

Gen. Ord. No. 15 - 11 - 12. By Alderpersons Kittelson, Sampson, Carlson, Dekker and Van Akkeren. July 5, 2011.

AN ORDINANCE repealing and recreating Section 70-263 of the Municipal Code so as to permit movement from one transitional living program (TLP) facility funded by the Department of Corrections/Community Corrections to another with no necessity to reapply for a waiver.

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

Section 1. Subsection (e) of Section 70-263, Sheboygan Municipal Code is hereby repealed and recreated to read as follows:

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

...

- (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 2,000 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 was previously granted a waiver to live at a transitional living program (TLP) facility funded by the Department of Corrections/Community Corrections in the city via an appeal pursuant to §70-265, and is residing at another such facility within the city."

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 All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.