

*****ATTACHMENTS*****

CITY OF SHEBOYGAN**LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE MINUTES****OCTOBER 10, 2018**

MEMBERS PRESENT: Chair Alderperson Mary Lynne Donohue, Vice Chair Alderperson Ryan Sorenson, Alderperson Trey Mitchell, Alderperson Ron Rindfleisch

MEMBERS ABSENT: Alderperson Rosemarie Trester

STAFF/OFFICIALS PRESENT: City Attorney Charles C. Adams, Mayor Michael Vandersteen, Lt. Doug Teunissen, Lt. William Adams, Licensing Clerk Julie Wieck, Legal Assistant Kathy Hoffman

OTHERS PRESENT: Parole Agent Sara Peters, Parole Agent Josh Butzen, Parole Agent Mike Roehl, Parole Agent Jared Riemann, Diana Dombrowski, Francisco Lira, Philippe Cagnant, Michael Ridgway, Akshay Patel, Michael Szente, Jane Wiensch, Bradley Curler, Stephen Grimm, Johnathan Pirwitz, Jesse Allen, Gustave K. Benson, Amber Loucks, Steven Klein

1. OPENING OF MEETING

1.1 Roll Call

1.2 Call to Order

Chair Alderperson Mary Lynne Donohue called the meeting to order at 4:00 p.m.

1.3 Pledge of Allegiance

The Pledge of Allegiance was recited.

1.4 Introduction of Committee members, staff and guests

2. MINUTES

2.1 Approval of Minutes - September 26, 2018

Motion by Alderperson Sorenson, seconded by Alderperson Mitchell, to approve the minutes of the previous meeting held September 26, 2018. Motion carried 4-0.

3. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

3.1 Presentations by potential applicants for available "Class B" alcohol beverage licenses

There is presently one "Class B" alcohol beverage license available. 2 Amigos, Rendez-Vous, and Marcus Theatres all appeared before the committee to present their cases regarding pre-applications for the available license.

Francisco Lira spoke on behalf of 2 Amigos (1119 Michigan Avenue). He indicated that they have been open for 14 months and have seating for 125 people. They have a beer license, but want a full liquor license to enable them to serve margaritas, tequila, etc.

Philippe Cagnant spoke on behalf of Rendez-Vous (920 Michigan Avenue). He indicated they will be serving French food and will seat up to 40 people. He wants to be able to serve cocktails.

Michael Ridgeway, Director of Food and Beverage Operations, spoke on behalf of Marcus Theatres. They presently offer food and beverages, beer and wine. Guests also would like cocktails and many other Marcus locations do offer cocktails.

3.2 Discussion and action regarding granting opportunity to apply for available "Class B" alcohol beverage licenses

Motion by Alderperson Rindfleisch, seconded by Alderperson Sorenson, to invite 2 Amigos to apply for the available "Class B" alcohol beverage license. Motion carried 3-1 (Alderperson Mitchell – nay).

3.3 Presentations by potential applicants for available "Class A" alcohol beverage licenses

There are presently two "Class A" alcohol beverage licenses available. Akshay Patel appeared before the committee to present his case regarding pre-application for one of the available licenses. Mr. Patel wants to open a convenience store (to include liquor and cigarettes) at the Econo Lodge at the corner of Center Ave. and 8th Street. In approximately six months he would also offer Indian food to go.

3.4 Discussion and action regarding granting opportunity to apply for available "Class A" alcohol beverage licenses

Motion by Alderperson Sorenson, seconded by Alderperson Rindfleisch, to allow Aneek Inc. to apply for the available "Class A" alcohol beverage license. Motion carried 4-0.

CA Adams indicated that due to a clerical error, Aneek Inc. had already submitted their application and it had been held. The application has been reviewed by staff and it can be approved at this meeting on R.O. 121-18-19 (see below).

3.5 R.O. No. 121-18-19 (9-17-18) Submitting various license applications for the period ending December 31, 2018, June 30, 2019 and June 30, 2020. "Class A" Liquor Lic. App. No. 3357 (Aneek Inc.); Bev. Op. Lic. App. No. 2403 (Makai C. Myers)

CA Adams informed the committee that staff is recommending that Makai C. Myers' application be denied. Mr. Myers has indicated that he does not want a hearing on possible denial of his license application.

Motion by Alderperson Rindfleisch, seconded by Alderperson Sorenson, to grant a license to "Class A" Liquor Lic. App. No. 3357 (Aneek Inc.) and to accept all facts presented by staff as true and deny the license application of Makai C. Myers based upon his record of violations related to the licensed activity and his history as a repeat law offender. Motion carried 4-0.

3.6 R.O. No. 135-18-19 (10-1-18) Submitting various license applications for the period ending December 31, 2018, June 30, 2019 and June 30, 2020

Motion by Alderperson Sorenson, seconded by Alderperson Rindfleisch, to grant all license applications for individuals and entities listed on the above-referenced R.O. Motion carried 4-0.

3.7 Res. No. 104-18-19 (10-1-18) A Resolution authorizing the appropriate City officials to execute the Evidence.com Prosecutor Services Agreement by and between Axon Enterprise, Inc. and the City of Sheboygan with regard to the use of Axon Enterprise, Inc. products and services

CA Adams spoke regarding the Evidence.com products and services and how it will improve the efficiency of the City Attorney's office and the Police Department in dealing with video evidence in court.

Motion by Alderperson Sorenson, seconded by Alderperson Mitchell, to recommend the Common

Council approve Res. No. 104-18-19. Motion carried 4-0.

3.8 R.O. No. 125-18-19 (10-1-18) Submitting a communication from Michael C. Szente requesting a waiver from the Sex Offender Residency requirements in order to reside at Superior Manor

Michael C. Szente was present and spoke. Lt. Teunissen indicated that Mr. Szente had been at a TLP and is presently homeless, but is staying with a friend temporarily. Parole Agent Sara Peters was present and indicated that she approves of this placement.

Motion by Alderperson Rindfleisch, seconded by Alderperson Sorenson, to approve the waiver. Motion carried 4-0.

3.9 R.O. No. 126-18-19 (10-1-18) Submitting a communication from George Harris requesting a waiver from the Sex Offender Residency requirements in order to reside at Superior Manor, 1424 North 10th Street

George Harris was not present. Lt. Teunissen indicated that Mr. Harris is presently in prison and will be released in November.

Motion by Alderperson Rindfleisch, seconded by Alderperson Sorenson, to approve the waiver. Motion carried 4-0.

3.10 R.O. No. 127-18-19 (10-1-18) Submitting a communication from Jane Wiensch requesting a waiver from the Sex Offender Residency requirements in order to reside at 1124B Erie Avenue

Jane Wiensch was present and spoke. Lt. Teunissen indicated that Ms. Wiensch is presently homeless. Parole Agent Josh Butzen was present and indicated that he approves of this placement.

Motion by Alderperson Rindfleisch, seconded by Alderperson Sorenson, to approve the waiver. Motion carried 4-0.

3.11 R.O. No. 128-18-19 (10-1-18) Submitting a communication from Bradley Curler requesting a waiver from the Sex Offender Residency requirements in order to reside at Superior Manor - 1427 North 10th Street

Bradley Curler was present and spoke. Lt. Teunissen indicated that Mr. Curler was released from prison on October 9, 2018. Parole Agent Jared Riemann was present and indicated that Mr. Curler's employment begins on October 15th.

Motion by Alderperson Rindfleisch, seconded by Alderperson Mitchell, to approve the waiver. Motion carried 4-0.

3.12 R.O. No. 129-18-19 (10-1-18) Submitting a communication from Stephen Grimm requesting a waiver from the Sex Offender Residency requirements in order to reside at Superior Manor - 1427 North 10th Street

Stephen Grimm was present and spoke. Lt. Teunissen indicated that Mr. Grimm was recently released from prison. Parole Agent Jared Riemann was present and indicated that Mr. Grimm will be on probation for six years.

Motion by Alderperson Rindfleisch, seconded by Alderperson Donohue, to approve the waiver. Motion carried 4-0.

3.13 R.O. No. 130-18-19 (10-1-18) Submitting a communication from Johnathan Pirwitz requesting a waiver from the Sex Offender Residency requirements in order to reside at 2606 Eisner Avenue

Johnathan Pirwitz was present and spoke. Lt. Teunissen indicated that Mr. Pirwitz is presently homeless.

Parole Agent Mike Roehl was present and indicated this homeowner is willing to mentor Mr. Pirwitz.

Motion by Alderperson Mitchell, seconded by Alderperson Donohue, to approve the waiver. Motion carried 4-0.

3.14 R.O. No. 131-18-19 (10-1-18) Submitting a communication from Jesse Allen requesting a waiver from the Sex Offender Residency requirements in order to reside at 1116 North 15th Street

Jesse Allen was present and spoke. Lt. Teunissen indicated that Mr. Allen had been in a TLP. Parole Agent Sara Peters was present and indicated that she approves of this placement.

Motion by Alderperson Rindfleisch, seconded by Alderperson Mitchell, to approve the waiver. Motion carried 4-0.

3.15 R.O. No. 132-18-19 (10-1-18) Submitting a communication from Gustave K. Benson requesting a waiver from the Sex Offender Residency requirements in order to reside at 3402 Wilgus Avenue

Gustave K. Benson was present and spoke. Parole Agent Josh Butzen was present and indicated that Mr. Benson's SSI has not kicked in yet.

Motion by Alderperson Rindfleisch, seconded by Alderperson Mitchell, to approve the waiver. Motion carried 4-0.

3.16 R.O. No. 133-18-19 (10-1-18) Submitting a communication from Tylor Thompson requesting a waiver from the Sex Offender Residency requirements in order to reside at 3402 Wilgus Avenue

Tylor Thompson was not present. Lt. Teunissen indicated that Mr. Thompson is incarcerated and his release date is October 23, 2018 and then he will be on probation until 2025. Parole Agent Josh Butzen was present and spoke.

Motion by Alderperson Rindfleisch, seconded by Alderperson Donohue, to approve the waiver. Motion carried 4-0.

3.17 R.C. No. 111-18-19 (8-20-18) [see also Gen. Ord. No. 8-18-19 (7-16-18)] An ordinance repealing Article VIII of Chapter 70 of the Municipal Code entitled "Sexual Offender Residency Restrictions"

Motion by Alderperson Sorenson, seconded by Alderperson Mitchell, to file R.C. No. 111-18-19 and Gen. Ord. No. 8-18-19. Motion carried 3-1 (Alderperson Rindfleisch – nay).

3.19 Discussion regarding meeting dates in December 2018

The second meeting of the committee during the month of December would fall on December 26th. The decision was made to instead hold that meeting on January 2, 2019 at 4:00 p.m.

4. NEXT MEETING DATE

4.1 Next meeting date will be October 24, 2018

The next committee meeting will be held on Tuesday, October 23, 2018 at 9:00 a.m. in the Rocca Meeting Room at the Mead Public Library, 710 North 8th Street, Sheboygan.

5. ADJOURN

5.1 Motion to adjourn

Motion by Alderperson Mitchell, seconded by Alderperson Rindfleisch, to adjourn at 5:34 p.m. Motion carried 4-0.



II

Other Matters

10.1

R. O. No. 151 - 18 - 19. By CITY CLERK. October 15, 2018.

Submitting various license applications for the period ending December 31, 2018, June 30, 2019 and June 30, 2020.

City Clerk

FERMENTED MALT BEVERAGE LICENSE (June 30, 2019) (NEW)

<u>No.</u>	<u>Name</u>	<u>Address</u>
3362	Jay's	1710 Indiana Avenue

BEVERAGE OPERATOR'S LICENSE (NEW) (June 30, 2020)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2445	Advic, Haris	1917 S. 17 th Street
2454	Barthels, Jodi L.	130 Ashland Court, Sheboygan Falls
2460	Braaksma, Benjamin J.	1817 N. 3 rd Street
2466	Bubb, Matthew J.	4122 Oakdale Ct. Apt. F202
6937	Calvert, Catherine L.	1840 Geele Avenue
2464	Cichocki, Emily B.	2207 N. 9 th Street
2451	Drews, Shelly M.	2215 S. 7 th Street
2443	Dudenhoefer, Cheyenne L.	2341 Skyline Drive Apt. 3C
2457	Ferris, Matthew S.	2365 Woodland Hills Dr., Menasha
2458	Fogle, Tiffany L.	1537 N. 10 th Street
2455	Galicia Segur, Christian	1516 Michigan Avenue
1166	Gavin, Tiffany A.	2217 Terrace View Dr. #2C
0375	Gill, Harjinder S.	624 N. 7 th Street, Oostburg
0257	Hansen, Eric H.	517 N. 5 th Street
2441	Hatleli, Alexandra N.	1507 S. 8 th Street
2447	McCoy, Benjamin D.	2011 Indiana Avenue
2449	Rondeau, Jason M.	1314 N. 26 th Street Apt. 4
9721	Schuetz, Thomas F.	W6490 Aurora Road, Plymouth
2442	Seng, Jordan R.	112 Kentucky Avenue
2439	Timm, Josie E.	437 Woodhaven Court
2461	Wilken, Brittany L.	1028 Grand Avenue

TAXICAB DRIVERS LICENSE (NEW) (December 31, 2018)

<u>No.</u>	<u>Name</u>	<u>Address</u>
9790	Butts, Constance B.	729 Kentucky Avenue
1049	Chavez, Moises Jr.	2407 N. 10 th Street
9660	Johnson, Charleen M.	1424 S. 9 th Street
2444	Oakley, Jamey S.	1728A N. 3 rd Street
0952	Pineda, Berta	4415 Primrose Court Apt. R202

AAPS

III

5.6

Res. No. III - 18 - 19. By Alderpersons Donohue and Sorenson.
October 15, 2018.

A RESOLUTION authorizing the appropriate City officials to execute the Joint Powers Agreement for Sheboygan County and City of Sheboygan 911 Emergency Systems.

WHEREAS, Sheboygan County and the City of Sheboygan have each implemented an Emergency 911 System for the purposes of providing emergency services to residents and visitors of these municipalities, including fire fighting, law enforcement, ambulance, medical and other emergency services; and

WHEREAS, Sec. 256.35(9), Wis. Stats., "Joint Powers Agreement," requires that in implementing 911 systems as has been done by both Sheboygan County and the City of Sheboygan, municipalities shall annually enter into a Joint Powers Agreement, which Agreement shall be applicable on a daily basis and which shall provide that if an emergency services vehicle is dispatched in response to a request through either the Sheboygan County 911 System or the City of Sheboygan 911 System, such vehicle shall render its services to the persons needing the services, regardless of whether the vehicle is operating outside the vehicle's normal jurisdictional boundaries.

NOW, THEREFORE, BE IT RESOLVED: That the Mayor and City Clerk are hereby authorized and directed to execute the Joint Powers Agreement - Sheboygan County and City of Sheboygan 911 Emergency Systems, effective for calendar year 2019, a copy of which is attached hereto and incorporated herein.

BE IT FURTHER RESOLVED: That the City Clerk is hereby authorized and directed to file a fully executed copy of this Joint Powers Agreement with the State of Wisconsin Department of Justice.

ALPS

M. Lynne Howla
Gene Sorenson

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk
Approved _____ 20____. _____, Mayor

**JOINT POWERS AGREEMENT
SHEBOYGAN COUNTY AND CITY OF SHEBOYGAN
911 EMERGENCY SYSTEMS**

WHEREAS, Sheboygan County and the City of Sheboygan have each implemented an Emergency 911 System for the purposes of providing emergency services to residents and visitors of these municipalities, including fire fighting, law enforcement, ambulance, medical and other emergency services; and

WHEREAS, Sec. 256.35(9), Wis. Stats., “Joint Powers Agreement,” requires that in implementing 911 systems as has been done by both Sheboygan County and the City of Sheboygan, municipalities shall annually enter into a Joint Powers Agreement, which Agreement shall be applicable on a daily basis and which shall provide that if an emergency services vehicle is dispatched in response to a request through either the Sheboygan County 911 System or the City of Sheboygan 911 System, such vehicle shall render its services to the persons needing the services, regardless of whether the vehicle is operating outside the vehicle’s normal jurisdictional boundaries.

THEREFORE, in consideration of the mutual promises, agreements and conditions contained herein, it is hereby jointly agreed between Sheboygan County and the City of Sheboygan as follows:

1. That effective January 1, 2019, this Agreement shall, thereafter, be applicable on a daily basis from said date through December 31, 2019.
2. That if an emergency services vehicle operated by either Sheboygan County or the City of Sheboygan, or operated by an agency with which either municipality contracts for that particular emergency service, is dispatched in response to a request through the Sheboygan County emergency 911 System or the City of Sheboygan 911 System, such vehicle (whether owned and operated by the municipality or by the agency) shall render its services to the persons needing the services, regardless of whether the vehicle is operating outside the vehicle’s normal jurisdictional (or as defined by contract) boundaries.

3. That a copy of this Agreement shall be filed with the State Department of Justice, as required by Sec. 256.35(9)(c), Wis. Stats.

Dated this ___ day of _____, 2018.

SHEBOYGAN COUNTY

BY: _____
Cory L. Roeseler
Sheriff

Dated this ___ day of _____, 2018.

CITY OF SHEBOYGAN

BY: _____
Michael J. Vandersteen
Mayor

ATTEST: _____
Meredith DeBruin
City Clerk

This Agreement is authorized by and in accordance with Res.
No. ____ - 18 – 19.

II

4.6

R. O. No. 144 - 18 - 19. By CITY CLERK. October 15, 2018.

Submitting a communication from Michael L. Bartlein requesting a waiver from the Sex Offender Residency requirements in order to reside at 1108A Erie Avenue.

LHPS


CITY CLERK

Date: 10/2/2018

My name is: Michael L. BARTLEIN

I am requesting a waiver to the Sexual Residency Requirements so I may live at:

1108 A ERIE AVE Sheboygan, WI 53081

Signature: 

Phone Number: (920) 287-4320

Any applications for a waiver from the Sex Offender Residency restrictions received by Noon on the Thursday prior to the following Monday's Council meeting will be submitted to that Council for referral to Licensing, Hearings, and Public Safety Committee. Anything after Noon on Thursday will not go to Council until the next Council meeting.

This will allow the Police Department to complete the necessary work they do to prepare for the Licensing, Hearings, and Public Safety Committee meeting.

Thank you for all your cooperation in the matter.

II

4.7.

R. O. No. 145 - 18 - 19. By CITY CLERK. October 15, 2018.

Submitting a communication from Phoenix Reyes requesting a waiver from the Sex Offender Residency requirements in order to reside at Superior Manor.

YAPS

CITY CLERK

SEP 27 '18 PM 4:32

Date: 9/26/18

My name is: Phoenix Reyes

I am requesting a waiver to the Sexual Residency Requirements so I may live at:

Superior Manor

Signature: Phoenix Reyes

Phone Number: 920-316-0505

Any applications for a waiver from the Sex Offender Residency restrictions received by Noon on the Thursday prior to the following Monday's Council meeting will be submitted to that Council for referral to Public Protection and Safety. Anything after Noon on Thursday will not go to Council until the next Council meeting.

This will allow the Police Department to complete the necessary work they do to prepare for the Public Protection and Safety meeting.

Thank you for all your cooperation in the matter.

II

4.11

R. O. No. 146 - 18 - 19. By CITY CLERK. October 15, 2018.

Submitting a communication from Joshua Martin requesting a waiver from the Sex Offender Residency requirements in order to reside at Superior Manor - 1427 North 10th Street.

RHS

CITY CLERK

OCT 11 '18 PM 2:31

Date: 10/11/18

My name is: Joshua Martin

I am requesting a waiver to the Sexual Residency Requirements so I may live at:

Suitor Manor
1427 N. 10th St.
Sheboygan WI 53081

Signature: 

Phone Number: 262 391 8009

Any applications for a waiver from the Sex Offender Residency restrictions received by Noon on the Thursday prior to the following Monday's Council meeting will be submitted to that Council for referral to Licensing, Hearings, and Public Safety Committee. Anything after Noon on Thursday will not go to Council until the next Council meeting.

This will allow the Police Department to complete the necessary work they do to prepare for the Licensing, Hearings, and Public Safety Committee meeting.

Thank you for all your cooperation in the matter.

II

49

R. O. No. 148 - 18 - 19. By CITY CLERK. October 15, 2018.

Submitting a communication from Ricardo Lopez requesting a waiver from the Sex Offender Residency requirements in order to reside at 1533 North 12th Street.

YHP

CITY CLERK

Date: 10-11-18

My name is: Ricardo Lopez

I am requesting a waiver to the Sexual Residency Requirements so I may live at:

~~774 Spring~~ 1532 N. 12. St.
Sheboygan WI 53081

Signature: Ricardo Lopez (920)

Phone Number: 451-7827 - OR cell 287-4422

Any applications for a waiver from the Sex Offender Residency restrictions received by Noon on the Thursday prior to the following Monday's Council meeting will be submitted to that Council for referral to Public Protection and Safety. Anything after Noon on Thursday will not go to Council until the next Council meeting.

This will allow the Police Department to complete the necessary work they do to prepare for the Public Protection and Safety meeting.

Thank you for all your cooperation in the matter.

II

48

R. O. No. 149 - 18 - 19. By CITY CLERK. October 15, 2018.

Submitting a communication from Ricardo Lopez requesting a waiver from the Sex Offender Residency requirements in order to reside at 1427 North 10th Street.

RHS

CITY CLERK

OCT 11 '18 AM 9:50

Date: 10-11-18

My name is: Ricardo Lopez

I am requesting a waiver to the Sexual Residency Requirements so I may live at:

1427 N 10 St

Signature: Ricardo Lopez (920)

Phone Number: 284-4422 or 451-7827

Any applications for a waiver from the Sex Offender Residency restrictions received by Noon on the Thursday prior to the following Monday's Council meeting will be submitted to that Council for referral to Public Protection and Safety. Anything after Noon on Thursday will not go to Council until the next Council meeting.

This will allow the Police Department to complete the necessary work they do to prepare for the Public Protection and Safety meeting.

Thank you for all your cooperation in the matter.

II

4.10

R. O. No. 147 - 18 - 19. By CITY CLERK. October 15, 2018.

Submitting a communication from Thomas Wirth requesting a waiver from the Sex Offender Residency requirements in order to reside at 1202 North 31st Street.

WPS

CITY CLERK

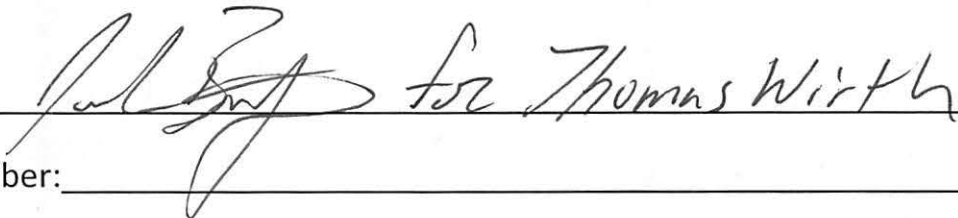
OCT 10 '18 AM 11:50

Date: 10/9/18

My name is: Thomas Wirth

I am requesting a waiver to the Sexual Residency Requirements so I may live at:

1202 N. 31st St. Sheboygan WI 53081

Signature: 

Phone Number: _____

Please contact Probation/Parole Agent **Josh Butzen** at 920-918-7894 regarding this matter.

Any applications for a waiver from the Sex Offender Residency restrictions received by Noon on the Thursday prior to the following Monday's Council meeting will be submitted to that Council for referral to Public Protection and Safety. Anything after Noon on Thursday will not go to Council until the next Council meeting.

This will allow the Police Department to complete the necessary work they do to prepare for the Public Protection and Safety meeting.

Thank you for all your cooperation in the matter.

~~X~~

7.1

Gen. Ord. No. 21 - 18 - 19. By Alderpersons Donohue and Rindfleisch.
October 15, 2018.

AN ORDINANCE repealing and recreating Article VIII of Chapter 70 of the Municipal Code entitled "Sexual Offender Residency Restrictions."

WHEREAS, in recent years, several communities in Wisconsin have had their Sexual Offender Residency Restrictions ruled unconstitutional or otherwise unenforceable by state and federal courts because of concerns that such ordinances do not provide clear evidence that the restrictions protect citizens and concerns regarding due process; and

WHEREAS, the Wisconsin Legislature has pre-empted municipalities from regulating the residency of the most dangerous sexual offenders, instead imposing its own restrictions; and

WHEREAS, the primary purpose of Sheboygan's current restrictions are to provide notice to neighbors regarding offenders who are moving to their neighborhood, and current statutes already provide neighbors and potential neighbors with such information; and

WHEREAS, an all-too-common effect of denial of residency is homelessness, a circumstance that is more dangerous not only for convicted offenders but for all citizens; and

WHEREAS, it is the sense of the council that it would be better to allow the Sheboygan Police Department to focus on informing and protecting neighbors and allowing the professionals with the Department of Corrections to focus on providing the best and safest alternative residences for those who would be affected by Sheboygan's restrictions; and

WHEREAS, it is the sense of the council that a limited and appropriate level of residency restrictions and review thereof by elected officials should still remain aimed at those most likely to be dangerous to the general public.

THEREFORE, THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Article VIII of Chapter 70 of the Municipal Code is hereby repealed and recreated to read as follows:

AHS

"ARTICLE VIII. - SEXUAL OFFENDER RESIDENCY RESTRICTIONS

Sec. 70-261. - Finding and intent.

- (a) Sexual offenders who prey on strangers, including children, are sexual predators who present a threat to public safety that cannot easily be mitigated via notification provisions. Such offenders are likely to use physical violence and to repeat their offenses. This makes the cost of sexual offender victimization to society at large in such situations, while incalculable, clearly exorbitant.
- (b) It is the intent of this article 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 sexual offenders and sexual predators who prey on strangers are prohibited from establishing temporary or permanent residence.

Sec. 70-262. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Child means a person under the age of 16 for the purposes of this article.

Designated offender means any person who is required to register under Wis. Stat. § 301.45 for any sexual offense against a child or any person who is required to register under Wis. Stat. § 301.45 and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to Wis. Stat. §§ 301.46(2) and (2m).

Minor means a person under the age of 17.

Permanent residence means a place where the person abides, lodges, or resides for 14 or more consecutive days.

Temporary residence means a place where the person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges, or resides for a period of four

or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

Sec. 70-263. - Sexual offender and sexual predator residence; prohibition; penalties; exceptions.

- (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 or place of worship unless that person meets one or more of the exceptions contained in subsection (e), or has received a waiver pursuant to section 70-265.
- (b) *Prohibited activity.* It is unlawful for any designated offender to participate in a holiday event involving children less than 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 non-familial children are present, are exempt from this paragraph. Participation is to be defined as actively taking part in the event.
- (c) *Measurement of distance.*
 - (1) For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school, licensed day care center, park, recreational trail, playground or place of worship.
 - (2) The city engineer shall prepare, maintain and file with the city clerk an official map showing prohibited locations as defined by this article. The engineer shall update the map at least annually to reflect any changes in the location of prohibited zones and file said updated map with the city clerk. These shall be designated on the map as child safety zones.
- (d) *Penalties.* A person who violates any provision of this article shall be punished by a forfeiture not exceeding \$500.00. Each day a person maintains a residence in violation of this article constitutes a separate violation. The City of Sheboygan may also seek equitable relief.

- (e) *Exceptions.* A designated offender residing within a prohibited area as described in subsection (a) 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. Stat. § 301.45 before the effective date of this article.
 - (2) The person is a minor and is not required to register under Wis. Stat. § 301.45 or § 301.46.
 - (3) 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 Wis. Stat. §301.45.
 - (4) The residence is also the primary residence of the person's parents, grandparents, siblings, spouse or children, provided that such parent, grandparent, sibling, spouse or child established the residence at least two years before the designated offender established residence at the location.
 - (5) The person is residing at a transitional living program (TLP) facility funded by the department of corrections/ community corrections within the city.

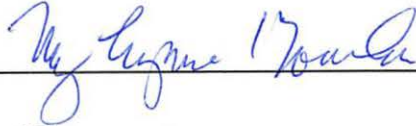
Sec. 70-264. - Property owners prohibited from renting real property to certain sexual offenders and sexual predators; penalties.


- (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 article, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in section 70-263(a), and not subject to an exception set forth in section 70-263(e) above or a waiver pursuant to section 70-265.
- (b) A property owner's failure to comply with this section shall constitute a violation of this article, and shall subject the property owner to the penalties set forth in section 70-263(d).

Sec. 70-265. - Waiver.

- (a) The above 1,000-foot requirements may be waived upon approval by the chief of police or his/her designee (hereafter, "the chief") through appeal by the designated offender affected. Such appeal shall be made in writing to the chief.
- (b) The chief shall consider the public interest, all relevant statutes and ordinances, and the designated offender's concerns. The chief shall also consider the nature of the designated offender's sexual offenses, denying waivers only in circumstances where the applicant's offenses involved strangers. The chief shall inform the designated offender in writing of the results of his or her review of the waiver. If the chief denies the waiver, he or she shall inform the designated offender that the offender may appeal the denial of the waiver by so indicating to the chief in writing within fourteen days after the chief's denial.
- (c) If any offender appeals the denial of a waiver pursuant to subsection (b) above, the chief shall immediately notify the city clerk and chair of the licensing, hearings, and public safety committee of such appeal, the name of the designated offender, and the address at which the offender wishes to reside. The chair shall then place the matter on the agenda of a committee meeting for the purposes of an appeal hearing. Said hearing shall take place between seven and thirty days after the chief receives notice of the appeal from the offender. Said time limits may be waived by the offender.
- (d) At the hearing, the committee shall hear evidence from the chief and from the offender or his or her representative, as well as any other person whose testimony it deems relevant. The committee, in its deliberation, shall consider the nature of the sexual offenses committed by the offender, the needs of the offender in order to reintegrate as a productive member of the community, the public interest in safety, and all relevant statutes and ordinances. After deliberation, the committee shall forward its decision in writing via the minutes or otherwise to the chief and to the offender."

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.





I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor