

ORDINANCE

An Ordinance to amend Section 14.575 of the Manitowoc Municipal Code regulating Sexual Offender Residency Restrictions.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 14.575 is amended to read as follows:

“14.575 Sexual Offender Residency Restrictions.

...

(2) Definitions. As used in this section, and unless the context requires otherwise:

(a) A **“sexually violent offense”** shall have the meaning as set forth in Wis. Stat. § [980.01\(6\)](#), as amended from time to time.

(b) A **“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, where the victim is under the age of 18, respectively:

Wisconsin Statute Sections	
940.22(2)	Sexual Exploitation by Therapist
940.225(1)	First Degree Sexual Assault
940.225(2)	Second Degree Sexual Assault
940.225(3)	Third Degree Sexual Assault
940.22(2)	Sexual Exploitation by Therapist
940.295(3)	Abuse and Neglect of Patients and Residents – victim was a minor and not the offender’s child
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
948.051	Trafficking 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

Wisconsin Statute Sections	
948.075	Use of a Computer to Facilitate a Child Sex Crime
948.08	Soliciting a Child for Prostitution
948.081	Patronizing a Child
948.085	Sexual Assault of a Child Placed in Substitute Care
948.095	Sexual Assault of a Student by School Instructional Staff
948.10	Exposing Genitals, Pubic Area, or Intimate Parts
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
975.06	Sex Crimes Law Commitment

(c) **“Facility for children”** means a public or private primary or secondary school; a church, synagogue, or house of worship as zoned by the City; a group home, as defined in Wis. Stat. § [48.02\(7\)](#); a residential care center for children or youth, as defined in Wis. Stat. § [48.02\(15d\)](#); a shelter care facility, as defined in Wis. Stat. § [48.02\(17\)](#); a daycare center licensed under Wis. Stat. § [48.65](#); a daycare program established under Wis. Stat. § [120.13\(14\)](#); or a daycare provider certified under Wis. Stat. § [48.651](#).

(d) **“Offender”** means a person who has been convicted of or who has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children who was tried as an adult; or who was deemed an offender under Wis. Stat. Ch. [980](#).

(e) **“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 laws of the State of Wisconsin, and may be mobile or transitory.

(f) **“Sexually violent offense”** shall have the meaning as set forth in Wis. Stat. § [980.01\(6\)](#), as amended from time to time.

(g) **“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 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.

(3) Original Domicile Restriction.

(a) Residency Prohibited. No offender who has ever been ruled a sexually violent offender by a petition filed under Wis. Stat. Ch. [980](#) or any offender who has been convicted of a crime against children as defined in subsection (2)(b) of this section shall be permitted to reside in the City, and no supervised release of such

offender shall be established in the City, unless the offender was domiciled in the City at the time of an offense resulting in conviction or the person previously resided in the City for over five years.

(b) Exemptions. An offender does not commit a violation of this section 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 section.
3. The offender is a minor or ward under guardianship.
4. The residence is also the primary residence of the person's parents, grandparents, siblings, spouse, or child; provided, that such parent, grandparent, sibling, spouse, or child established the residence at least five years before the designated offender established residence at that location.
5. The offender resided in Manitowoc County for over five years prior to their conviction or was domiciled in the County at the time of the offense resulting in conviction of a violation listed in subsection (2)(b) of this section and the offender will be residing at 1118A S. 19th Street, so long as the residence does not exceed 120 days and the property continues to be a contracted property with the State Department of Corrections. The Department of Corrections shall notify the Chief of Police five days prior to moving an offender into the residence listed in this subsection.

...”

Section 2. This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____ APPROVED _____

Justin M. Nickels, Mayor

Fiscal Impact: \$0
Funding Source: n/a
Finance Director Approval: /sc
Approved as to form: /kmm

This resolution was drafted by Elizabeth Majerus, Assistant City Attorney

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