

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.

...

(5) Loitering and Proximity Restrictions.

(a) Unlawful to Loiter or Prowl. It is unlawful for an offender, as defined by subsection (2)(d) of this section, to loiter or prowl, as said words are defined in MMC 14.350(1), within 500 feet of real property that supports or upon which there exists a facility for children, a public park, a public swimming pool, a public library, or a public recreational trail.

(b) Proximity. No offender, as defined by subsection (2)(d) of this section, may enter or remain on any property upon which there is an educational facility for students grade kindergarten through grade 12, a licensed child care center, a playground, or aquatic center.

1. Affirmative Defenses to Proximity Violations. Notwithstanding subsection (5)(b) of this section, a person who can prove they entered or remained upon any land identified in subsection (5)(b) of this section for any of the following reasons, by clear and convincing evidence, is entitled to an affirmative defense to a citation issued for violating the proximity restriction of (5)(b):

- a. To vote in a local, state, or national election or referendum;
- b. With the permission of the owner or occupant of the particular school, child care center, playground, or aquatic center;
- c. With the intent to travel to a location outside the restricted area;
- d. To obtain medical care, or alcohol or drug treatment;
- e. To travel to or remain at a transitional living program operated by an entity that is tax exempt under IRC § 501(e)(3) and under contract with the Wisconsin Department of Corrections; or
- f. To travel to or remain at a care and service residential facility properly licensed, certified, or registered pursuant to Wis. Stat. Ch. 50.

(c) Measurement of Distance. The distance of 500 feet shall be measured from the closest boundary line of the real property that supports or upon which there exists any of the uses enumerated in subsection (5)(a) of this section to the closest boundary line of the real property where the offender is loitering or prowling.

...”

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

INTRODUCED _____ ADOPTED _____

APPROVED _____

Justin M. Nickels, Mayor

Fiscal Impact:	Anticipated no greater than \$1,000 for various sign updates and publication costs
Funding Source:	2022 Parkis/DPI Budget
Finance Director Approval:	/SMA
Approved as to form:	/EMM

This ordinance was drafted by Elizabeth Majerus, Assistant City Attorney.