

**AN ORDINANCE AMENDING SECTIONS 1.28.020 ACCESS TO EXTERIOR
PROPERTY AND 20.04.050 ACCESS TO PROPERTY
TO REQUIRE 24 HOUR NOTICE.**

WHEREAS, the Common Council indicated a desire to add additional restrictions to City Staff accessing private property; and,

WHEREAS, the Common Council added a 24-hour notice provision for accessing interior structures when it amended Section 1.28.010 in 2023; and,

WHEREAS, the Common Council desires to have City Staff provide at least 24-hour notice prior to accessing private property.

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

SECTION 1: Whitewater Municipal Code Section 1.28.020 is hereby amended to read as follows:

1.28.020 Access to Exterior Property.

~~Whenever necessary to make an inspection to enforce any ordinance or resolution, After~~ after presenting proper identification, the building inspector, code enforcement officer, or the police chief, or their respective deputies or designees, shall be permitted to enter upon any property at any reasonable time for the purpose of making inspections ~~or to perform any duty imposed upon them by ordinance. to determine compliance with this chapter and related ordinances.~~ Except in an emergency situation requiring swift action to prevent imminent danger to life; serious damage to property; to forestall the imminent escape of a suspect; or destruction of evidence, prior to entering upon the property, any authorized official shall provide written notice to the owner and/or occupant of the authorized official's intent to inspect the property at least 24 hours prior to the inspection. If the owner or occupant cannot be located after reasonable effort, the notice may be attached to the front door of any structure on the premises or mailed to the address on file for the tax bill at least 24 hours prior to the inspection. If denied access, the ~~code~~ authorized official may acquire a special inspection warrant for such access, pursuant to Wis. Stats. § 66.0119, as amended from time-to-time.

SECTION 2: Whitewater Municipal Code Section 20.04.050 is hereby amended to read as follows:

20.04.050 Access to Property.

~~Whenever necessary to make an inspection to enforce any ordinance or resolution, After~~ after presenting proper identification, the building inspector, ~~neighborhood services officer,~~ code enforcement officer, or the police chief, or their respective deputies or designees, shall be permitted to enter upon any property at any reasonable

ORDINANCE NO. 2025-O-30

time for the purpose of making inspections ~~or to perform any duty imposed upon them by ordinance. to determine compliance with this chapter and related ordinances.~~ Except in an emergency situation requiring swift action to prevent imminent danger to life; serious damage to property; to forestall the imminent escape of a suspect; or destruction of evidence, prior to entering upon the property, any authorized official shall provide written notice to the owner and/or occupant of the authorized official's intent to inspect the property at least 24 hours prior to the inspection. If the owner or occupant cannot be located after reasonable effort, the notice may be attached to the front door of any structure on the premises or mailed to the address on file for the tax bill at least 24 hours prior to the inspection. If denied access, the ~~code~~ authorized official may acquire a special inspection warrant for such access, pursuant to Wis. Stats. § 66.0119, as amended from time-to-time.

SECTION 4: All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 5: This ordinance shall take effect and be in force the day after its passage and publication.

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

Seconded by Council Member _____.

DATE	December 2, 2025				December 16, 2025			
READING	FIRST				SECOND			
	YES	NO	PASS	ABSENT	YES	NO	PASS	ABSENT
Michael Smith								
Orin Smith								
Steven Sahyun								
Brian Schanen								
Neil Hicks								
Greg Majkrzak								
Patrick Singer								
Total:								

ADOPTED: _____

John Weidl, City Manager

ATTEST:

Heather Boehm, City Clerk