

REPEAL OF ORDINANCE CHAPTER 15

**AN ORDINANCE TO REPEAL CHAPTER 15 OF THE ORDINANCES OF
THE TOWN OF RANDALL, KENOSHA COUNTY, WISCONSIN,
PERTAINING TO REGULATIONS RELATING TO
RESIDENCY RESTRICTIONS FOR SEX OFFENDERS**

The Town Board of the Town of Randall, Kenosha County, Wisconsin does ordain as follows:

SECTION 1: Chapter 15 Repealed. Chapter 15 of the Town of Randall Code of Ordinances, pertaining to the regulation of residencies for convicted sex offenders, is hereby repealed in its entirety.

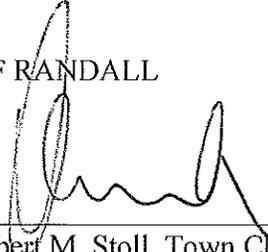
SECTION 2: All ordinances and parts of ordinances in contravention of this repeal of Chapter 15 are hereby also repealed.

SECTION 3: Effective Date. This Ordinance shall take effect and be enforced from and after its passage and posting or publication as required by law.

The foregoing was adopted at a regular meeting of the Town Board of the Town of Randall, Kenosha County, Wisconsin, this 10th day of January, 2019.

TOWN OF RANDALL

By:



Robert M. Stoll, Town Chair

Attest:



Callie Rucker, Town Clerk

TOWN OF RANDALL

RESOLUTION NUMBER: 2019- 001

TITLE: ORDINANCE TO REPEAL CHAPTER 15 OF THE ORDINANCES OF THE TOWN OF RANDALL, PERTAINING TO REGULATIONS RELATING TO RESIDENCY RESTRICTIONS FOR SEX OFFENDERS

WHEREAS, the Wisconsin Statutes provide for the punishment, treatment, and supervision of Offenders convicted or otherwise responsible for sex crimes against children, including their release into the community; and

WHEREAS, the Town of Randall, in 2010, adopted Chapter 15 of its Code of Ordinances, pertaining to the regulation of the residences of convicted sex offenders; and

WHEREAS, the provisions of Chapter 15 were legal and valid at the time Chapter 15 was adopted by the Town of Randall, but are now contrary to the law, as next described; and

WHEREAS, Section 980.08 of the Wisconsin Statutes now provides for detailed court-supervised procedures for the placement of a convicted sexually violent person back into society; and

WHEREAS, Section 980.135 of the Wisconsin Statutes prohibits municipalities, such as the Town of Randall, from enforcing any ordinances that regulate the residential placement of such persons while they are under the supervised release of the courts; and

WHEREAS, in a separate matter, the United States District Court for the Eastern District of Wisconsin, Judge J.P. Stadtmueller presiding, in *Hoffman v. Village of Pleasant Prairie*, 16-CV-697 (4/17/2017), held unconstitutional local municipal ordinances similar to Chapter 15 of the Town of Randall Code of Ordinances; and

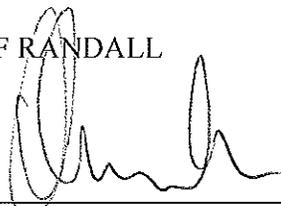
WHEREAS, no satisfactory replacement ordinances are known to presently exist that (i) could withstand a constitutional challenge similar to *Hoffman, supra*, and that (ii) would also not be in conflict with the provisions of Section 980.135 of the Wisconsin Statutes.

NOW, THEREFORE, the Town Board of the Town of Randall, Kenosha County, Wisconsin, does hereby repeal, in its entirety, Chapter 15 of the Ordinances of the Town of Randall.

Dated this 10th day of January, 2019.

TOWN OF RANDALL

By:



Robert M. Stoll, Town Chair

Attest:



Callie Rucker, Town Clerk