



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262/242-3100

www.cityofmequonwi.gov

Office of the City Administrator

PUBLIC WELFARE COMMITTEE
Regular Meeting
Tuesday, September 8, 2026 - 6:15 PM
South Conference Room
Agenda

- 1) Call to Order and Roll Call**
- 2) Approval of Meeting Minutes**
 - a) Meeting minutes of May 12, 2026
- 3) Ordinances**
 - a) Potential Revisions to Section 50-100 of the Municipal Code Related to Sex Offender Residency Restrictions and Child Safety Zones
- 4) Discussion Items**
 - a) City Website upcoming conversion to new platform with current provider
- 5) Work Plan**
- 6) Adjourn**

DATED: September 3, 2026

/s/ Dale Mayr, Chair

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting. Persons with disabilities requiring accommodation for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting. Any questions regarding this agenda may be directed to the City Clerk's Office at 262-236-2914, Monday through Friday, 8:00 AM – 4:30 PM.



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Office of the City Administrator

PUBLIC WELFARE COMMITTEE
Regular Meeting
Tuesday, May 12, 2026 - 6:00 PM
West Conference Room

Minutes

1) Call to Order and Roll Call

The meeting was called to order by Chair Mayr at 6:00 p.m.

Present: Chair Mayr, Alderman Bach, Alderman Parrish

Also present: Assistant City Administrator Wolff, Executive Assistant Kong.

2) Election of Public Welfare Committee Chair

Alderman Bach moved to nominate Alderman Mayr for another term as Chair.

MOTION:	Motion to approve Alderman Mayr as Chair
MOVER:	Alderman Bach
SECONDER:	Alderman Parrish
AYES:	Alderman Bach, Alderman Parrish
RESULT:	Approved by Voice Acclamation

3) Approval of Meeting Minutes

a) Meeting Minutes from April 14, 2026

MOTION:	Motion to approve the April minutes
MOVER:	Alderman Bach
SECONDER:	Chair Mayr
AYES:	Chair Mayr, Alderman Bach
NAYS:	Alderman Parrish (Deemed No - was not present at meeting on April 14)
RESULT:	Approved by Voice Acclamation

4) Discussion Items

- a) Review of City of Mequon's Code of Ordinances Related to Boards, Commissions, and Committees

Assistant City Administrator Wolff summarized the information provided at the April meeting regarding past review of ordinances related to Boards and Committees. A proposed timeline for the current review project was supplied that would include a letter to be shared with all boards, committees and commissions in June to solicit feedback on several topics. The goal would be to receive feedback by October to be reviewed at the Public Welfare Committee meeting that month. The letter would outline the types of feedback that is being requested, including:

- Meeting frequency and scheduling
- Quorum and attendance
- Specific powers and duties
- Opportunities to merge or consolidate
- Additional information that the Committee should be aware of

Chair Mayr will be meeting with the City Administrator along with anyone else interested in attending for a discussion of this topic. Feedback from that meeting will be brought back to the Public Welfare Committee at a future meeting.

- b) Deer Management Update

Assistant City Administrator Wolff provided a summary of the submissions to the Deer Information Form that was made available on the City Website in February. More than 30 submissions have been made using the form, with most of the feedback being negative in regards to the issues residents have with deer.

Ms. Wolff attended a recent County Deer Advisory Council (CDAC) with other county representatives on April 28. As part of that meeting, Ms. Wolff shared the issues with deer that residents are facing in Mequon and encouraged the Wisconsin Department of Natural Resources to consider new approaches to help manage the growing deer population in the area. She also shared an email from a resident who is a bowhunter offering to work with other area hunters to assist in reducing the deer population.

Chair Mayr asked for a summary of the process and costs for a deer culling initiative from past years to review. Alderman Bach requested more data on the last five years of deer collisions and other accidents involving deer.

5) Work Plan

- a) Work Plan

The work plan was reviewed and Ms. Wolff summarized a call between the City of Mequon with a potential "sister city" called Dahlheim in Luxemburg. Any additional conversations

regarding such a partnership will be shared at a future meeting. The Committee would add a discussion item to a future meeting to review groundwater and private well monitoring data.

6) Adjourn

MOTION:	Motion to adjourn at 6:22 p.m.
MOVER:	Alderman Bach
SECONDER:	Chair Mayr
AYES:	Chair Mayr, Alderman Bach
NAYS:	Alderman Brian ParrishNone
RESULT:	Passed

Respectfully Submitted,
Beth Kong, Executive Assistant - Communications



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City Attorney

TO: Public Welfare Committee
FROM: Brian Sajdak, City Attorney
DATE: September 8, 2026
SUBJECT: Potential Revisions to Section 50-100 of the Municipal Code Related to Sex Offender Residency Restrictions and Child Safety Zones

Background

In 2014 the City adopted its first sex offender residency ordinance which generally limits the locations within the City that certain sex offenders may reside. Following various court decisions related to similar ordinances, these regulations were amended in 2021. The biggest change at that time was to create the ad hoc sex offender residency review board together with review standards to provide offenders with a due process review to their request to reside within a prohibited area. Since that time, additional cases have been resolved which suggest additional possible changes should be considered. The Committee discussed this matter in March, having focused on four primary discussion points.

Analysis

The first point of discussion was consideration of whether the City wants to continue to regulate offender residency. There is obviously value to regulating offenders. While offenders are required to register under state law, which results in notification to neighbors when one moves into an area, the City's ordinance provides an additional level of security. However, the ordinance continues to create potential legal risk. The Committee fairly easily concluded that it desired to continue regulating offender residency.

The second consideration for discussion was whether to amend the distance of the regulation. Increasingly, the Courts have looked to an analysis of the percentage of available housing in the cases challenging these ordinances. The higher the percentage of housing that is off limits, the more likely the ordinance will be struck down. Whereas when a large portion of the available housing is available, the ordinances have been upheld. In this case, the Committee asked staff to complete an analysis of the percentage of available housing that is covered by the existing regulation. Staff utilized the City's GIS data to compare the map of regulated areas (attached) with residential address points. In conducting that analysis, staff concluded that approximately 54.8 percent of residences within the City are covered by the current ordinance. Said another way, approximately 45.2 of the City's residences are available to offenders. This compares favorably to the cases where ordinances have been struck down, including Carroll County, IA (23% of housing available; *Doe v. Miller*, 298 F.Supp. 2d 852), Pleasant Prairie (25% of housing available; *Hoffman v. Pleasant Prairie*, 249 F.Supp. 3d 951). and the Town of Paris (41.5% of

housing available except that the ordinance prohibited offenders from being near each other, so when one moved in it effectively eliminated all available housing nearby; *Nelson v. Town of Paris*, 78 F.4th 389). As you can see from the map, even a small increase in the distance would greatly impact the available housing. As such, staff do not recommend going larger. The Committee could consider a shorter distance to create more availability if it desired.

The third point of discussion centered around the legal concept of ex post facto. Under the Constitution, the government cannot impose an ex post facto penalty. Ex post facto is a fancy way of saying that the government cannot criminalize past conduct. In the case of sex offender residency restrictions, early cases found that these restrictions were not illegal ex post facto laws. However, recent cases have reversed those earlier rulings and have now routinely found them to be illegal ex post facto regulations. *See, e.g., Koch v. Village of Hartland*, 43 F. 4th 747, 753 (7th Cir. 2022); *Nelson v. Town of Paris*, 78 F. 4th 389 (7th Cir. 2023). Some municipal attorneys across the state have taken the position that time solves this problem – as the ordinance gets older sex offenders desiring to move into a community are more likely to have been convicted after the initial effective date. However, it only takes one individual to have a lawsuit.

The final point of discussion centered on the ordinance’s original domicile provision:

Original domicile restriction. In addition to and notwithstanding the foregoing, but subject to subsection (d) above, no person shall be permitted to reside in the City of Mequon, unless such person was domiciled in the City of Mequon at the time of the offense resulting in the person's most recent conviction for committing the sexually violent offense and/or crime against children.

The concern with this provision is that it effectively amounts to banishment with little legitimate governmental basis to support the provision. This is also one area where there has been proposed legislation for time-to-time to prohibit such provisions.

Fiscal Impact

None.

Recommendation

Recommendation is to recommend the adoption of the proposed ordinance as presented, or such other action as the Committee desires. The proposed ordinance does not change the distance, but does make the following changes based upon the analysis above:

1. Amend the ordinance to make it effective only for those offenses occurring after the initial effective date of the ordinance to avoid ex post facto challenges.
2. Amend the ordinance to remove the original domicile clause to eliminate the provision that is most likely to create legal exposure for the City.

Attachments:

Sex Offenders Residency Restrictions Map - June 2026

COMMON COUNCIL
OF THE
CITY OF MEQUON

Potential Revisions to Section 50-100 of the Municipal Code Related to Sex Offender Residency
Restrictions and Child Safety Zones

RECITALS

A. The Common Council passed and adopted Ordinance No. 2014-1439 on December 9, 2014, to create Sec. 50-100 of the Municipal Code which regulates the residency of certain sex offenders and amended the same in Ordinance No. 2021-1592.

B. Subsequent to the adoption of these Ordinances, there have been continued litigation related to similar regulations as well as further studies and reports on the subject matter.

C. The Common Council having determined upon the review of these Ordinances with regard to the results of litigation and aforesaid studies, that changes to the sex offender residency restrictions, and to continue and maintain sex offender residency restrictions for the City, is reasonable and necessary to protect the health, safety and welfare of the residents and the Community.

BASED UPON THE FOREGOING RECITALS, the Common Council of the City of Mequon, Wisconsin, do ordain as follows:

SECTION I

Section 50-100(b)(3) of the Mequon Municipal Code is amended to read as follows (NOTE: Added text is **bolded and underlined**; Deleted text is ~~struck through~~):

(3) *Person*. "Person" shall mean a person who has, **after December 9, 2014**, been convicted of or has been found delinquent of or has been found not guilty by reason of mental disease or defect of a sexually violent offense and/or a crime against children.

SECTION II

Section 50-100(e) of the Mequon Municipal Code related to original domicile restrictions is repealed.

SECTION III

The terms and provision of this ordinance are severable. Should any term of provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION IV

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION V

This ordinance shall be in full force and effect upon its passage and on the day after its publication.

Approved by: Andrew Nerbun, Mayor

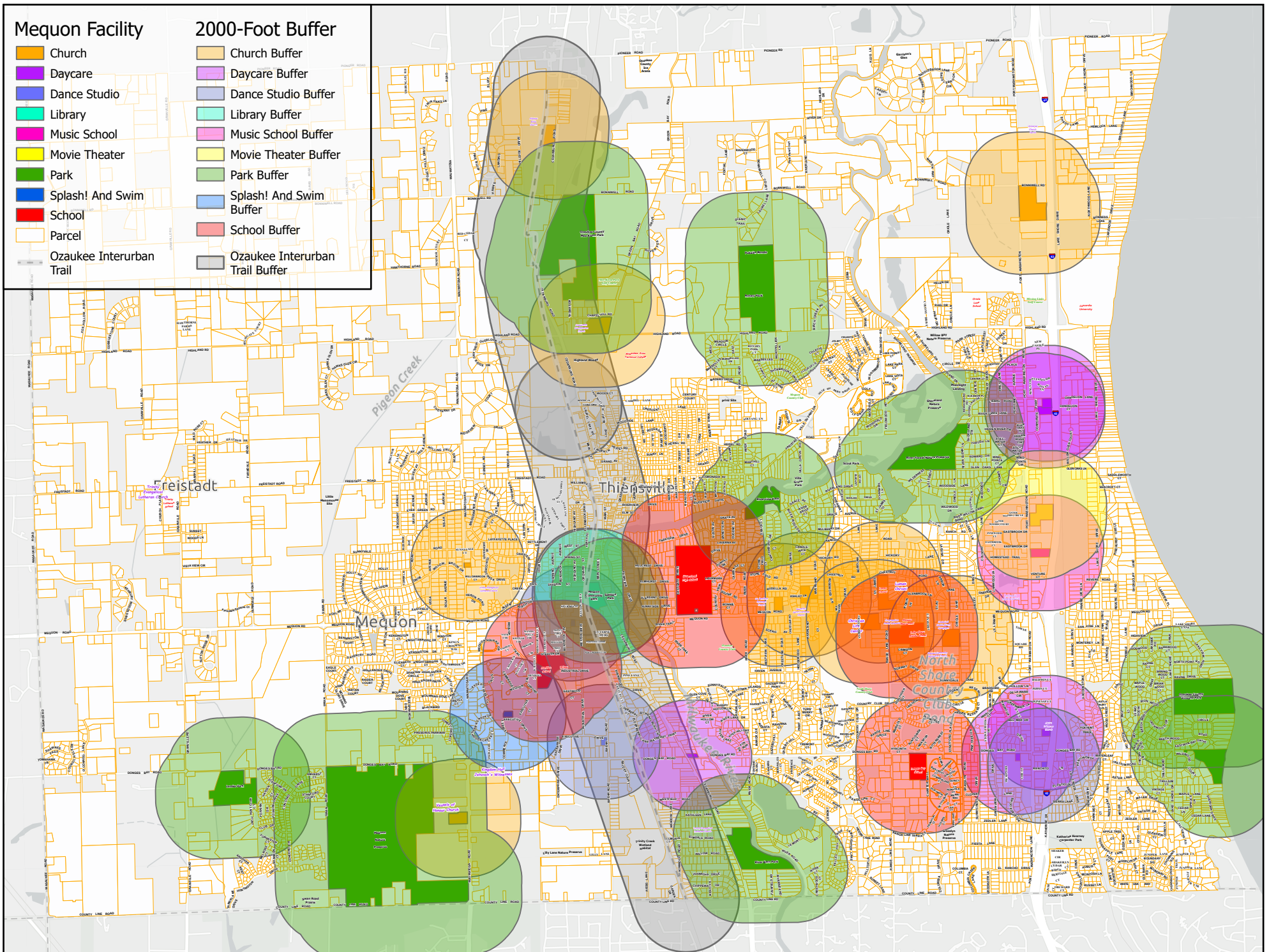
Date Approved: September 8, 2026

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 8, 2026.

Caroline Fochs, City Clerk

Published: _____

Sex Offender Residency Restrictions - 2026



2026 Public Welfare Committee Work Plan

Month	Agenda Items
January	Election Polling Site Consolidation
February	Deer Management
	Annual Renewal of Bee and Bird City Designations
March	Community Survey Results Analysis
	Sex Offender Registry Ordinance
April	Community Survey Results Analysis
	Review of Trick-or-Treat Policy
	Boards, Commissions, and Committees
May	Boards, Commissions, and Committees
	Deer Management
June	Meeting Cancelled
July	Meeting Cancelled
August	Meeting Cancelled
September	Sex Offender Registry Ordinance
	Website Platform
October	Boards, Commissions, and Committees
	Election Polling Site Consolidation
	Deer Management
November	Boards, Commissions, and Committees
December	Chapter II, Article IV Review (Continued)