

## Chapter 260. Sex Offenders, Restrictions for

- A. Intent. This section is a regulatory measure aimed at protecting the health and safety of children in the City of Manawa from the risk that sexual offenders convicted of an offense against a child may re-offend in locations close to where children congregate. Given the high rate of recidivism for sexual offenders, and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children where they congregate or play in public places. Therefore, the City finds and declares that sexual offenders are a serious threat to the public safety of children if regulatory measures are not in place that prohibit their presence in specified areas designated as places children commonly congregate. The City of Manawa finds and declares that in addition to schools and day-care centers, children congregate or play at child-oriented facilities, such as parks and playgrounds.
- B. Purpose. It is not the intent of this section 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 children of the City by prohibiting convicted sexual offenders from loitering, being present in specified areas around locations, and living where children regularly congregate in concentrated numbers. It is the further intent of this section to recognize that convicted sexual offenders must reenter the community, and the City of Manawa hereby accepts it has a responsibility to convicted sexual offenders and the surrounding area municipalities to ensure that, in addition to promoting regulatory measures aimed at protecting children, its regulatory measures are not aimed at prohibiting convicted sexual offenders from being part of this society.
- C. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning.

### **DESIGNATED OFFENDER**

- A. Any person who is required to register under § 301.45, Wis. Stats., for any sexual offense against a child; or
- B. Any person who is required to register under § 301.45, Wis. Stats., and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to § 301.46(2) and (2m), Wis. Stats.
- C. Any person who has been convicted or found delinquent or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children.

### **LOITERING**

Whether in a group, crowd, or as an individual, to stand idly about, loaf, prowl, congregate, wander, and stand, linger aimlessly, proceed slowly or with many stops, to delay or dawdle.

### **CHILD/MINOR**

Any person under the age of 18.

### **RESIDENCE**

The place where a person sleeps, or which qualifies as a residence under the holdings of the Wisconsin Supreme Court, and which may include more than one location, and may be mobile or transitory.

#### (1) **RESTRICTED RESIDENCES**

A designated offender shall not reside within 100 feet of real property that supports or upon which there exists any of the following uses:

- (a) A school for children, to include the athletic fields, parking lots, playgrounds, etc.;
- (b) A licensed daycare for children;
- (c) Freedom Park, to include the shelters, play areas, memorial grounds, and splashpad;
- (d) Sturm Memorial Library;
- (e) Manawa Lions Club Rodeo grounds, E5888 County Highway B and attached parcels in the City of Manawa, Tax Parcel ID Numbers 31 21 97 & 31 21 42 40.

See appendix A for a list of RESTRICTED RESIDENCES.

- (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 (1) Restricted Residences.
- (3) Residency restriction exemptions. A designated offender living within the restricted residency area is not in violation of this section if the following apply.
  - (a) The designated offender established residency prior to the effective date of this ordinance.
  - (b) The use enumerated in this section (1) Restricted Residences, has been added after the designated offender established a residence.
  - (c) The designated offender is a minor or ward under guardianship.
  - (d) The following properties with their right-of-way in the restricted residence zone; 428 Hoffman Court, and 107 Ridgeway Heights.

## **ZONES**

### **(1) RESTRICTED ZONES**

Certain areas that are designated by the City as areas children congregate, including, but not limited to, schools, parks, licensed day-care centers, or any other place designated by the City as a place where children are known to congregate. Restricted zones will not expand beyond the real estate parcel or parcel(s) upon which the building, park, or establishment is located that instigated the City's designation of such restricted zone, but will include contiguous parcels used for ancillary purposes, such as an athletic field located adjacent to a school.

- (a) A school for children, to include the athletic fields, parking lots, playgrounds, etc.;
- (b) A licensed daycare for children;
- (c) Freedom Park, to include the shelters, play areas, memorial grounds, and splashpad;
- (d) Lindsay Park;
- (e) Triangle Park;
- (f) City of Manawa Parcels located within the boundary lines of the Manawa Lions Club Rodeo Grounds. Tax Parcel ID Numbers 31 21 97 & 31 21 42 40.

### **(2) LOITER-FREE ZONES**

The one-hundred-foot radius surrounding all restricted zones.

Exception- City Hall, 500 South Bridge Street, while conducting personal business, attending a meeting or activities without non-custodial minors. No loitering while going to or coming from the building; and businesses defined in the Restricted Zone Map on file at the City Clerk's Office.

### **(3) RESTRICTED ZONE MAPS**

An official map, maintained by the City, showing restricted zones designated in red and loiter-free zones designated in Yellow (the "Restricted Zone Map"). The City shall update the Restricted Zone Map as needed to reflect any changes in the location of restricted zones and loiter-free zones. Restricted Zone Maps will be available at the City Clerk's Office.

D. Prohibited location and/or acts.

- (1) Restricted zones.

- (a) Restricted zone restrictions. It is generally unlawful for any designated offender to be physically present within a restricted zone.
  - (b) Restricted zone exceptions. An offender may be physically present within a restricted zone if the following are present:
    - [1] The designated offender receives a waiver from the Chief of Police, or designee.
    - [2] The designated offender complies with 301.475, Sex offenders to notify schools, in compliance to 301.45(1g).
  - (c) Loiter-free zones. It is unlawful for any designated offender to loiter within a restricted zone or loiter-free zone, unless any of the restricted zone exceptions apply.
    - (2) Holiday prohibition. It is unlawful for any designated offender to participate in a holiday event involving children, such as distributing candy or other items to children. Holiday events in which the designated offender is the parent or guardian of the child involved, and no non-familial children are present, are excepted from this subsection. Participation is to be defined as actively taking part in the event.
- E. Penalties. Any violation of this chapter shall be subject to a forfeiture neither less than \$300 nor exceeding \$1,000. Each day of each violation shall constitute a separate offense.
- F. Violation of this chapter shall constitute a public nuisance which, in addition to monetary forfeitures, shall be subject to action by the City to abate and enjoin such nuisance.
- G. The following forfeitures for the offenses specified may be paid at City Hall:

<b>Violation</b>	<b>Forfeiture</b>
Loitering & other violations	\$300
Restricted Zone violation	\$400
Repeat offense (1st)	\$600
Repeat offense (2nd and above)	\$800
Restricted Residency violation per day	\$1,000

- H. Severability; Should any section, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid, or be repealed, it shall not affect the validity of this chapter as a whole, or any part thereof, other than the part so declared to be invalid or repealed.
- I. Effective date. This section shall become effective upon its passage and publication as required pursuant to law.

## **APPENDIX A**

The following addresses, or tax parcel ID number if a physical address is not assigned, are determined to be RESTRICTED RESIDENCES for designated offenders.

### **Freedom Park Neighbors**

200 North Bridge Street  
194 North Bridge Street  
154 North Bridge Street  
140 North Bridge Street

### **Sturm Memorial Library Neighbors**

147 North Bridge Street  
140 North Bridge Street- also noted in Freedom Park Neighborhood  
137 North Bridge Street  
129 North Bridge Street

### **Little Wolf High School/ Manawa Middle School Neighbors**

520 Grove Street	410 High Street
429 East 4 <sup>th</sup> Street	710 Meadow Lane
502 East 4 <sup>th</sup> Street	716 Meadow Lane
512 East 4 <sup>th</sup> Street	722 Meadow Lane
518 East 4 <sup>th</sup> Street	804 Meadow Lane
City of Manawa Tax Parcel ID Number 31 15 34 20	806 Meadow Lane
574 East 4 <sup>th</sup> Street	808 Meadow Lane
584 East 4 <sup>th</sup> Street	810 Meadow Lane
588 East 4 <sup>th</sup> Street	

### **Saint Paul School and Licensed Daycare Neighbors**

666 Depot Street	115 Wells Street	144 Euclid Avenue
676 Depot Street	125 Wells Street	158 Euclid Avenue
706 Depot Street	135 Wells Street	170 Euclid Avenue
716 Depot Street	145 Wells Street	179 Euclid Avenue
721 Depot Street	159 Wells Street	180 Euclid Avenue
726 Depot Street	821 South Bridge Street	199 Euclid Avenue
733 Depot Street	835 South Bridge Street	213 Euclid Avenue
751 Depot Street	845 South Bridge Street	214 Euclid Avenue
763 Depot Street	859 South Bridge Street	220 Euclid Avenue
777 Depot Street	869 South Bridge Street	
786 Depot Street	120 Euclid Avenue	
787 Depot Street	130 Euclid Avenue	

### **Manawa Lions Club Rodeo Grounds Neighborhood**

City of Manawa Tax Parcel ID Number 31 21 75 14	1135 Depot Street
City of Manawa Tax Parcel ID Number 31 21 42 38	1161 Depot Street
City of Manawa Tax Parcel ID Number 31 21 42 33	1175 Depot Street
420 West Howard Street	
421 West Howard Street	

1127 Depot Street