

# City of Milwaukee PUBLIC NOTICE

Office of the City Clerk  
200 E. Wells Street  
Milwaukee, Wisconsin 53202

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On July 22, 2014, the Common Council passed File Number 140364, an ordinance relating to residency restrictions and loitering regulations for sex offenders. A certified copy of this ordinance is attached to this notice as well as a list of Frequently Asked Questions prepared by the Milwaukee Police Department relating to its implementation.

The effective date of this ordinance is October 7, 2014. On the opposite side of this notice will be found a list of those addresses in the City of Milwaukee that, as of January 16, 2015, were not in the restricted areas as described by this ordinance for purposes of the residency restriction described therein. The list of addresses on the opposite side of this notice (current only as of January 16, 2015) is subject to change based on the terms of the ordinance.

***The City of Milwaukee cannot provide legal advice to any individual regarding whether or how the provisions of this ordinance apply to his or her individual circumstances.***

Individuals with such questions should contact a lawyer. If you require assistance finding a lawyer, you may contact the Milwaukee Bar Association using the below information:

**Milwaukee Bar Association**  
**Lawyer Referral & Information Service**  
[www.findmilwaukeeattorneys.org](http://www.findmilwaukeeattorneys.org)  
(414) 274-6768

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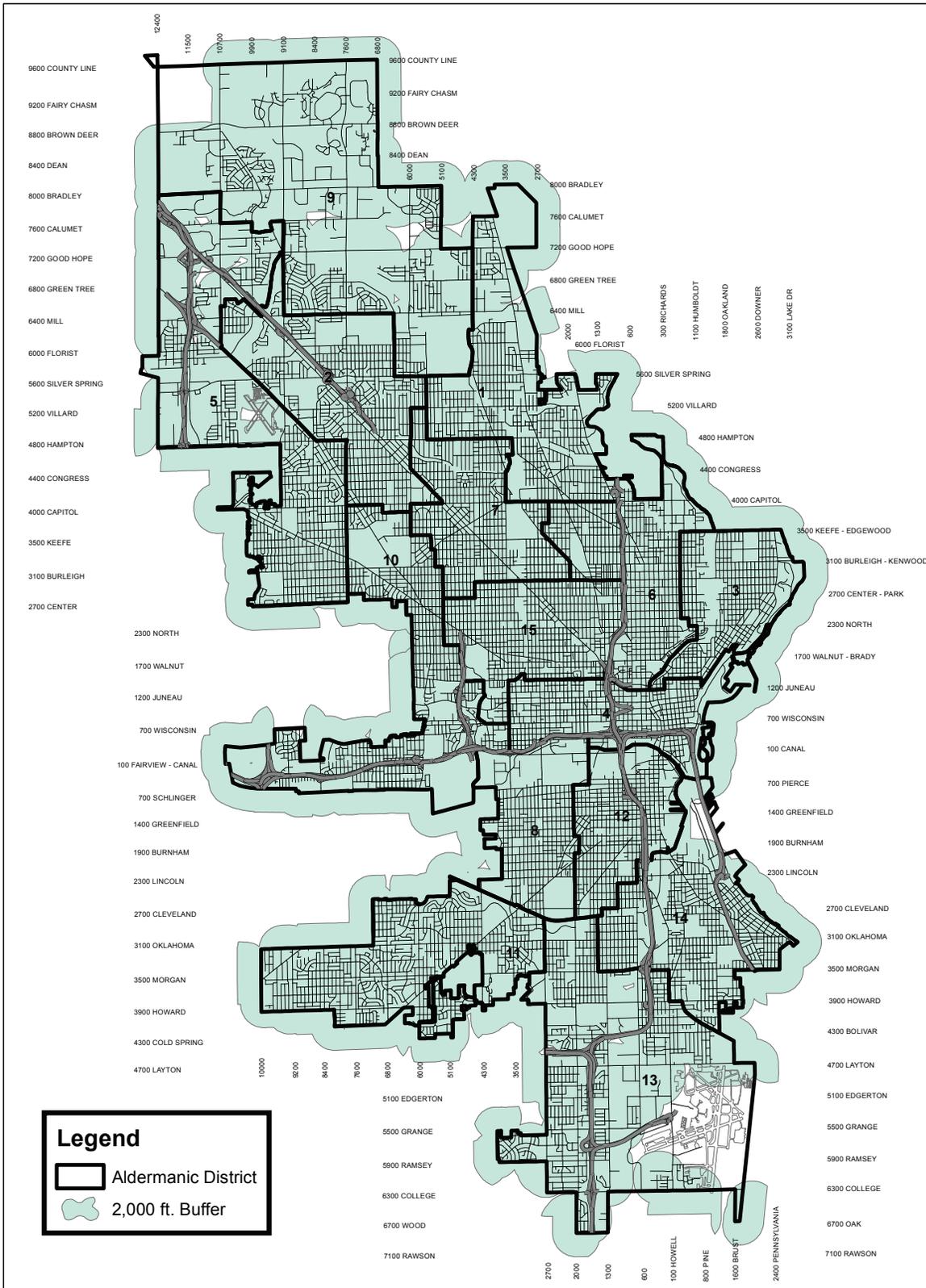
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Addresses in the City of Milwaukee that, as of January 16, 2015, are not in the restricted areas as described by the following ordinance for purposes of the residency restriction described therein:

**PLEASE BE ADVISED:** *This list was generated by comparing known addresses to the City of Milwaukee's MPROP database. That database is updated regularly, but property uses change regularly as well. As such, this list is subject to change and shall not be used as a definitive source of information. If you are aware of any properties that you believe should not be on this list due to their proximity to one of the uses enumerated in the ordinance, please contact the office of the City Clerk at [jowcza@milwaukee.gov](mailto:jowcza@milwaukee.gov).*

11102 W CALUMET RD	6105 N 113TH ST
11134 W CALUMET RD	6142 N 114TH ST
11505 W COUNTY LINE RD	6148 N 114TH ST
11617 W COUNTY LINE RD	6158 N 114TH ST
12123 W COUNTY LINE RD	6162 N 114TH ST
2230 W COLLEGE AV	619 N 89TH ST
2250 W COLLEGE AV	627 N 89TH ST
5223 W GREENWOOD TR	6290 S 23RD ST
5305 W GREENWOOD TR	630 N 90TH ST
5313 W GREENWOOD TR	635 N 89TH ST
5314 W GREENWOOD TR	7253 N 60TH ST
5323 W GREENWOOD TR	7255 N 60TH ST
5324 W GREENWOOD TR	7424 N 60TH ST
5333 W GREENWOOD TR	7483 N 52ND ST
5334 W GREENWOOD TR	7485 N 55TH ST
5401 W PORTAGE AV	7495 N 55TH ST
5403 W GREENWOOD TR	7501 N 55TH ST
5404 W GREENWOOD TR	7508 N 55TH ST
5411 W GREENWOOD TR	7513 N 55TH ST
5411 W PORTAGE AV	7523 N 55TH ST
5412 W GREENWOOD TR	8300 W CALUMET RD
5421 W GREENWOOD TR	9001 W WISCONSIN AV
5421 W PORTAGE AV	9003 W WISCONSIN AV
5422 W GREENWOOD TR	9005 W WISCONSIN AV
5426 W HEMLOCK RD	9050 N 124TH ST
5429 W PORTAGE AV	9060 N 124TH ST
5431 W GREENWOOD TR	9100 N 124TH ST
5435 W HEMLOCK RD	

# AREAS WITHIN 2,000 FEET OF ANY SCHOOL, LICENSED DAY CARE CENTER, PARK, RECREATIONAL TRAIL OR PLAYGROUND AS OF JANUARY 16, 2015



Prepared by the City of Milwaukee Legislative Reference Bureau, 156685.mxd, AEH, 01-16-2015



# City of Milwaukee

200 E. Wells Street  
Milwaukee, Wisconsin  
53202

## General Certification

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I, James R. Owczarski, do certify that the attached is a true and correct copy of s. 106-51 of the Milwaukee Code of Ordinances as of the date of this certification.

CITY CLERK

James R. Owczarski

6/2/2016

Date:

**2. APPLICABILITY.** This section shall apply to written leases or written rental agreements between residential landlords and tenants only. Words and terms used in this section shall be defined and construed in conformity with the provisions of Ch. ATCP 134, Wis. Adm. Code; ch. 704 and s. 990.001 (1), Wis. Stats. The act of service by a landlord of a legal eviction notice or notice to terminate tenancy shall not in itself act as a bar to prosecution under this section.

**3. PROCEDURE.** A peace officer may issue a citation for either offense only when the complainant provides the following:

a. The name and current or last known address of the tenant, a copy of the subject written lease agreement or written rental agreement.

b. The amount of rent due, date it was due, date the tenant vacated the premises and testimony that the rent remained unpaid for not less than 5 days after vacating and that the tenant did not notify or attempt to notify the complainant of tenant's new address or that tenant knowingly gave complainant a false address.

c. For violations under sub.1-b, the document used for attempting rent payment, the written demand for payment of the full amount plus bank charges, proof of service of the written demand pursuant to s. 704.21, Wis. Stats., and testimony that at least 5 days have elapsed since the date of service and no payment has been made.

**4. PENALTY.** a. Any person who violates this section shall upon conviction forfeit not less than \$250 nor more than \$1,000 together with costs of prosecution, or, in default of payment, may be imprisoned for not more than 40 days. In addition, the court may order such person to make full or partial restitution, in accordance with s. 800.093, Wis. Stats.

b. In accordance with s. 800.09, Wis. Stats., community service work may be imposed in lieu of making restitution or paying the forfeiture or both.

**106-51. Residency Restrictions for Sex Offenders.**

**1. FINDINGS AND INTENT.** The common council finds that repeat sex offenders, sex offenders who use physical violence, and sex offenders who prey on children are sex predators who present an extreme threat to the public safety.

Sex offenders are extremely likely to use physical violence and to repeat their offenses; and most sex offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sex offender victimization to society, while incalculable, clearly exorbitant. It is the intent of this section not to impose a criminal penalty but 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 certain sex offenders and sex predators are prohibited from establishing temporary or permanent residence.

**2. DEFINITIONS.** For the purposes of this section: a. "Child" means a person under the age of 16 years.

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

c. "Residence" ("Reside") means the place where a person sleeps, which may include more than one location, and may be mobile or transitory.

**3. RESIDENCY RESTRICTION.** a. Restriction. A designated offender shall not establish a residence within 2,000 feet of any school, licensed day care center, park, recreational trail, playground or any other place designated by the city as a place where children are known to congregate.

**106-53 Morals and Welfare**

b. Measurement of Distance. b-1. The distance shall be measured by following a straight line from the outer property line of the residence to the nearest outer property line of a school, licensed day care center, park, recreational trail, playground or any other place designated by the city as a place where children are known to congregate.

b-2. The city clerk shall maintain an official map showing prohibited locations. The city clerk shall update the map at least annually to reflect any changes in the prohibited locations. These prohibited locations shall be designated on the map as child safety zones.

**4. RESIDENCY RESTRICTION EXCEPTIONS.** A designated offender residing within a prohibited area as specified in sub. 3 does not commit a violation of this section if any of the following applies:

a. The person established a residence and reported and registered the residence as provided in s. 301.45 Wis. Stats., before the effective day of this section.

b. The person was under 17 years of age and is not required to register under s. 301.45 or 301.46, Wis. Stats.

c. The school, licensed day care center, park, recreational trail, playground or any other place designated by the city as a place where children are known to congregate within 2,000 feet of the person's residence was opened after the person established the residence and reported and registered the residence as provided in s. 301.45, Wis. Stats.

d. The residence is also the primary residence of the person's spouse, parents, grandparents, siblings or children provided that the spouse, parents, grandparents, siblings or children established the residence at least 2 years before the designated offender established residence at the location.

**5. ORIGINAL DOMICILE RESTRICTION.** In addition to the restrictions of sub. 3, but subject to sub. 4, no person who has been convicted of a sexually violent offense or a crime against a child shall be permitted to reside in the city, unless such person was domiciled in the city at the time of the offense resulting in the person's most recent conviction for committing the sexually violent offense or crime against a child.

**6. PENALTIES.** a. A designated offender who violates sub. 3, shall be subject to a forfeiture of not less than \$1,000 not more than \$2,500 for each violation and in default of payment may be imprisoned as provided by law. Each day a violation continues shall constitute a separate offense. The city may also seek equitable relief.

**106-53. Loitering of Sex Offenders.**

**1. LOITERING.** It shall be unlawful for any person defined as a designated offender under s. 106-51-2-b, to loiter or prowl, in the locations specified in s. 106-51-3-a, in a place, at a time, or a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself or herself or manifestly endeavors to conceal himself or herself or any object. Unless flight by the actor or other circumstances makes it impracticable, a peace officer shall prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him or her to identify himself or herself and explain his or her presence and conduct at the locations specified in s. 106-51-3-a. No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.

**2. EXCEPTIONS.** This section shall not apply where the actor was by his or her parent, guardian or other adult person having his or her care, custody or control, or where that actor was exercising First Amendment rights protected by the U. S. constitution or Wisconsin constitution, including freedom of speech, the free exercise of religion, or the right of assembly.

**3. PENALTY.** Any person violating this section upon conviction shall forfeit not less than \$500 nor more than \$5,000, and in default of payment may be imprisoned as provided by law.



# City of Milwaukee

## Sex Offender Residency Restriction Ordinance FAQ's

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This FAQ (Frequently Asked Questions) has been created to answer questions related to the City of Milwaukee recently-enacted Sex Offender Ordinance.

### **BACKGROUND**

On July 22, 2014, the City of Milwaukee Common Council passed a sex offender residency restriction ordinance law which prohibits certain designated sexual offenders to establish residency within 2,000 feet of any school, licensed day care center, park, recreational trail, playground or any place designated by the city where children congregate. The ordinance took effect on October 7, 2014.

#### **1. Who is affected by the ordinance?**

*Any sex offender who is required to register under section 301.45, Sex Offender Registration, Wis. State Statutes for:*

- (a) Any offense against a child;*
- (b) Has been issued a Special Notification Bulletin (SBN) pursuant to sections 301.46(2) and (2m), Wis. State Statutes, regardless if the offense does not involve children;*
- (c) Has been civilly committed under the Chapter 980 Sexually Violent Predator law, section 980.01 of the Wis. State Statutes.*

#### **2. What is the definition of a Child?**

*The definition of a "Child" means a person under the age of 16 years.*

#### **3. How will the ordinance be enforced?**

*All sex offender restriction violations will be investigated by the Milwaukee Police Department Sensitive Crimes Division Investigators. Citations may be issued or other legal proceedings pursued if there is a violation.*

#### **4. Are there any exceptions to the sex offender residency restriction ordinance?**

*Yes. A designated offender does not commit a violation of the sex offender residency restriction ordinance if:*

- 1. The person established a permanent residence or temporary residence and reported and registered the residence as provided in s. 301.45 Wis. Stats., on or before October 7, 2014;*
- 2. The person was under 17 years of age and is not required to register under s. 301.45 or 301.46, Wis. Stats.;*

3. *The school, licensed day care center, park, recreational trail, playground or any other place designated by the city as a place where children are known to congregate within 2,000 feet of the person's permanent or temporary residence was opened after the person established the permanent or temporary residence and reported and registered the residence as provided in s. 301.45, Wis. Stats.;*
4. *The residence is also the primary residence of the person's spouse, parents, grandparents, siblings, or children provided that the spouse, parents, grandparents, siblings, or children established the residence at least 2 years before the designated offender established residence at the location.*

**5. What is the penalty for an offender who violates the City's residency restriction ordinance?**

*A designated offender who violates the ordinance shall be subject to a forfeiture of not less than \$1,000 not more than \$2,500 for each violation. Each day a violation continues shall constitute a separate offense.*

**6. Is there a penalty for a person who knowingly allows an offender to reside within the city in violation of the ordinance?**

*A person who knowingly aids or abetting the violation of the city ordinance may be charged with a violation of the city's Aiding and Abetting ordinance.*

**7. How does a designated sex offender provide proof of familial connections to law enforcement if the offender is residing with their parent(s), grandparent(s), sibling(s), or children, provided that the family member established the residence at least 2 years prior to the offender moving into the residence?**

*The offender would prove the connection with an official birth, adoption, or marriage certificate.*

**8. If a designated sex offender established residence with their immediate family member as described in question #2 above, how does the offender prove to verify the length of time their family member has resided at the residence?**

*The offender's family member would provide to law enforcement a government issued ID along with a rental agreement, property tax bill, Federal or State tax returns for two years, or utility agreement.*

**9. If a designated sex offender is living at a temporary Transitional Living Facility, licensed Community Based Residential Facility, or a permanent residence prior to the effective date of the ordinance and decides to move out of the approved residence after the effective date of the ordinance, is s/he still exempt from the ordinance?**

*No, the offender would still be considered affected by the ordinance. The offender's residence is only grandfathered prior to the ordinance effective date.*

**10. How does law enforcement enforce the Loitering provisions?**

*The loitering provisions shall be enforced the same way as all other forms of loitering.*

**11. If a designated sex offender is inquiring about a proposed residence that s/he is planning to establish residence and inquire if the residence is permitted to live in the City of Milwaukee, who do they contact to find out if the residence is permissible?**

*The offender can call the City Clerk's office at (414) 286-2221 to receive an informational packet. The packet includes a copy of the ordinance and residences that are not in the restricted areas as described by the ordinance. The packets can be picked up at the City Clerk's office.*

*The City Clerk's office  
200 E. Wells Street, Room 205  
Milwaukee, WI 53202*

**12. If a designated sex offender has general questions relating to the ordinance, who should they contact?**

*The offender can call the City Clerk's office at (414) 286-2221, between the hours of 8:00 a.m. to 4:45 p.m., Monday through Friday or the Milwaukee Police Department's Sensitive Crimes Division at (414) 935-7405.*