the City from the risk that convicted sex offenders may re-offend in locations close to their residences where children tend to congregate or be regularly present. 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 safety zones around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from loitering and establishing temporary or permanent residence and wherein access by certain sexual offenders and sexual predators shall be restricted and excluded. This Chapter is not intended to limit any persons from exercising their right to assemble or engage in any other constitutionally protected activity. The Chapter only applies to individuals with the requisite intent to induce or lure a child away from a child's location within a child safety zone.

(b) *Definitions.* As used in this chapter and unless the context otherwise requires:

A *crime against children* shall mean any of the following offenses set forth within the state statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction, respectively:

- (1) Wis. Stats. 940.225(1), first degree sexual assault;
- (2) Wis. Stats. 940.225(2), second degree sexual assault;
- (3) Wis. Stats. 940.225(3), third degree sexual assault;
- (4) Wis. Stats. 940.22(2), sexual exploitation by therapist;
- (5) Wis. Stats. 940.30, false imprisonment, victim was a minor and not the offender's child;
- (6) Wis. Stats. 940.31, kidnapping, victim was a minor and not the offender's child;
- (7) Wis. Stats. 944.01, rape (prior statute);
- (8) Wis. Stats. 944.06, incest;
- (9) Wis. Stats. 944.10, sexual intercourse with a child (prior statute);
- (10) Wis. Stats. 944.11, indecent behavior with a child (prior statute);
- (11) Wis. Stats. 944.12, enticing child for immoral purposes (prior statute);
- (12) Wis. Stats. 948.02(1), first degree sexual assault of a child;
- (13) Wis. Stats. 948.02(2), second degree sexual assault of a child;
- (14) Wis. Stats. 948.025, engaging in repeated acts of sexual assault of the same child;
- (15) Wis. Stats. 948.05, sexual exploitation of a child;
- (16) Wis. Stats. 948.055, causing a child to view or listen to sexual activity;
- (17) Wis. Stats. 948.06, incest with a child;
- (18) Wis. Stats. 948.07, child enticement;
- (19) Wis. Stats. 948.075, use of a computer to facilitate a child sex crime;
- (20) Wis. Stats. 948.08, soliciting a child for prostitution;
- (21) Wis. Stats. 948.095, sexual assault of a student by instructional staff;
- (22) Wis. Stats. 948.11(2)(a) or (am), exposing child to harmful material, felony sections;
- (23) Wis. Stats. 948.12, possession of child pornography;
- (24) Wis. Stats. 948.13, convicted child sex offender working with children;
- (25) Wis. Stats. 948.30, abduction of another's child;
- (26) Wis. Stats. 971.17, not guilty by reason of mental disease, of an included offense; and
- (27) Wis. Stats. 975.06, sex crimes law commitment.

*Child or children* means person(s) under the age of 18 years for purposes of this Chapter.

*Facility for children* 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 daycare center licensed under Wis. Stats. § 48.65, a daycare provider certified under Wis. Stats. § 48.651, or a youth center, as defined in Wis. Stats. § 961.01(22).

*Offender* means 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 children.

*Minor* means a person under the age of 17 years.

*Permanent residence* means the place where a person sleeps, abides, lodges or resides for 14 or more consecutive days or which qualifies as a residence under the holdings of the state supreme court and which may include more than one location, and may be mobile or transitory.

*Sexually violent offense* shall have the meaning as set forth in Wis. Stats. § 980.01(06), as amended from time to time.

*Temporary residence* means residence or premises meeting any of the following criteria:

- (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 4 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 state supreme court, and which may include more than one location, and may be mobile or transitory.

#### (c) *Residency restrictions.*

(1) No offender shall reside within 500 feet of real property that supports, or upon which there exists, any of the following uses:

- a. Public parks, parkways, parkland, park facilities;
- b. "Swimming pool" means any swimming pool, wading pool, or other aquatic facility held open for use by the public and intended or used by children.
- c. A "library" means any library that is held open for use by the public where such library includes a collection of material specifically intended for use by children.
- d. Recreational trails;
- e. Public playgrounds;
- f. A "public school" as defined by Wis. Stats. § 115.01(1); a "private school" as defined by Wis. Stats. § 115.001(3); a "charter school" as defined by Wis. Stats. § 115.001(1); a "specialty school," meaning any specialized school for children, including, but not limited to, a gymnastics academy, dance academy, or music school.
- g. Athletic fields used by children;
- h. A "day care center" means a facility that has been licensed under Wis. Stats. § 48.65 to provide care and supervision of children and includes "before- and after-school daycare," which has the meaning as defined by Wis. Stats. § 120.125(1).
- i. Sports academies, or athletic facilities for children;
- j. Aquatic facilities open to the public; or
- k. Facilities for children's clubs, e.g. Boy Scout and Girl Scout Houses.

(2) *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.

(3) *Residency restriction exceptions.* An offender residing within 500 feet of real property that supports or upon which there exists any of the uses enumerated in this section does not commit a violation of this section if any of the following apply:

- a. 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.
- b. The offender has established a permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. § 301.45 prior to the effective date of the ordinance codified in this chapter.
- c. The use enumerated in subsection (c)(1) above began after the offender established a permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. 301.45.
- d. The offender had not attained the age of 19 at the time of the offense, was determined by the court to meet the criteria under Wis. Stat. § 301.45(1m)(a) and is not required to register pursuant to Wis. Stats. §§ 301.45 or 301.46
- e. The residence is also the primary residence of the sex offender's parents, grandparents, siblings, spouse or child(ren), provided that such person established the residence at least one year before the sex offender established residence at the location.
- f. The person has been released from sex offender registration requirements pursuant to Wis. Stats. §§ 301.45(5) or (5m).

(d) *Loitering.* It is unlawful for any offender to loiter or prowl in the locations enumerated under subsection (c)(1) above, in a place, at a time, or a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity.

(e) *Holiday restriction.* It is unlawful for any offender to participate in a holiday event

involving children, such as distributing candy or other items to children on or about Halloween, wearing a Santa Claus costume, or wearing an Easter Bunny costume, or by engaging in any other similar type(s) of activity that may, under the circumstances then present, tend to entice a child to have contact with a sex offender. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this section.

(f) *Child safety zone map.* The City Clerk shall maintain an official map showing locations identified in subsection (c)(1) above. The City Clerk shall cause such map to be updated at least annually to reflect any changes in the location of prohibited zones. These shall be designated on the map as "child safety zones." In the event of a conflict, the written terms of this Chapter shall control.

(g) *Penalties and remedies.*

(1) *Forfeitures.* Any person found guilty of violating this chapter shall be subject to a forfeiture of not less than \$500.00 nor more than \$1,000.00 for each violation. Each violation and each day a violation continues or occurs shall constitute a separate offense. Violation of this Chapter shall also constitute a public nuisance, which, in addition to monetary forfeitures shall be subject to action by the City to abate and enjoin such nuisance.

(2) *Injunction for violation of residency restrictions.* If an offender establishes a permanent or temporary residence in violation of subsection (c)(1) above, the Chief of Police may refer the matter to the City attorney. The referral shall include a written determination by the Chief of Police that, upon all of the facts and circumstances and the purpose and intent of this chapter, such violation interferes substantially with the comfortable enjoyment of life, health, safety of another or others. Upon such referral, the City Attorney shall bring an action in the name of the City in circuit court to permanently enjoin such residency as a public nuisance.

(h) *Property owners prohibited from renting real property to sexual offenders.* It is unlawful to let or rent any place, structure or part thereof, manufactured home, 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 the terms of this Chapter, if such place, structure or part thereof, manufactured home, trailer, or other conveyance, is located within 500 feet of any prohibited locations, which is not currently rented to an offender.

(i) *Notification.* Consistent with state requirements, the state agency working with the sex offender must notify the alderman of the district and the Cumberland Police Chief a minimum of 28 days prior to establishing either a permanent residence or temporary residence within the City of Cumberland.

(j) *Severability.* Should any portion of this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.

Section 2. That Section 10.08 – Penalty is hereby amended to read as follows:

#### 10.08 – Penalty

Any person who shall violate any provision of this Chapter, except for 10.055 or permit or cause a public nuisance shall be subject to a penalty as provided in sec. 25.04 of this Code.

Section 3. This ordinance shall take effect upon the date of publication as provided in Section 62.11(4)(a), Wisconsin Statutes.

APPROVED THIS 3RD DAY OF APRIL, 2024

MAYOR, Daniel C. Shoemaker

DEPUTY CITY CLERK, Arlene Frisinger

Published in the *Cumberland Advocate* on April 10, 2024. WNAXLP

## Statewide public notice website www.wisconsinpublicnotice.org

### Bear Lake Coffee..

our area. They have also partnered with local consultants Todd Brunclik from Brill and Max Dunn from Spooner and are planning to fully open in 2024.

In August of 2022, the old "Ames Hardware & Grocery" building in Barronett was chosen as the ideal location for the coffeehouse & roastery, with renovations starting in January 2023. Gabe and his wife, Amy Damiani, aimed to incorporate elements from the original building to create a blend of classic and modern aesthetics. Along with its fresh appearance, solar panels have been installed, powering not only the building but also the new electric car charging stations. This addition reflects our commitment to doing our part in offsetting carbon emissions and fighting climate change, one sunny day and one

electric charge at a time.

Bear Lake Coffee is committed to serving "Coffee with a Purpose™", a mission that transcends just providing excellent coffee and outstanding customer service. Throughout 2022 and 2023, Gabe traveled to El Salvador and Costa Rica to meet local farmers, immersing himself in their culture and learning about their dedication to cultivating high-quality specialty coffee beans. Bear Lake Coffee Co. has a farmer-first approach in sourcing their coffee, recognizing that the finest beans often originate from family-owned farms. Their commitment ensures fair compensation for farmers who are devoted to producing top-quality coffee. Their ethos extends beyond just coffee; it's about empowering farmers and their families to prosper. Every cup of coffee they serve is not only

fresh but also the result of sustainable practices from the origin farm to your cup.

After two years of planning, preparing, and assembling all the elements, Caleb Walker, our 'Head of Coffee,' will be joining the team in Barronett as their first full-time employee, starting in January 2024! Caleb and his family have relocated from Montana to bring hand-crafted specialty coffee to our community. Let's extend a warm welcome to Caleb and the team at Bear Lake Coffee Co.!

We are currently open Thursdays and Fridays from 7 am to 1 pm. Hours will update when we are closer to summer. You can learn more about their story, goals and products <https://bearlakecoffee.com>

## A View from the Lake

by Tom Schroeder – President, Beaver Dam Lake Management District

What a winter we experienced this past season in NW Wisconsin. The "Dunk the Clunk", broke through the ice sooner than most everyone thought. Spring must be close as on Thursday, April 4th, I saw 2 younger men sitting in the lake up to their necks by the Eagle Point boat ramp. Guess they were trying out the idea of cold water therapy.

The Lake District finally received the dredging permit for the North side of Library Lake on Feb. 5, 2024. A permit for the South side was obtained in Feb. 2022. With the two permits now in hand the BDLMD Funding Committee charged with raising the estimated \$550,000 to cover the dredging cost is formulating various ideas for raising the funds. Services like "Go Fund Me" and "Venmo" are going to be investigated for possible use. A Match Pledge of \$200,000 has been achieved. The Lake District has a savings and stock account in place for handling all donations. Any sizable donation is eligible to be considered as a tax deduction. Any donation to the Library Lake Restoration fund can be mailed to the BDLMD at P.O. Box 232, Cumberland, WI. 54829. Anyone wishing to donate stock to take ad-

vantage of tax opportunities please contact me. Nezzzy's is planning a Library Lake Restoration 1/2K Run on one of the last two Saturdays in June. The proceeds from the event will be donated to the dredging project. The latest dredging permit requires Library Lake to be drawn down by Oct. 1 in the fall prior to the dredging taking place. A dam will be placed by the Grove Street bridge allowing the remainder of Beaver Dam Lake to stay at normal levels. The removal of the cattails and sediment will occur in the Jan./Feb. time period. A bid specification proposal for the dredging project is currently being developed. By this time in 2025, Library Lake will look a lot different.

The 2024 Eurasian Water Milfoil – EWM permit has been submitted. Based on the July and Oct. 2023 Aquatic Plant Surveys, only Cemetery Bay has any significant areas with EWM requiring treatment. Based on the observed plant (weeds) condition in City Bay and Norwegian Bay this year's permit is requesting permission to treat these areas to allow for water craft to operate without having weed issues to deal with. By having the permit approved prior to knowing the extent of the need for treatment will allow for quicker

response than having to wait for a permit to be issued. The BDLMD website at [beaverdamlake.org](http://beaverdamlake.org) has the public notice for the permit request and the permit application.

I have received numerous calls about the lake level. Last year around this time the lake at the peak was 22 inches above normal. The Lake is currently just above 5 inches below normal. The lake was approximately 9 inches below normal at the end of Feb. The lake level is lowered each fall around Nov.1st to help minimize ice damage along the shoreline. The stop logs were installed at the end of Feb. The side gates were closed this past weekend before the lake level rose to the point of spilling over the side portals. I know some property owners would like to see the level stay below normal but the "normal" level is established by the WDNR and managed by the County.

There will be two BDLMD commissioner openings that will be filled at the Annual Meeting. If you are interested in becoming involved with the BDLMD please contact me. Also, a BDLMD Commissioner Nomination Form will be placed in the Advocate around mid-May.

See you on the lake during the coming boating season.