

**ORDINANCE No. 7**  
**AN ORDINANCE REPEALING CHARTER ORDINANCES 4 AND 5 AND**  
**AMENDING THE RESOLUTION WHICH CREATED THE COMMUNITY**  
**DEVELOPMENT AUTHORITY**

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

WHEREAS the City of Whitewater by Resolution, adopted on the 19th day of July, 1983, created a Community Development Authority; and

WHEREAS the City Council chooses to exercise its home rule powers with respect to establishing the number of members to serve on said Community Development Authority;

NOW, THEREFORE, the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin does hereby ordain as follows:

SECTION 1: The City of Whitewater elects to follow the Wisconsin State Statutes which require having seven members for the composition of the Community Development Authority as provided for under 66.1335(2) of the Wisconsin Statutes. There shall be no requirement that one of the members of the Community Development Authority be a member of the Whitewater Plan and Architectural Commission.

SECTION 2: Charter Ordinances 4 and 5 are hereby repealed.

SECTION 3: This Ordinance shall not take effect until sixty (60) days after its passage and publication. If within such 60 days a petition, signed by a number of electors of the City equal to not less than seven percent (7%) of the votes cast therein for governor at the last general election, shall be filed in the office of the Clerk of the City demanding that such ordinance be submitted to a vote of the electorate, it shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon. Said petition and the proceedings for its submission shall be governed by s. 9.20(2) to (6) of the Wisconsin Statutes.

Ordinance introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Majkrzak. AYES: Schreiber, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: McCormick. ADOPTED: August 3, 2021.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**ORDINANCE No. 2024A**  
**SECOND READING OF AN ORDINANCE AMENDING THE MAP SHOWING THE**  
**AREA IN THE CENTRAL BUSINESS ZONING DISTRICT WHERE FIRST FLOOR**  
**RESIDENTIAL CONDITIONAL USES ARE NOT ALLOWED**

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

Section 1. Whitewater Municipal Code Section 19.30.030 G 1. is hereby amended to delete the map included in said section and replace it with the attached map.

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

Seconded by Council Member Allen.

AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None.  
ABSENT: None. ADOPTED: September 21, 2021.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk



**ORDINANCE No.2025A**  
**AN ORDINANCE CREATING CHAPTER 1.33 RESIDENCE RESTRICTIONS FOR**  
**SEX OFFENDERS**  
**OFFENDERS**

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

SECTION 1. Whitewater Municipal Code Chapter 1.33 is hereby created to read as follows:

1.33 Residence Restrictions for Sex Offenders

(1) Findings and Intent. The Common Council finds that Sex Offenders are persons who present a serious threat to public safety. Sex Offenders are extremely likely to use physical violence when they offend. Many Sex Offenders commit multiple offenses, have more victims than are reported, and are prosecuted for only a fraction of their crimes. This makes the cost of Sex Offender victimization to society great and justifies efforts to protect the public from it.

The Common Council has reviewed a 2003 study by the U.S. Department of Justice, Bureau of Justice Statistics, titled Recidivism of Sex Offenders Released from Prison in 1994. That study indicates that sex offenders released from prison were four times more likely to be rearrested for a sex crime as compared to non-sex offenders released from prison. Of those individuals included in the study, forty (40) percent of new sex crimes committed by those sex offenders released from prison had occurred within the first twelve (12) months of release. Further, child molesters who were released from prison were at least six times more likely to be rearrested for another sex crime against a child as compared to a non-sex offender released from prison.

In addition, the City Council has reviewed a 2019 study by the U.S. Department of Justice, Bureau of Justice Statistics, titled Recidivism of Sex Offenders Released from State Prison: A 9-Year Follow-Up (2005-2014). That study indicates that sex offenders released from prison were more than three times as likely as other released prisoners to be arrested for rape or sexual assault.

Because reducing both opportunity and temptation will minimize the risk of re-offense for those Sex Offenders who may re-commit sex offenses against children and others, there is a compelling need to separate Sex Offenders from places where children congregate or play in public places.

The Common Council is also aware that many other communities in Wisconsin, including the City of Milwaukee and the City of Brookfield, have New Resident Restrictions (see (4) below) and that if Whitewater does not have a New Resident Restrictions clause in its ordinance, it may have a disproportionately high number of new residents who are sex offenders that had not previously lived in Whitewater. This would have adverse impacts on the health, safety, and welfare of residents of the city.

It is also the intent of the Common Council to protect the safety and welfare of its citizens by creating zones around places where children regularly gather, in which certain Sex Offenders are prohibited from establishing Residence.

It is not the intent of the Common Council to impose additional punishment on Sex Offenders.

(2) Definitions. For purposes of this section:

(a) Child means a person under the age of 18 years.

(b) Child Safety Zone means an area, unless excepted by non-inclusion on the map of the Child Safety Zones (see 1.33(8)), within 750 feet of any private or public school, playground, designated parks or childcare center licensed pursuant to Wis. Stats. §48.65, within the City of Whitewater.

(c) Residence means a place where a person resides or dwells, or is used by a person as the primary location for basic life functions such as sleeping or eating; whether short or long-term but for an aggregate of 14 or more days in any one-year period.

(d) Chapter means this Municipal Code Chapter 1.33.

(e) Sex Offender, for purposes of this Chapter, means:

(i) Any person who is required to register under Wis. Stats. §301.45.

(ii) Any person committed to the state Department of Health Services for specialized treatment pursuant to Wis. Stats. §975.06.

(iii) Any person placed on lifetime supervision by the state Department of Corrections pursuant to Wis. Stats. §939.615 or §971.17(1j).

(3) Child Safety Zone Restriction. No Sex Offender shall establish or maintain a residence in the City of Whitewater within a child safety zone.

(4) New Resident Restriction. A Sex Offender shall not establish a residence within the City of Whitewater unless the person was domiciled in the city at the time of the offense resulting in the person's most recent conviction which caused the person to qualify as a Sex Offender under this ordinance.

(5) Residence Restriction, Exceptions. No Sex Offender shall establish or maintain a Residence within a Child Safety Zone, except under the following circumstances:

(a) The Sex Offender is residing where he or she is ordered to reside by a circuit court having competent jurisdiction.

(b) The Sex Offender established the Residence within a Child Safety Zone and reported and registered the Residence pursuant to Wis. Stats. §301.45 before October 14, 2021 and has continuously maintained that Residence since then. Interruptions of Residence for the following reasons shall not be deemed to disqualify continuous maintenance of Residence:

(i) Incarceration in a Wisconsin correctional facility.

(ii) Participation in programs as required by the Wisconsin Department of Corrections.

(iii) Participation in activities as required by the federal or state government, or a federal or state court.

(iv) Interruptions of no longer than 180 days, for any reason.

(c) The person is excepted from sex-offender registration pursuant to Wis. Stats. §301.45(1m).

(d) The Child Safety Zone Area first existed after the Sex Offender established Residence and reported and registered the Residence pursuant to Wis. Stats. §301.45.

(e) The Sex Offender's Residence is within a jail, juvenile facility or other correctional facility at which the Sex Offender is serving a court-ordered sentence.

(f) The Sex Offender is a minor or ward under guardianship and is residing with his or her parent or guardian.

(6) Sex Offenders Subject to Chapter 980. A Sex Offender that has been adjudicated a sexually violent person pursuant to Wisconsin Statutes Chapter 980 shall not be in violation of subsection (3) or (4) if the Sex Offender is subject to supervised release under Chapter 980, the Sex Offender is residing where he or she is ordered to reside under Wis. Stats. §980.08, and the Sex Offender is in compliance with all court orders issued under Chapter 980.

(7) Measurement of Distances. The boundaries of the Child Safety Zone shall be determined by measuring from the outer property boundary of private or public schools, playgrounds, designated parks and childcare centers to the outer property boundary of a Sex Offender's Residence. If any portion of a property is within a Child Safety Zone, then the entire property shall be deemed within the Child Safety Zone.

(8) Map of Child Safety Zones. The City shall maintain an official map showing the Child Safety Zones defined in subsection (2)(c) and shall update the map at least annually to reflect any changes.

(9) Notice. Sex Offenders shall within 30 days of this ordinance being enacted (or 10 days of establishing or changing their residence in the City of Whitewater) whichever is later, provide in writing to the City Clerk of the City of Whitewater their name, date of birth, and address.

(10) Penalty. A person who violates provisions of this ordinance shall be subject to a forfeiture of not less than \$300.00 and no more than \$1,000.00 for each violation. Each day a violation continues shall constitute a separate offense. The City may also seek equitable relief to gain compliance.

(11) Severability. It is the express intent of the Common Council that the provisions of this Chapter are severable, and that if any part of this Chapter is held invalid by a court having competent jurisdiction, then that invalid part shall be severed, and the remainder shall remain in effect and enforceable.

Ordinance introduced by Council Member Allen, who moved its adoption. Seconded by Council Member McCormick. AYES: McCormick, Brown, Majkrzak, Smith, Allen. NOES: Binnie ABSENT: Schreiber ADOPTED: October 5, 2021.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**ORDINANCE 2026A**  
**AN ORDINANCE AMENDING SUBSECTION 2.56.010**  
**LIBRARY BOARD - MEMBERSHIP**

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

SECTION 1. Whitewater Municipal Code Chapter 2.56 Subsection 2.56.010 is hereby amended to read as follows:

2.56.010 – Membership.

- (a) The composition of the Library Board shall be as provided in the provisions of Wis. Stats. § 43.54.
- (b) The power, authority and duties of the library board shall be as prescribed by Wis. Stats. § 43.58.

(c)

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

Seconded by Council Member Smith.

AYES: McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: Schreiber. ADOPTED: October 5, 2021.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**ORDINANCE NO. 2027A**  
**ORDINANCE AMENDING CHAPTER 1.08 OF THE CITY OF WHITEWATER**  
**MUNICIPAL CODE ENTITLED “WARDS”**

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

Chapter 1.08 of the Whitewater Municipal Code is hereby amended as follows:

**SECTION 1**

**1.08.010 Ward Boundaries.** The City of Whitewater shall be divided into thirteen wards as follows in this chapter.

**SECTION 2.**

**Section 1.08/020 Ward 1, is amended to read as follows:** Commencing at the Southeasterly point of the City of Whitewater Municipal Boundary at its intersection with US Highway 12,

thence generally north and easterly along City of Whitewater municipal boundary to its intersection with the Walworth – Jefferson County line;

Thence west along said County line to the intersection of Highway 59 / N. Newcomb Street and the Jefferson County line;

Thence south along Highway 59 / N. Newcomb Street to its intersection with E. Milwaukee Street;

Thence easterly and southerly along East Milwaukee Street / US Highway 12 / Elkhorn Road along City of Whitewater boundaries to the point of beginning.

**SECTION 3.**

**Section 1.080.030 Ward 2, is amended to read as follows:** Commencing at the intersection of Old Highway P and the City of Whitewater Municipal boundary line;

Thence generally northwesterly along city boundary and Highway 12 / Elkhorn Road / E. Milwaukee Street to its intersection with E. Main Street;

Then generally westerly along E. Main Street to the intersection of E. Main Street and W. Whitewater Street;

Thence southwesterly on W. Whitewater Street to its intersection with S. Fremont Street;

Thence southeasterly along S. Fremont Street to its intersection with Ann Street;

Thence southwesterly along Ann Street to its intersection with S. Franklin Street;

Thence southerly along S. Franklin Street to its intersection with W. Caine Street;

Thence westerly along W. Caine Street to its intersection with Gault Street;

Thence northerly along Gault Street to its intersection with W Harper Street;

Thence Southwesterly along Harper Street to its intersection with Highway 59;

Thence southerly along Highway 59 to the City of Whitewater boundary;

Thence generally easterly and southerly along the City of Whitewater municipal boundary line to S. Franklin Street;

Thence continue northerly and easterly along City of Whitewater Municipal Boundary, to Old Highway P, the point of beginning.

#### **SECTION 4**

**Section 1.080.040 Ward 3, is amended to read as follows:** Commencing at the intersection of E. Milwaukee Street and North Newcomb Street;

Thence northerly along N. Newcomb Street / State Road Highway 59 to the Walworth – Jefferson County line;

thence westerly along the Walworth - Jefferson County line to its intersection with Fremont Rd/Fremont Street;

Thence southeasterly along Fremont Street to its intersection with W. North Street;

Thence easterly along W. North Street to its intersection with Whitewater Creek;

Thence southerly along Whitewater Creek to its intersection with E Main Street;

Thence easterly along E Main Street to its intersection with E Milwaukee Street;

Thence easterly along E Milwaukee Street to its intersection with N. Newcomb Street (point of beginning)

#### **SECTION 5.**

**Section 1.08/050 Ward 4, is amended to read as follows:** Commencing at the intersection of W. North Street and N. Fremont Street;

Thence north along Fremont Street to the Walworth – Jefferson County line;

Thence westerly along the Walworth - Jefferson County line to its intersection with N. Prairie Street;

Thence south on N. Prairie Street to its intersection with W. Main Street;

Thence easterly along W. Main Street to its intersection with W. North Street;

Thence easterly along W. North Street to its intersection with N. Fremont Street (point of beginning).

#### **SECTION 6.**

**Section 1.08.060 Ward 5, is amended to read as follows:** Commencing at the intersection of S. Franklin Street and W. Caine Street;

Thence northerly along Franklin Street to its intersection with W. Ann Street;



Thence northeasterly along W. Ann Street to its intersection with S. Fremont Street;

Thence northwesterly along S. Fremont Street to its intersection with Whitewater Street;

Thence northeasterly on Whitewater Street to its intersection with Whitewater Creek;

Thence northwesterly along Whitewater Creek to its intersection with W. North Street; Thence westerly on North Street to its intersection with W. Main Street;

Thence along W. Main Street to its intersection with Whiton Street;

Thence south along Whiton Street to its intersection with W. Walworth Avenue;

Thence east on W. Walworth Avenue to its intersection with S. Janesville Street;

Thence southwesterly along S. Janesville Street to its intersection with the Wisconsin and Southern Railroad tracks;

Thence southwesterly along the railroad tracks to City of Whitewater Municipal boundary, thence southerly, northeasterly and southeasterly along City of Whitewater municipal boundary line to its intersection with State Road 59;

Thence northeasterly along State Road 59 to its intersection with the City of Whitewater municipal boundary;

Thence southeasterly along the City of Whitewater municipal boundary to its intersection with State Highway 89;

Thence generally northerly along Highway 89 / 59 to its intersection with West Harper Street;

Thence northeasterly along Harper Street to its intersection with Gault Street;

Thence southerly on S. Gault Street to its intersection with West Caine Street;

Thence east on West Caine Street to its intersection with South Franklin Street (point of beginning).

## **SECTION 7.**

**Section 1.080.070 Ward 6, is amended to read as follows:** Commencing at the intersection of the Wisconsin and Southern railroad tracks and its intersection with the western City of Whitewater Municipal Boundary;

Thence northeasterly along said railroad tracks to its intersection with S. Janesville Street;

Thence northeasterly along State Road 59 / S. Janesville Street to its intersection with W. Walworth Avenue;

Thence westerly along W. Walworth Avenue to its intersection with S. Whiton Street;

Thence northerly along S. Whiton Street to its intersection with W. Main Street;

Thence west on W. Main Street to its intersection with S. Elizabeth Street;

Thence south on S. Elizabeth Street to its intersection with W. Walworth Avenue;

Thence west on W. Walworth Avenue to its intersection with Indian Mound Parkway;

Thence southerly along Indian Mound Parkway to its intersection with US Highway 12;

Thence northwesterly along US Highway 12 to its intersection with W Walworth Avenue;

Thence southeasterly and southerly along west City of Whitewater municipal boundary line to the intersection of the City of Whitewater Municipal boundary and the Wisconsin and Southern railroad track (point of beginning).

### **SECTION 8.**

**Section 1.080.070 Ward 7, is amended to read as follows:** Commencing at the intersection of W. Walworth Ave. and S. Elizabeth Street;

Thence northerly along Elizabeth Street to its intersection with W. Main Street;

Thence westerly along W. Main Street to its intersection with the City of Whitewater municipal boundary line;

Thence westerly along said City of Whitewater municipal boundary line to its intersection with the Walworth – Rock county line;

Thence south and easterly along City of Whitewater Municipal Boundary along the Rock – Walworth County line thence easterly and southeasterly along said City of Whitewater Municipal Boundary to its intersection with Walworth Avenue;

Thence easterly along City of Whitewater Municipal Boundary line to its intersection with W. Walworth Avenue;

Thence easterly along W. Walworth Avenue bypass line to its intersection with Highway 12;

Thence southeasterly along US Highway 12 to its intersection with Indian Mound Parkway;

Thence northerly along Indian Mound Parkway to its intersection with W Walworth Avenue;

Thence east on West Walworth Avenue to its intersection with S. Elizabeth Street (point of beginning).

### **SECTION 9.**

**Section 1.080.080 Ward 8, is amended to read as follows:**

Commencing at the intersection of W. Main Street and N. Tratt Street;

Thence North on N. Tratt Street to its intersection with the Walworth – Jefferson County line;

Thence westerly along said County line to its intersection with Warner Road / Tri County Road;

Thence southerly along Warner Road to the intersection of Warner Road and the City of Whitewater Municipal boundary;

Thence easterly, northwesterly, and northeasterly along the City of Whitewater Municipal Boundary, to its intersection with US Highway 12;

Thence southeasterly along US Highway 12 /Main Street , and along W. Main Street to its intersection with N. Tratt Street. (point of beginning).

**Section 10.**

**Section 1.080.090 Ward 9, is amended to read as follows:** Commencing at the intersection of W. Main Street and North Prairie Street;

Thence north on N. Prairie Street to its intersection with Starin Road;

Thence west on Starin Road to its intersection with N. Tratt Street;

Thence south on N. Tratt Street to its intersection with W. Main Street;

Thence east on W. Main Street to its intersection with N. Prairie Street (point of beginning).

**SECTION 11.**

**Section 1.080.100 Ward 10, is amended to read as follows:** Commencing at the intersection of W. Starin Rd. and N. Prairie Street;

Thence northerly along N. Prairie Street to its intersection with Lauderdale Drive (Walworth – Jefferson County line);

Thence westerly along the Walworth – Jefferson County line, continuing on W. Schwager Drive and the intersection of the Walworth – Jefferson County line Road and N. Tratt Street;

Thence southeasterly along N. Tratt Street to its intersection with W. Starin Road;

Thence easterly along W. Starin Road to its intersection with N. Prairie Street (point of beginning);

**SECTION 12.**

**Section 1.080.110 Ward 11, is amended to read as follows:**

Commencing at the intersection of N. Tratt Street and the Walworth - Jefferson County line;

Thence generally northwesterly on N. Tratt Street, along the City of Whitewater municipal boundary lines to its intersection with Foxglove Lane;

Thence along Foxglove Lane to its intersection with Bloomingfield Drive;

Thence southwesterly along Bloomingfield Drive to its intersection with N. Tratt Street;

Thence northerly along N. Tratt Street to its intersection with the City of Whitewater Municipal Boundary

Thence westerly along the City of Whitewater Municipal boundary;

Thence southerly along the City of Whitewater Municipal boundary to its intersection with the Walworth – Jefferson County line;

Thence easterly along the Walworth – Jefferson County line to the point of beginning (County line and N. Tratt Street).

**SECTION 13.**

**Section 1.080.120 Ward 12, is amended to read as follows:**

Commencing at the intersection of E. Lauderdale Drive and Fremont Road, at the Walworth - Jefferson County line;

thence north on Fremont Road to its intersection with Schwager Drive;

thence southwesterly on Schwager Drive, thence southerly on Schwager Drive, to its intersection with the Walworth - Jefferson County line;

thence west along the Walworth - Jefferson County line (West Schwager Drive);

Thence northwesterly on N. Tratt Street meandering east, then north, then west, then north then west, continuing along the boundary of the City of Whitewater;

Continuing northwesterly on N. Tratt Street, thence east, north, and west along the City of Whitewater municipal boundary, to its intersection with N. Tratt Street;

Thence northwesterly along N. Tratt Street to its intersection with Foxglove Lane;

Thence generally northeasterly along Foxglove Lane to its intersection with Bloomingfield Drive;

Thence southwesterly along Bloomingfield Drive to its intersection with Tratt Street;

Thence northerly along N. Tratt Street to its intersection with the City of Whitewater municipal boundary line; continuing in a generally eastern direction along the City of Whitewater municipal boundary line to its intersection with County Road U;

Thence southerly along the City of Whitewater Municipal Boundary Line, to its intersection with Fremont Road;

Thence northerly, easterly then northerly along City of Whitewater municipal boundaries to its intersection with County Road Highway U;

Thence northerly at intersection of County Road U and City of Whitewater municipal boundary;

Thence East to the intersection of the City of Whitewater Municipal Boundary and County Trunk Highway D;

Thence generally southerly along City of Whitewater Municipal Boundary to its intersection with the Walworth County line;

Thence west along the Walworth – Jefferson County line to its intersection with E. Lauderdale Drive and Fremont Road (point of beginning)

AND

Commencing at the intersection of the Walworth - Jefferson County line and Howard Road;

Thence westerly along the Walworth Jefferson County line to its intersection with State Highway 59 (Newcomb Street);

Thence northerly, easterly, northwesterly, thence southwesterly along City of Whitewater Municipal boundary to its intersection with Highway 59,

Thence north on Highway 59 (Newcomb Street) along the City of Whitewater Municipal boundary continuing northeasterly along Highway 59 to the City of Whitewater municipal boundary,

thence south, easterly, southerly, and southeasterly along said municipal boundary to its intersection with Howard Road;

Thence southerly along Howard Road, along the City of Whitewater Municipal boundary to its intersection with the Walworth County line. (Point of beginning).

#### **SECTION 14.**

**Section 1.080.130 Ward 13, is hereby added as follows:** Commencing at the intersection of E. Lauderdale Drive and Fremont Road;

Thence northerly to the intersection of Fremont Road and Schwager Drive;

Thence southwesterly along Schwager Drive, thence south along Schwager Drive, to its intersection with the Walworth - Jefferson County line;

Thence easterly along the County line to the intersection of Lauderdale and Fremont Road (point of beginning).

Ordinance introduced by Councilmember Allen who moved its adoption. Seconded by Councilmember Smith.

AYES: McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: Schreiber. FIRST READING APPROVED: October 5, 2021.

It was then moved by Allen and seconded by Smith to waive the second reading of the ordinance. AYES: McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: Schreiber. ADOPTED: October 5, 2021.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**ORDINANCE 2028A**  
**SECOND READING OF AN ORDINANCE AMENDING SUBSECTION 5.56.010**  
**STORAGE – PERMIT REQUIRED**

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

SECTION 1. Whitewater Municipal Code Chapter 5.56 Subsection 5.56.010, is hereby amended to read as follows:

**5.56.010 Storage – Permit Required**

(a) No person, firm, partnership, or corporation shall accumulate or store any junked, disassembled, inoperable, or unlicensed automobiles or trucks or parts thereof, on any real estate located in the City, except upon a permit issued by the City Council.

(b) If an owner is actively racing, restoring, or repairing a vehicle, one vehicle, including stock/race vehicles, may be stored on the vehicle owner's property, based on a permit being issued by the City Manager or his or her designee, for a period of up to one year when said vehicle is covered with a canvas, tarpaulin or manufactured vehicle cover that is properly secured, free of rips and tears and covers the vehicle to the wheels/tires.

The stored vehicle must be:

- (1) located in the rear yard;
- (2) parked on a hard surface;
- (3) kept in compliance with the Zoning Ordinance and all other City Ordinances;
- (4) kept in a location that is not visible to travelers on public roads and alleys;
- (5) kept in a location that, in the opinion of the City Manager or his or her designee, will not substantially diminish the quality of views of neighboring property owners.

Ordinance introduced by Council Member Allen, who moved its adoption. Seconded by Councilmember McCormick. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None. ADOPTED: October 19, 2021.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**ORDINANCE 2029A**

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

**SECTION 1:** Whitewater Municipal Code Section 1.21.010 is hereby amended by adding the following:

<b>CHAPTER OR SECTION NUMBER</b>	<b>OFFENSE</b>	<b>DEPOSITS AND COSTS</b>
Chapter 1.33	Violation of Sex Offender Residence Restriction	1 <sup>st</sup> Offense - \$500 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment.  2 <sup>nd</sup> and Subsequent Offenses – \$700 plus statutory penalty Assessment, jail assessment, Court costs and crime lab Assessment.

**SECTION 2:** This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Brown, who moved its adoption. Seconded by Councilmember Majkrzak. AYES: McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: Schreiber. FIRST READING APPROVED: October 5, 2021.

Request to waive requirement to have a second reading introduced by Councilmember Brown. Seconded by Councilmember Majkrzak. AYES: McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: Schreiber. ADOPTED: October 5, 2021.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**ORDINANCE NO. 2030A**  
**AN ORDINANCE AMENDING SUBSECTION 5.20.050**  
**ALCOHOL LICENSE—QUOTAS**

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

SECTION 1. Whitewater Municipal Code Chapter 5.20 Subsection 5.20.050 is hereby amended to read as follows:

5.20.050 – License—Quotas

The number of the following described licenses to be issued by the city shall be limited to the quota established in this section:

- (1) Combined "Class A" intoxicating liquor, six;
- (2) "Class B" intoxicating liquor, twenty-four.

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

Seconded by Council Member Smith. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None. ADOPTED: November 2, 2021.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk



**ORDINANCE NO. 2031A**  
**AN ORDINANCE CREATING CHAPTER 11.45**  
**Allowing the Operation of All-Terrain Vehicles (ATV) and Utility Terrain Vehicles (UTV)**  
**on Whitewater Streets Located in Jefferson County (Excluding City Streets Located**  
**Within the Boundaries of the University of Wisconsin – Whitewater Campus)**

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

SECTION 1. Whitewater Municipal Code Chapter 11.45, is hereby created to read as follows:

11.45.010 **General.** This ordinance is enacted pursuant to sections 62.11 (5) and 23.33 Wis. Stats., and the provisions of Wisconsin Administrative Code NR 64 regulating ATV and UTV operation, which is hereby adopted and incorporated herein.

11.45.020 **Applicability and Enforcement.** The provisions of this Ordinance shall apply to all streets, roads and highways, hereinafter at times referred to as City Streets, in the City of Whitewater, Jefferson County, Wisconsin (except City streets located within the boundaries of the University of Wisconsin - Whitewater campus) and the provisions of this ordinance shall be enforced by the City of Whitewater Police Department.

Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed in this Chapter.

11.45.030 **Limitations.** The following limitations apply to all areas of operation designated in this Ordinance:

- (a) Operators and passengers of ATVs/UTVs shall comply with all federal, state and local laws, orders, regulations, restrictions and rules, including, but not limited to, section 23.33 Wis. Stats. and Wisconsin Administrative Code NR 64.
- (b) This Ordinance incorporates by reference all definitions under section 23.33 Wis. Stats. and Wisconsin Administrative Code NR 64 and any other applicable Wisconsin Law defining ATVs/UTVs and regulating ATV/UTV use unless this Ordinance states otherwise.
- (c) ATVs/UTVs shall be operated on the paved surface on the extreme right side of the roadway.
- (d) ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.
- (e) ATVs/UTVs operators are required to have applicable liability insurance.
- (f) ATVs/UTVs shall not be operated at a speed greater than the posted speed limits.
- (g) ATVs/UTVs may not be operated on any city street without fully functional headlights, taillights and brake lights.
- (h) ATVs/UTVs may not be operated on any city street between the hours of 10:00 p.m. and 5:00 a.m.

(i) No person may operate an ATV/UTV on any city street without a valid driver's license and shall display the license on demand from any law enforcement officer or official described in section 23.33 (12) Wis. Stats.

(j) The operation of an ATV/UTV shall be limited to traveling on a direct route from the initial starting point of the vehicle to a Jefferson County highway, or from a Jefferson County highway to a specific destination in the City of Whitewater, Jefferson County, Wisconsin. Operating ATV/UTV vehicles on City streets for other purposes is prohibited.

**11.45.040 Routes.**

(a) Any modification to the routes designated for ATV/UTV use shall be approved by the Common Council.

(b) The routes designated as an ATV/UTV vehicle route shall be as follows: streets, roads and highways in the City of Whitewater, Jefferson County, Wisconsin (excluding City streets located within the boundaries of the University of Wisconsin - Whitewater campus).

(c) The City Manager or his or her designee shall have the authority to suspend operation on any route or segment thereof due to hazards, construction, emergency conditions, road damage or any other issue deemed appropriate for public safety. Routes subsequently removed as an ATV/UTV vehicle route will be posted on the City of Whitewater website.

**11.45.050 Route Signs.**

(a) All initial route signs will be installed and maintained by the City of Whitewater Public Works Department in cooperation with the Jefferson County Highway Department.

(b) No person may erect or remove any official designated route sign unless authorized by the City of Whitewater Public Works Department in writing.

(c) No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

**11.45.060 Penalties.**

(a) This Ordinance shall be enforced by the City of Whitewater Police Department, or any other law enforcement official as set forth in section 23.33 (12) Wis. Stats., including the issuance of citations under section 66.0113 Wis. Stats.

(b) The penalties set forth in section 23.33 (13) (a) Wis. Stats., are adopted and incorporated by reference herein.

**11.45.070 Severability.**

(a) Should any subsection, clause or provision of this ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part declared invalid.

**11.45.080 Maintenance.**

(a) Designation of City of Whitewater streets and roads as ATV/UTV routes does not impose upon the City of Whitewater a greater duty of care or responsibility for maintenance of those segments than that required for any other street or road. Operators of ATV/UTVs on City streets assume all the usual and normal risks of ATV/UTV operation.

11.45.090 **Council Review.** This ordinance is enacted to operate in conjunction with Jefferson County Ordinance number 2021-01. Jefferson County will begin a review process of its ordinance on November 30, 2022 for the purpose of determining if Jefferson County's experience with its ordinance has been positive. The City of Whitewater Public Works Committee shall monitor Jefferson County's review process and provide the City Council with a report on Jefferson County's findings and actions no later than March 1, 2023.

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

Seconded by Council Member Smith. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None. ADOPTED: November 2, 2021.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**ORDINANCE NO. 2032A**  
**AN ORDINANCE AMENDING SECTION 1.21.010 SCHEDULE OF DEPOSITS**  
**ESTABLISHING A FINE FOR VIOLATION OF CHAPTER 11.45 OPERATION OF**  
**ALL-TERRAIN VEHICLES (ATV) AND UTILITY TERRAIN VEHICLES (UTV) ON**  
**CITY STREETS**

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

**SECTION 1:** Whitewater Municipal Code Section 1.21.010 is hereby amended by adding the following:

<u>CHAPTER OR SECTION NUMBER</u>	<u>OFFENSE</u>	<u>DEPOSITS AND COSTS</u>
Chapter 11.45	Violation of Operation of ATV or UTV on City Streets Ordinance	<p>1<sup>st</sup> Offense - \$100.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment.</p> <p>2<sup>nd</sup> and Subsequent Offenses - \$150.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment.</p>

**SECTION 2:** This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Smith. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None. ADOPTED: November 2, 2021.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**ORDINANCE NO. 2033A**  
**AN ORDINANCE AMENDING SUBSECTION 11.16.150**  
**STREET INDEX OF PARKING RESTRICTIONS**

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

SECTION 1. Whitewater Municipal Code Chapter 11.16 Subsection 11.16.150 is hereby amended by adding the following to the Street Index of Parking Restrictions:

<u>N</u>	<u>Fraternity Ln</u>	<u>East side from a point 95 feet south of the right-of-way line for Court A for a distance of 50 feet to the south.</u>	<u>11.16.080</u>	<u>No parking</u> <u>Wednesday 5 a.m. -</u> <u>Noon</u>
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Ordinance introduced by Council Member Allen, who moved its adoption.

Seconded by Council Member Smith. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None. ADOPTED: November 2, 2021.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**ORDINANCE 2034A**  
**SECOND READING OF AN ORDINANCE AMENDING CHAPTER 1.06 OF THE CITY  
OF WHITEWATER MUNICIPAL CODE ENTITLED “ALDERMANIC DISTRICTS”**

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

**Chapter 1.06 of the Whitewater Municipal Code is amended as follows:**

SECTION 1:

**Section 1.06.020, First District, shall be amended to read as follows:** The First Aldermanic District shall consist of Wards 1, 2 and 3.

SECTION 2:

**Section 1.06.030, Second District, shall be amended to read as follows:** The Second Aldermanic District shall consist of Wards 9 and 10.

SECTION 3:

**Section 1.06.040, Third District, shall be amended to read as follows:** The Third Aldermanic District shall consist of Wards 4 and 5.

SECTION 4:

**Section 1.06.050, Fourth District, shall be amended to read as follows:** The Fourth Aldermanic District shall consist of Wards 6, 7 and 8.

SECTION 5:

**Section 1.06.060, Fifth District, shall be amended to read as follows:** The Fifth Aldermanic District shall consist of Wards 11, 12 and 13.

Ordinance introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Schreiber. AYES: Schreiber, McCormick, Brown, Binnie, Smith, Allen. NOES: None. ABSENT: Majkrzak. FIRST READING APPROVED: November 16, 2021.

It was then moved by Allen and seconded by Smith to waive the requirement for a second reading of this ordinance. Schreiber, McCormick, Brown, Binnie, Smith, Allen. NOES: None. ABSENT: Majkrzak. ADOPTED: November 16, 2021.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**ORDINANCE No. 2035A**  
**SECOND READING OF AN ORDINANCE AMENDING CHAPTER 9.18 FEEDING**  
**OF WILD ANIMALS**

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

SECTION 1. Whitewater Municipal Code Chapter 9.18 is hereby amended to read as follows:

9.18.010 – Feeding of Wild Animals

The feeding of wild animals is prohibited within the city. No person shall give, place, expose, deposit, distribute, or scatter any edible material with the intention of feeding, attracting, or enticing wildlife or wild animals, including any animal which is not normally domesticated in this state, including but not limited to deer, foxes, rodents, chipmunks, squirrels, groundhogs, opossums, raccoons, skunks, and waterfowl. This ordinance does not prohibit the feeding of wild birds by use of bird feeding devices and structures. This ordinance does not prohibit standing crops planted and left standing as wildlife food plots that may be used by wild animals.

Ordinance introduced by Councilmember Smith, who moved its adoption. Seconded by Councilmember Schreiber. AYES: Schreiber, McCormick, Brown, Binnie, Smith, Allen. NOES: None. ABSENT: Majkrzak. ADOPTED: November 16, 2021.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**ORDINANCE No. 2036A**  
**AN ORDINANCE AMENDING SUBSECTION 11.16.150**  
**STREET INDEX OF PARKING RESTRICTIONS**

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

SECTION 1. Whitewater Municipal Code Chapter 11.16 Subsection 11.16.150 is hereby amended by deleting the following from the Street Index of Parking Restrictions:

	<u>Walton Dr</u>	<u>Both sides, commencing at the east curbline of Tratt St, northeast to a point 134 feet northeast</u>	<u>11.16.080</u>	<u>No parking</u>
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And adding the following to the Street Index of Parking Restrictions:

	<u>Walton Dr</u>	<u>North side, commencing at the east curbline of Tratt St, northeast to a point 134 feet northeast</u>	<u>11.16.080</u>	<u>No parking</u>
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	<u>Walton Dr</u>	<u>South side, commencing at the east curbline of Tratt St, northeast to a point 115 feet northeast</u>	<u>11.16.080</u>	<u>No parking</u>
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Ordinance introduced by Councilmember Smith, who moved its adoption. Seconded by Councilmember Schreiber. AYES: Schreiber, McCormick, Brown, Binnie, Smith, Allen. NOES: None. ABSENT: Majkrzak. ADOPTED: November 16, 2021.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk



**ORDINANCE NO. 2037A**  
**AN ORDINANCE AMENDING SECTION 1.21.010 SCHEDULE OF DEPOSITS**  
**ESTABLISHING A FINE FOR VIOLATION OF CHAPTER 9.18 FEEDING OF WILD**  
**ANIMALS**

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

**SECTION 1:** Whitewater Municipal Code Section 1.21.010 is hereby amended by adding the following:

<u>CHAPTER OR SECTION NUMBER</u>	<u>OFFENSE</u>	<u>DEPOSITS AND COSTS</u>
Chapter 9.18	Violation of Feeding of Wild Animals	1 <sup>st</sup> Offense – \$25.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment  2 <sup>nd</sup> and subsequent offenses - \$50 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment

**SECTION 2:** This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember Smith, who moved its adoption. Seconded by Councilmember Schreiber. AYES: Schreiber, McCormick, Brown, Binnie, Smith, Allen. NOES: None. ABSENT: Majkrzak. FIRST READING APPROVED: November 16, 2021. It was then moved by Allen and seconded by Smith to waive the requirement for a second reading of the ordinance. AYES: Schreiber, McCormick, Brown, Binnie, Smith, Allen. NOES: None. ABSENT: Majkrzak.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**ORDINANCE NO. 2038A FINAL READING AN ORDINANCE REPEALING  
CHAPTER 2.53  
BIRGE FOUNTAIN COMMITTEE**

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

SECTION 1. Whitewater Municipal Code Chapter 2.53 is hereby repealed.

SECTION 2. This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Schreiber. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None. FIRST READING APPROVED: December 7, 2021.

Allen moved to waive the second reading of the ordinance, McCormick seconded. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None. ADOPTED: December 7, 2021.

Cameron L. Clapper, City Manager

Michele R .Smith, City Clerk