

CITY OF TWO RIVERS

ORDINANCE

An Ordinance repealing and recreating Section 9-9-3 of the Municipal Code of the City of Two Rivers, Wisconsin, regarding sex offender residency restrictions, to replace the citywide residency prohibition with a 1,000-foot protected-location restriction.

WHEREAS, Chapter 9-9 of the Municipal Code of the City of Two Rivers is a nonpunitive, regulatory measure intended to protect public health and safety from the risk that convicted sex offenders may reoffend; and

WHEREAS, Section 9-9-3(A) of the Municipal Code prohibits an offender from residing in the City for more than 14 days in a calendar year unless the offender satisfies prior-domicile or prior-continuous-residence criteria; and

WHEREAS, the Council desires to replace that citywide prohibition with a geographically objective, location-based regulation; and

WHEREAS, Wisconsin law authorizes municipalities to adopt residency restrictions consistent with state law, and the Wisconsin Court of Appeals has upheld a 1,000-foot municipal restriction tied to schools and facilities frequented by children, *City of S. Milwaukee v. Kester*, 2013 WI App 50, 347 Wis. 2d 334, 830 N.W.2d 710; and

WHEREAS, schools, day care centers, public libraries, public parks, and houses of worship are places where children regularly congregate, including for educational, recreational, child care, and religious-education programming; and

WHEREAS, this ordinance regulates only the establishment of a new residence within a defined distance of protected locations and does not prohibit any offender from entering, working in, traveling through, or otherwise being present in the City except as otherwise provided by law; and

WHEREAS, based on the official protected-location map reviewed by the Council, the 1,000-foot restricted areas established by this ordinance leave meaningful residential areas available within the City;

NOW, THEREFORE, the Council of the City of Two Rivers, Wisconsin, ordains as follows:

SECTION 1. Section 9-9-3 of the Municipal Code of the City of Two Rivers, Wisconsin, is hereby repealed and recreated to read as follows:

Sec. 9-9-3. Residency Restriction Near Protected Locations.

A. Purpose. The purpose of this section is to protect the health, safety, and welfare of children by regulating the establishment of new residences by offenders near locations where children regularly congregate. This section is civil and regulatory, is not intended to impose additional

punishment for any prior offense, and shall be construed to avoid banishment or exclusion of offenders from the City.

B. Definitions. In this section, the following terms have the meanings indicated. Terms not defined in this section have the meanings given in Sec. 9-9-2.

(1) **“Protected location”** means any of the following, as identified on the official map maintained under subsection E: (a) any public or private school providing instruction in any grades from kindergarten through twelfth grade; (b) any day care center or child care facility licensed under Wis. Stat. § 48.65 or certified under Wis. Stat. § 48.651; (c) any public library; (d) any public park, including any playground located within a public park; and (e) any church, synagogue, mosque, temple, or other building used primarily as a house of worship.

(2) **“Residence”** means the home or other place where a person habitually lives, including any place where the person sleeps or stays on a recurring basis.

(3) **“Establish a residence”** means to move into, register at, or commence habitual living at a location after the effective date of this section.

C. Residency Restriction. No offender may establish a residence within 1,000 feet of a protected location.

D. Measurement. Distance under this section shall be measured by the shortest straight line from the nearest point of the property line of the parcel on which the residence is located to the nearest point of the property line of the parcel on which the protected location is located.

E. Official Map. The City shall maintain an official map identifying protected locations and the corresponding 1,000-foot restricted areas. The map shall be available for public inspection through the City Clerk and the Police Department and shall be reviewed and updated at least annually and whenever a new protected location is established or identified.

F. Exceptions. An offender does not violate this section if any of the following applies:

(1) The offender lawfully established and registered the residence before the effective date of this section.

(2) A protected location is established after the offender lawfully established and registered the residence.

(3) The offender is a minor or a ward under guardianship.

(4) The offender resides in a hospital, jail, prison, or licensed treatment facility, or in an emergency shelter approved by law enforcement or the offender’s supervising authority, for the duration of that placement.

(5) The residence is specifically approved by the Wisconsin Department of Corrections or by a court as a condition of the offender's supervision.

The exceptions in subsections F(1) and F(2) apply only to the specific residence lawfully established and do not authorize the establishment of a different residence within a restricted area.

G. Chapter 980 Placements. As required by Wis. Stat. § 980.135, this section shall not be enforced against any individual released under Wis. Stat. § 980.08, or against any person providing housing to that individual, while the individual resides where ordered under Wis. Stat. § 980.08 and complies with all court orders issued under Wis. Stat. ch. 980.

H. Notice Before Enforcement. Before commencing enforcement of this section under Sec. 9-9-7, the City shall provide the offender with written notice identifying the residence, the protected location, the measurement used, a reasonable compliance period, and the right to appeal under Sec. 9-9-6, unless immediate relief is necessary to protect public safety.

SECTION 2. Conforming References. Any reference in Chapter 9-9 of the Municipal Code to the residency restrictions of Sec. 9-9-3 shall be construed to refer to Sec. 9-9-3 as recreated by this ordinance.

SECTION 3. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, that invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid or unconstitutional provision or application.

SECTION 4. Publication and Effective Date. This ordinance shall be published as required by law and shall take effect and be in force on the day following its publication.

Adopted by the Council of the City of Two Rivers, Manitowoc County, Wisconsin, this ____ day of _____, 2026.

Scott Stechmesser
President, City Council

Kyle Kordell
City Manager

Attest:

Approved as to form and legality:

Amanda Baryenbruch, City Clerk

Sean P. Griffin, City Attorney