Enrolled 158-120

~~PROPOSED~~ ORDINANCE 1~~58-125~~

AMEND WAUKESHA COUNTY CODE OF ORDINANCES TO
ALLOW COUNTY ENFORCEMENT OF STATE OFFENSES

WHEREAS current Chapter 13 of the Waukesha County Code adopts several state statutes in order to allow law enforcement to write citations for violations of these statutes, and

WHEREAS adoption of state statutes in order to allow county ordinance citations or traffic tickets to be written allows forfeitures paid to be retained by the county, and

WHEREAS the Waukesha County District Attorney is in agreement with enforcement of these statutes by citation or ticket rather than by charging these offenses as crimes, and

WHEREAS, the current Code does not include adoption of state law regarding theft and certain administrative regulations governing motor vehicle equipment, motor carrier safety regulations and motor carrier safety.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS:

SECTION 1. That Sections 13-102(a)-(d) be repealed and recreated to read as follows:

(a) For the purpose of this section, the definitions of words and phrases contained in chapters 340, 341, 939 to 947, 961 and section 990.01 of the Wisconsin Statutes are hereby adopted and by reference made a part hereof with the same force and effect as if fully set forth herein.

(b) In the following enumerated sections and subsections of the Wisconsin Statutes and Administrative Code in this section:

1. Whenever the word "crime" is used, it shall be taken to mean "offense;"
2. Whenever the phrase "criminal intent" is used, it shall be taken to mean "intent."

(c) The statutory and administrative code provisions describing, defining and prohibiting conduct in the following enumerated sections and subsections of the Wisconsin Statutes and Administrative Code and cross references contained therein to other sections and subsections of the Wisconsin Statutes and administrative code, exclusive of any provisions thereof relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made a part of this section with the same force and effect as if fully set forth herein. Any acts required to be performed or prohibited by any statute or administrative code provision incorporated by reference also is required or prohibited by this section. The following specifically enumerated offenses are hereby prohibited in the county, and are incorporated herein by reference, just as though fully set forth herein, but the penalty for violation under this section shall be limited to the forfeiture as hereinafter set forth:

1. 167.10(1): possession, use or distribution of fireworks;
2. 346.935: intoxicants in motor vehicles;
3. 941.35: emergency telephone calls;

4. 943.01: damage to property less than three hundred dollars ($300.00);
5. 943.13(1), (3): trespass to land;
6. 943.14: trespass to dwelling;
7. 946.41: resisting or obstructing an officer;
8. 947.01: disorderly conduct;
9. 125.09(2): possession of alcohol beverages on school grounds;
10. 943.24: issuance of worthless check;
11. 254.92(2): purchase or possession of tobacco products by persons under 18 prohibited; and,
12. 943.20: theft.

(d) The penalty for violation of subsection (c) shall be limited to the forfeiture as set forth below. The amount of forfeiture shall not exceed the maximum penalty for the offense, including any penalty assessment which would be applicable under section 757.05, Wisconsin Statutes, plus court costs. All references below are to sections or subsections of the Wisconsin Statutes:

1. 167.10(1): possession, use or distribution of fireworks, not less than twenty-five dollars ($25.00) or more than one hundred dollars ($100.00);
2. 346.935: intoxicants in motor vehicles, not less than fifty dollars ($50.00) or more than two hundred dollars ($200.00);
3. 941.35: emergency telephone calls, not less than fifty dollars ($50.00) or more than two hundred dollars ($200.00);
4. 943.01: damage to property of less than three hundred dollars ($300.00), not less than fifty dollars ($50.00) or more than two hundred dollars ($200.00);
5. 943.13(1), (3): trespass to land, not less than fifty dollars ($50.00) or more than two hundred dollars ($200.00);
6. 943.14: trespass to dwelling, not less than fifty dollars ($50.00) or more than two hundred dollars ($200.00);
7. 946.41: resisting or obstructing an officer, not less than fifty dollars ($50.00) or more than two hundred dollars ($200.00);
8. 947.01: disorderly conduct, not less than fifty dollars ($50.00) or more than two hundred dollars ($200.00);
9. 125.09(2): possession of alcohol beverages on school grounds, not more than two hundred dollars ($200.00);
10. 943.24(1): issuance of worthless check, not less than two hundred dollars ($200.00) nor more than five hundred ($500.00);
11. 254.92(2): purchase or possession of tobacco products by underage individuals (a person under the age of 18), not less than ten dollars ($10.00) nor more than twenty five dollars ($25.00); and,
12. 943.20: theft, not less than two hundred dollars ($200.00) nor more than five hundred ($500.00).

SECTION 2. That Section 15-82 (a) is repealed and recreated to read:

Except as otherwise specifically provided in this section, the statutory and administrative provisions in chapters 340 to 348, and section 941.01, Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, and chapters Trans. 305, Trans. 325, and Trans. 327, Wis. Admin Code defining regulations regarding standards for vehicle equipment;

motor carrier safety regulations, and motor carrier safety are hereby adopted and by reference made a part of this section as if fully set forth herein. Any acts required to be performed or prohibited by any regulation incorporated herein by reference also is required or prohibited by this section. Any future amendments, revisions or modifications of the statutory regulations in chapters 340 to 348, section 941.01, Wisconsin statutes or chapters Trans. 305, Trans. 325, and Trans. 327, Wis. Admin Code are intended to be made part of this section in order to secure, to the extent legally practical, statewide regulation of vehicle traffic on the highways, streets and alleys of the state.

SECTION 3. This ordinance shall be effective upon approval and publication.

SECTION 4. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Waukesha, Wisconsin, as an addition or amendment thereto and shall be appropriately renumbered to conform to the numbering system contained therein.

SECTION 5. Any code section or part of a section in conflict with this ordinance is hereby repealed and declared null and void and of no effect.

AMEND WAUKESHA COUNTY CODE OF ORDINANCES TO
ALLOW COUNTY ENFORCEMENT OF STATE OFFENSES

Presented by: Judiciary &
Law Enforcement Committee

Duane Stamsta, Chair

Kathleen M. Cummings

Keith P. Harenda

Mareth K. Kipp

Absent
Joseph C. LaPorte

William A. Mitchell

David W. Swan

Approved by:
Executive Committee

James T. Dwyer, Chair

Patricia A. Haukohl

Kenneth C. Herro

Walter L. Kolb

Richard L. Manke

Duane E. Paulson

Duane Stamsta

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 1-16-2004, Kathy Nickolaus
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:
Approved: ✓
Vetoed: _____

Date: 1-16-04, Daniel M. Finley
Daniel M. Finley, County Executive

158-O-122

FISCAL NOTE

AMEND WAUKESHA COUNTY CODE OF ORDINANCES TO ALLOW COUNTY ENFORCEMENT OF STATE OFFENSES

This ordinance amends the Waukesha County Code to adopt State statutes for various offenses to allow law enforcement to write citations for violations of those statutes rather than charge them as crimes. The County retains forfeitures related to ordinance citations, but remits 50% of forfeitures related to criminal offenses to the State. Therefore, there will be a favorable County revenue impact when an offense is treated as an ordinance violation. The actual additional revenue generated will be accounted for in the Clerk of Courts revenue accounts, and will be dependent on the number of violations and the penalties imposed within the allowed ranges. This ordinance does not appropriate additional revenues. Therefore there is no change to the Clerk of Courts budget.

Lawrence M. Dahl
December 12, 2003

File: n:\doa\wpdata\ordin\offensemoney.doc

158-0-122

4.

ORDINANCE/RESOLUTION REVIEW COVER SHEET

Title of Draft Ordinance/Resolution: AMEND WAUKESHA COUNTY CODE OF ORDINANCES TO ALLOW COUNTY ENFORCEMENT OF STATE OFFENSES

Department: Sheriff

Contact Person: Lt. Deering

Phone Number: 7126

Anticipated County Board Date: 08/26/2003

Executive Committee Review Date:

RECEIVED DEC 12 2003 WAUKESHA COUNTY BOARD

Personnel Committee Review Date: _____

Finance Committee Review Date: _____

Review	Signatures	Date of Review	Changes?
Corporation Counsel	Daniel L. Caldwell	8/6/03	Yes No
Administration	[illegible]	12/12/03	Yes No
County Executive			
Approve:	DJ.✓		
Changes Required:			
Reject:			

Refer to: Judiciary Executive 12/12/03 LE

RECEIVED AUG 07 2003 DOA-FINANCE

Password: tickets

File name: 10-1

158-0-122

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-01/13/04 (ORD) NUMBER-1580122

1	K. HERRO	AYE	2 R. THELEN	AYE
3	D. STAMSTA	AYE	4 H. CARLSON	AYE
5	J. MARCHESE	AYE	6 D. BROESCH	AYE
7	J. JESKEWITZ	AYE	8 J. DWYER	AYE
9	P. HAUKOHL	AYE	10 S. WOLFF	AYE
11	K. HARENDA	AYE	12 J. GRIFFIN	AYE
13	J. MORRIS	AYE	14 J. LA PORTE	AYE
15	D. SWAN	AYE	16 R. MANKE	AYE
17	J. BEHREND	AYE	18 B. MORRIS	AYE
19	W. MITCHELL	AYE	20 M. KIPP	AYE
21	W. KOLB	AYE	22 G. BRUCE	AYE
23	P. PRONOLD	AYE	24 A. SILVA	AYE
25	K. CUMMINGS	AYE	26 S. KLEIN	AYE
27	D. PAULSON	AYE	28 P. JASKE	AYE
29	M. THOMAS	NAY	30 K. NILSON	AYE
31	V. STROUD	AYE	32 P. GUNDRUM	
33	D. PAVELKO	AYE	34 R. SINGERT	
35	C. SEITZ	NAY		

TOTAL AYES-31 TOTAL NAYS-02

CARRIED X DEFEATED_____

UNANIMOUS_____ TOTAL VOTES-33