

# CITY OF PLYMOUTH, WISCONSIN

## Ordinance No. 13 of 2025

### AN ORDINANCE REPEALING AND RECREATING SECTION 11-2-17 OF THE CITY OF PLYMOUTH CODE OF GENERAL ORDINANCES RELATED TO REGULATION OF SEXUAL OFFENDERS

**WHEREAS**, Wis. Stat. Chs. 940, 944 and 948 govern the punishment of individuals who commit sex crimes as well as govern the release into the community of such individuals; and

**WHEREAS**, the Common Council has reviewed findings in the following studies related to recidivism and risk related to individuals who have committed sex crimes:

(a) Center for Sex Offender Management Fact Sheet: What You Need to Know About Sex Offenders. This fact sheet provided information about sex offender recidivism, including that it is estimated that one in every five girls and one in every seven boys are sexually abused by the time they reach adulthood; that one in six adult women and one in thirty-three adult men experience an attempted or completed sexual assault; that approximately 67% of all victims of reported sexual assaults are under age 18 and more than half are under age 12; and that about 12-24% of sex offenders will re-offend.

(b) U.S. Department of Justice, Bureau of Justice Statistics – Recidivism of Sex Offenders Release from Prison in 1994. This study found that compared to non-sex offenders release from state prisons, release sex offenders were four times more likely to be re-arrested for a sex crime.

(c) Correctional Service Canada – Forum on Corrections Research. This study of 178 sex offenders released from a maximum-security psychiatric facility found that after an average follow-up of 59 months, 27.5% of sex offenders in the study sexually recidivated and 40.4% of the sex offenders were arrested, convicted, or returned to a psychiatric facility for a violent offense.

(d) California Research Bureau – The Impact of Residency Restrictions on Sex Offenders and Correctional Management: A Literature Review. This study found that at the time it was written twenty-two states had enacted some form of residency restriction that prohibits sex offenders from living within a certain distance of schools, daycare centers, or places where children congregate. The least restrictive among them was 500 feet, but distances from 1,000 to 2,500 feet were common.

(e) National Bureau of Economic Research – There Goes the Neighborhood? Estimates of the Impact of Crime Risk on Property Values from Megan's Laws. This study found that the majority of both violent and non-violent offenses take place less than one mile from victims' homes. It also found that prices of homes near sex offenders declined considerably following an offender's arrival in the neighborhood.

(f) An Evaluation of Sex Offender Residency Restrictions in Michigan and Missouri. This study found that while in Michigan, residency restrictions led to a slight increase in recidivism, in Missouri, the reconviction rate declined.

**WHEREAS**, based on the above studies and other information presented to the Common Council, the Council has determined that the restrictions set forth in this ordinance serve the purpose of protecting the public health, safety and welfare from the risk of recidivism of sex offenders; and

**WHEREAS**, the Council has further determined that the intent and effect of this ordinance is not to banish sex offenders from residing within the City and careful attention has been given to ensure that there are ample locations for sex offenders to reside within the City in compliance with the requirements of this ordinance; and

**WHEREAS**, the Council has further determined that the opportunity for individualized consideration of the risks and benefits of residency restrictions on a case-by-case basis is the best approach to achieve the purpose of this ordinance and, to that end, this ordinance establishes an “exemption” process by which a sex offender may seek an exemption from its residency restrictions by petitioning to the Council’s Sex Offender Residence Board.

**NOW, THEREFORE**, the Common Council of the City of Plymouth, Wisconsin, does hereby ordain as follows:

**Section 1. Repealing Code.** Section 11-2-17, is hereby repealed in its entirety.

**Section 2. Recreating Code.** Section 11-2-17, Sex Offender Restrictions, is hereby recreated to read as follows:

**“SEC. 11-2-17 Sex Offender Restrictions.**

(a) *Definitions.*

(1) Sex offender. A person who has been convicted of, has been found delinquent of, or has been found not guilty of by reason of disease or mental defect of a crime against children or a sexually violent offense, as defined in Wis. Stat. § 980.01(6).

(2) Crime against children. Shall mean an offense against a child as set forth in Wis. Stat. Chs. 940, 944 or 948.

(3) Loiter free zones. The 200-foot radius surrounding all safety zones.

(4) Residence. A place where a person sleeps, abides, lodges, or resides on a permanent or regular basis. For purposes of this definition, a permanent basis means 14 or more consecutive days and a regular basis means 14 or more aggregate days during any calendar year and four or more days in any month. A person may have more than one residence.

(5) Safety zones. Certain areas that are designated by the city under subsection (d), below. Safety 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.

(6) *Safety zone maps.* An official map, maintained by the city, showing safety zones designated in red and loiter free zones designated in yellow (the "restricted zone map"). Restricted zone maps will be available at the city clerk's office.

(b) *Residency restriction.*

(1) Except as otherwise provided in this Ordinance, a Sex Offender may not reside within 1,000 feet of any real property upon which there exists a school for children, whether the school is located within the City or in another municipality.

(2) For purposes of this section, distance is to be measured in a straight line from the closest boundary line of the real property upon which the Sex Offender's residence is located to the closest boundary line of the real property of the applicable use.

(3) The residency restriction shall not apply as set forth in Wis. Stat. § 980.135.

(c) *Residency restriction exceptions.* A Sex Offender residing within an area otherwise prohibited by Section (b) does not commit an offense if any of the following apply:

(1) The person is required to serve a sentence at a jail, prison, juvenile facility, or other facility located at the otherwise prohibited location.

(2) The person had established a residence, as defined in Section (a) above, at the location prior to the effective date of this Ordinance.

(3) The use enumerated in Section (b) was established after the Sex Offender established a residence at the location and registered that residence as required by law.

(4) The Sex Offender is a minor or ward under guardianship.

(d) *Safety zones.* No Sex Offender may enter or be present on any real property upon which there exists any facility used for or which supports the use of:

(1) A school for children.

(2) A public park, park facility, or pathway.

(3) A daycare licensed by the State of Wisconsin.

(4) A public library.

- (5) A public playground.
- (6) A public athletic field used by children.
- (7) A residential care center for children.
- (8) A public swimming pool or beach.
- (9) A public community center.

(e) *Safety zone exceptions.* A Sex Offender present in an area otherwise prohibited by Section (d) above, does not commit an offense if any of the following apply:

(1) The property supporting a use enumerated in Section (d) also supports a church, synagogue, mosque, temple, or other house of religious worship, subject to the following conditions:

- a. Entrance and presence on the property may occur only during hours of worship or other religious program or service.
- b. The person may not participate in any religious education programs that include individuals under the age of 18.

(2) The property supporting a use enumerated in Section (d) also supports a use lawfully attended by the Sex Offender's natural or adopted child or children, which child's use reasonably requires the attendance of the Sex Offender, provided that entrance and presence on the property occurs only during hours of activity related to the use by the child or children.

(3) The property supporting a use enumerated in Section (d) also supports a polling location in a local, state, or federal election, subject to the following conditions:

- a. The Sex Offender is eligible to vote.
- b. The polling location is the designated polling location for the Sex Offender.
- c. The Sex Offender casts his or her ballot with whatever usual and customary assistance is available and vacates the property immediately after voting.

(4) The property supporting a use enumerated in Section (d) also supports a school lawfully attended by the Sex Offender as a student, provided that the Sex Offender may only remain on the property at such times that are reasonably required for his or her educational purposes.

(5) The property supporting a use enumerated in Section (d) also supports a police station, City hall, public library (excluding areas which are

primarily frequented or used by children) or other governmental building, provided that the Sex Offender vacates the property immediately after completing the activity that required his or her presence at the property.

(f) *Original Residency Restriction.* In addition to the other residency restrictions set forth herein and subject to the limitations in Section (c), no Sex Offender may establish a residence in the City unless he or she was a resident of Sheboygan County at the time of the most recent offense resulting in the person's most recent conviction, commitment, or placement as a Sex Offender. This limitation shall not apply to the establishment of a residence at a dwelling that is owned by a member of the Sex Offender's family at the time the Sex Offender establishes residence therein. For purposes of this section, a member of a Sex Offender's family means the Sex Offender's mother, father, brother, sister, child, or grandparent.

(g) *Loiter-free zones:* It is unlawful for a designated offender to loiter within a safety zone or loiter-free zone.

(h) *Holiday prohibition:* It is unlawful for any designated offender to participate in a holiday event involving children under 16 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter Bunny costume on or preceding Easter. Holiday events in which the designated offender is the parent or guardian of the children involved, and no non-familial children are present are exempt from this paragraph.

(i) *Sale or rental of property for use by Sex Offenders.* No person may sell or rent any place, structure, or part thereof with knowledge that it will be used as a residence by any Sex Offender that is prohibited from establishing residence therein by this ordinance.

(j) *Petition for exemption.*

(1) A Sex Offender may seek an exemption from this Ordinance by petitioning to the Board of Appeals.

(2) The Board of Appeals shall approve an official petition form. The Sex Offender seeking an exemption must complete the petition and submit it to the City Clerk, who shall forward it to the Board of Appeals. The Board of Appeals shall hold a hearing on each petition, during which the Board of Appeals may review any pertinent information and accept oral or written statements from any person. The Board of Appeals shall base its decision on factors related to the City's interest in promoting, protecting, and improving the health, safety, and welfare of the community. Applicable factors for the Board to consider include, but are not limited to:

- a. Nature of the offense that resulted in Sex Offender designation.
- b. Date of offense.
- c. Age at time of the offense.

- d. Recommendation of probation or parole officer.
- e. Investigative report of the Police Department.
- f. Recommendation of any treating practitioner.
- g. Counseling, treatment and rehabilitation status of the Sex Offender.
- h. Remorse of the Sex Offender.
- i. Duration of time since the Sex Offender's incarceration.
- j. Support network of the Sex Offender.
- k. Relationship of the Sex Offender and victim(s).
- l. Presence or use of force in offense(s).
- m. Adherence to terms of probation or parole.
- n. Proposals for safety assurance of the Sex Offender.
- o. Conditions to be placed on the exemption.

(4) The Board of Appeals shall decide by majority vote whether to grant or deny an exemption. An exemption may be unconditional or limited to a certain address, duration, or subject to other reasonable conditions. The Board's decision shall be final for purposes of any appeal. A written copy of the decision shall be provided to the Sex Offender and the Police Department.

(i) *Enforcement.* A person violating this Ordinance shall be subject to forfeitures in an amount of not less than \$200.00 nor more than \$500.00 for each violation plus the costs of prosecution (including reasonable attorneys' fees). For purposes of calculating forfeitures, each day that a violation exists shall constitute a separate offense. Violations of this Ordinance are also deemed public nuisances, and the City may bring an action in circuit court to enjoin or abate any violation."

**Section 3. Effective Date.** This Ordinance shall take effect the day after publication.

Enacted on \_\_\_\_\_, 2025.

**CITY OF PLYMOUTH**

By: \_\_\_\_\_

**DONALD O. POHLMAN**, Mayor

Date: \_\_\_\_\_, 2025

**CLERK'S CERTIFICATE OF ENACTMENT**

I hereby certify that the foregoing Ordinance was duly enacted by the City of Plymouth Common Council and approved by the Mayor on the dates indicated above.

Dated: \_\_\_\_\_, 2025

\_\_\_\_\_  
**ANNA VOIGT**, Clerk

SEX OFFENDER  
ORDINANCE MAP

LEGEND

- PUBLIC PATHWAY SAFETY ZONE
- SAFETY ZONE
- SCHOOL SAFETY ZONE
- 200 FOOT NO LOITERING RESTRICTION
- 1,000 FOOT RESIDENCY RESTRICTION
- PARCEL BOUNDARY
- CITY LIMITS

NOTES:

- 1. MAP UPDATED ON 8/20/2025.
- 2. PARCEL BOUNDARIES PROVIDED BY SHEBOYGAN COUNTY.

1:24,000

1" = 2,000'

0 1,000 2,000 FEET

