



CITY OF WHITEWATER
COMMON COUNCIL AGENDA
Common Council Meeting

Wednesday, September 9, 2020 - 6:30 p.m.
Special Common Council Meeting

Due to Coronavirus Concerns, this will be a VIRTUAL MEETING. (not in person).
Citizens are welcome (and encouraged) to join us via computer, smart phone, or telephone.
Citizen participation is welcome during topic discussion periods.

You are invited to a Zoom webinar.
When: Sep 9, 2020 06:30 PM Central Time (US and Canada)
Topic: Common Council Meeting

Please click the link below to join the webinar:
<https://zoom.us/j/92478478559?pwd=eExVaE8rczRuUGllVWw0YVljT0hPUT09>
Passcode: 602521

Or iPhone one-tap :
US: +13126266799,
602521#

Or Telephone:
Dial(for higher quality) US: +1 312 626 6799
Webinar ID: 924 7847 8559
Passcode: 602521#

International numbers available: <https://zoom.us/u/aepkCNuyaB>

NOTE: All agenda items are subject to discussion and/or action.

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE.

ORDINANCES:

FIRST READING OF ORDINANCE AMENDING CHAPTER 8.38, PROHIBITING CERTAIN MASS GATHERINGS DURING COVID 19 PANDEMIC.

ADJOURNMENT

Anyone requiring special arrangements is asked to call the Office of the City Manager / City Clerk at least 72 hours prior to the meeting.

***Items denoted with asterisks will be approved on the Consent Agenda unless any council member requests that it be removed for individual discussion.**

ORDINANCE No. _____
AN ORDINANCE CREATING CHAPTER 8.38 PROHIBITING CERTAIN MASS GATHERINGS
DURING COVID-19 PANDEMIC

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do ordain as follows:

SECTION 1. Whitewater Municipal Code Chapter 8.38 is hereby created to read as follows:

WHEREAS, the City has substantial, legitimate interests in preserving and maintaining the health of Whitewater residents, members of the university community, including students, and guests by stopping the spread of COVID-19; and

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and can be easily spread from person to person; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has reported over 6 million cases of COVID-19 in the United States, resulting in over 184,000 deaths and over 77,000 cases in Wisconsin resulting in 1,142 deaths as of September 2, 2020; and

WHEREAS, COVID-19 endangers the lives of the citizens and residents of Whitewater, creating an emergency to life and public safety and disrupting commerce; and

WHEREAS, the Governor and the Wisconsin Department of Health Services (DHS) have issued Orders to both protect citizens, residents, and guests of the State of Wisconsin, all of which are incorporated herein by reference; and

WHEREAS, the University of Wisconsin-Whitewater (the “University”) announced it will allow students on campus for the Fall semester, which includes both in person and virtual classes; and

WHEREAS, due to the above described statewide emergency there is a continuing need to protect all citizens and residents and guests of the City of Whitewater from the risks relating to the COVID-19 pandemic; and

WHEREAS, as of September 4, 2020, DHS reports that the burden and activity levels of COVID-19 in Jefferson and Walworth Counties are high and multiple areas of the United States are experiencing “community spread” of the virus that causes COVID-19. Community spread, defined as the transmission of an illness for which the source is unknown, means that isolation of known areas of infection is no longer enough to control the spread; and

WHEREAS, SARS-CoV-2, the virus that causes COVID-19, has been demonstrated to transmit infection from infected persons when symptomatic, asymptomatic and pre-symptomatic; and

WHEREAS, for the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure passed for the health, safety and welfare of the residents of and visitors to the City of Whitewater and also is passed pursuant to the authority created by the City Council's resolution ratifying the City Manager's March 18, 2020 Declaration of Emergency;

8.38.010 DEFINITIONS.

(a) **MASS GATHERINGS.** Mass gatherings for purposes of this Ordinance, means any social gathering, event or convening that brings together greater than ten (10) non-household persons at the same time indoors or twenty-five (25) outdoors.

(b) **NON-HOUSEHOLD.** Non-household for purposes of this Ordinance, means any individuals who do not reside within the same housing unit or dwelling.

(c) **RESTAURANT.** Restaurant has the meaning as defined in Wis. Stats. Ch. 97.01 (14g) and whose sale of alcohol beverages accounts is less than 50% of the establishment's gross receipts.

(d) **BAR.** Bar is an establishment in which alcohol beverages are sold for consumption upon said premises and whose sale of alcohol beverages accounts for 50% or more of the establishment's gross receipts and whose primary business is that of a bar.

8.38.020 – CERTAIN MASS GATHERINGS PROHIBITED

(a) All individuals within the City of Whitewater are prohibited from hosting, maintaining or participating in mass gatherings.

8.38.030 - EXCEPTIONS. The mandatory prohibition on mass gatherings through this Ordinance does not apply in the following situations:

(a) Normal operations at medical and healthcare, long-term care and assisted-living facilities and adult day care facilities, libraries or other spaces where more than ten (10) persons may be in transit.

(b) Typical office environments.

(c) Schools and University classes or officially sanctioned functions and childcare facilities.

(d) Factories, warehouses and distribution centers.

(e) Commercial businesses, manufacturing processing facilities, distribution and production facilities, construction sites and projects, providers of veterinary care, utilities, food pantries, retail stores, food establishment activities necessary to cultivate and distribute food, grocery stores, restaurants and bars, however see 8.38.040. Anyone entering a restaurant or bar must be wearing a face covering which can be removed if the individual is eating or drinking.

(f) Athletic and sporting events, including recreational and club sports. The Discover Whitewater Series Run and associated events scheduled for September 19th and 20th, 2020. The Tuesday Whitewater City Market and the Saturday Whitewater Farmers Market which are located in the area of the intersection of Fremont Street and Whitewater Street. The Grand Opening of the Cravath Lakefront Amphitheater.

(g) This Ordinance does not apply to and/or excludes religious gatherings, gatherings for the purpose of the expression of First Amendment protected speech, weddings and funerals.

(h) Election and voting facilities.

(i) Governmental meetings and facilities.

(j) Police, EMS and firefighter facilities.

(k) Municipal Court facilities.

(l) Military and National Guard facilities.

(m) Hotels and motels.

(n) Laundromats.

(o) Automobile service, repair and sale facilities.

8.38.040 – RESTAURANT AND BAR CAPACITY LIMITS

(a) Restaurants shall limit indoor capacity to 75% of allowed capacity levels.

(b) Bars shall limit indoor capacity to 50% of allowed capacity levels.

8.383050 - ENFORCEMENT.

(a) The City of Whitewater Police Department shall enforce this chapter.

8.38.060 - PENALTY.

(a) Any person violating this ordinance and any owner shall, upon conviction, forfeit not less than \$50.00 and not more than \$100.00 for a first offense and not less than \$100.00 and not more than \$200.00 for second and subsequent offenses. Each violation shall be considered a separate offense.

8.38.070 – SEVERABILITY

(a) If any provision of the Ordinance or its application to any person or circumstances is held to be invalid, the remainder of the Ordinance, including the application of such part or provision to other individuals or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable.

8.38.080 - EFFECTIVE DATE. This ordinance shall take effect on September 17, 2020 and shall remain in effect until 11:59 p.m. on December 31, 2020 unless extended or earlier terminated by the Common Council.

Ordinance introduced by Council Member _____, who moved its adoption.

Seconded by Council Member _____.

AYES:
NOES:
ABSENT:
ADOPTED:

Cameron Clapper, City Manager

Michele R. Smith, City Clerk