



CITY OF WAUKESHA

Administration

201 Delafield Street, Waukesha, WI 53188

Tel: 262.524.3701 fax: 262.524.3899

www.ci.waukesha.wi.us

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| Committee: Ordinance and License | Committee Meeting Date: 5/8/2017 |
| Agenda Item Number: 17-0753 | Common Council Meeting Date: 5/16/2017 |
| Submitted By: Brian Running, City Attorney | City Administrator Approval: Kevin Lahner, City Administrator Click here to enter text. |
| Finance Department Review: Rich Abbott, Finance Director Click here to enter text. | City Attorney's Office Review: Brian Running, City Attorney Click here to enter text. |
| Subject: Revisions to Mun. Code §11.41, regarding sex-offender residence restrictions, to comply with a recent decision from the federal court in the Eastern District of Wisconsin. | |

Details:

When changes were made to the sex-offender residency ordinance last year, we were aware of the federal lawsuit *Hoffman v. Village of Pleasant Prairie*, and that we may have to make changes to our ordinance when that case was decided. In April, the court rendered a decision on a summary-judgment motion, and decided that Pleasant Prairie's ordinance was unconstitutional, so we are now faced with the very situation we discussed last year. Pleasant Prairie's ordinance is very similar to ours. We will have to amend our ordinance, the discussion will be over which provisions must change, and to what extent. The options for discussion are the amount of reduction of the radius from schools, parks, playgrounds, etc.; and whether we keep the previous-domicile requirement.

Options & Alternatives:

There are no alternatives. It would be extremely unwise not to amend our ordinance in light of the district court's decision.

Financial Remarks:

There is no fiscal impact.

Staff Recommendation:

City Attorney recommends amendment of §11.41 to attempt to comply with the district court decision.