

ENROLLED ORDINANCE 160-26

AMEND CHAPTER 14 OF THE WAUKESHA COUNTY CODE  
RELATING TO THE DEPARTMENT OF PARKS AND  
LAND USE ENVIRONMENTAL HEALTH DIVISION

WHEREAS in 2003 the Waukesha County Code was reorganized to reflect programs by department, and

WHEREAS since 1992, several former departments and divisions have been merged to create the Department of Parks and Land Use, and

WHEREAS the Department of Parks and Land Use has conducted a thorough review of Chapter 14 of the Waukesha County Code to update the Department references, program terminology, to clarify program requirements and to include other Code provisions in Chapter 14 that are under the province of the Department.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES  
ORDAIN AS FOLLOWS:

SECTION 1. The Codifier is directed to make the following changes to Chapter 14:

- A. All departmental references contained in Chapter 14 of the Waukesha County Code shall be changed to the Department of Parks and Land Use.
- B. Articles IV and V of Chapter 18, Dance Halls and Mass Meetings and Gatherings, shall be removed from Chapter 18 and placed in Chapter 14.

SECTION 2. That the following sections of Chapter 14 of the Waukesha County Code shall be repealed:

- 14-4 Clean water fees
- 14-27 Same – Parks
- 14-28 Fox River watershed plan
- 14-29 Pewaukee land use plan
- 14-46 Regional plan
- 14-47 Lac La Belle and Okauchee Lake
- 14-48 Ashippun Lake
- 14-49 North Lake
- 14-50 Pewaukee Lake
- 14-131 Sale of sodas at parks and golf courses
- 14-526 Okauchee
- 14-527 Pretty Lake
- 14-528 Phantom Lake
- 14-529 School Section Lake
- 14-530 North Lake
- 14-531 Lac La Belle

SECTION 3. Section 14-460, Citation Authority, is repealed and recreated to read as follows:

**Sec. 14-460. Citation Authority.**

(a) Pursuant to Sec. 66.0113, Wis. Stats., the County of Waukesha adopts and authorizes the use of a citation to be issued for violation of ordinances, including ordinances for which a statutory counterpart exists.

(b) The Director of the Parks and Land Use Department has the authority to issue citations for violations under this section. In addition, the Director of Parks and Land Use may designate to employees appointed as Humane Officers the authority to issue citations as authorized under this section.

(c) *Form.* The citation shall contain the following:

1. The name and address of the alleged violator.
2. The factual allegations describing the alleged violation.
3. The time and place of the offense.
4. The section of the ordinance violated.
5. A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
6. The time at which the alleged violator may appear in court.
7. A statement that, in essence, informs the alleged violator:
  - i. That a cash deposit based on the schedule established by the County Board be made and deposited with the Clerk of the Waukesha County Circuit Court or the Sheriff's Department prior to the time of the scheduled court appearance.
  - ii. That if a deposit is made, no appearance in court is necessary unless he or she is subsequently summoned or the citation requests a court appearance.
  - iii. That if a cash deposit is made and the alleged violator does not appear in court, he or she will be deemed to have entered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail assessment, crime lab assessment and drug/law enforcement assessment and any applicable domestic abuse or consumer information assessments or, if the court does not accept the plea of no contest, a summons will be issued commanding him or her to appear in court to answer the complaint.
  - iv. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment, or an action may be commenced to collect the forfeiture, the penalty assessment, jail assessment, crime lab assessment and drug/law enforcement assessment and any applicable domestic abuse or consumer information assessments.
  - v. That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of, or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered.
8. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under section (c) 7, above has been read. Such statement shall be sent or brought with the cash deposit.
9. Such other information as the County deems necessary.

(d) The schedule of cash deposits including penalty assessment, jail assessment, crime lab assessment and drug/law enforcement assessment and any applicable domestic abuse or consumer information assessments for use with citations issued under this section is adopted and is on file in the Offices of the Sheriff, Parks and Land Use, County Clerk and Clerk of Courts. Receipts shall be given for cash deposits.

(e) The procedures contained in Section 66.0113 (3) of the Wisconsin Statutes, as it is from time to time amended, relating to the options of an alleged violator and default are adopted and incorporated herein by reference.

(f) This section does not preclude the County or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance regulation or order.

SECTION 4. That Section 14-410 is repealed and recreated to read:

The following Wisconsin Administrative Code Chapters, as from time to time amended, are hereby adopted by reference and made part of this article as if fully set forth herein:

HFS 196, Restaurants;  
HFS 197, Bed and Breakfast;  
HFS 195, Hotels and Tourist Rooming Houses;  
HFS 178, Campgrounds and Camping Resorts;  
HFS 172, Safety, Maintenance and Operation of Public Swimming Pools;  
HFS 175, Recreational and Educational Camps.

SECTION 5. That Section 14-414(b) is repealed and recreated to read:

It shall be the duty of the director of the department, or the director's designee, to enforce the provisions of this article relating to the regulation of restaurants, bed and breakfast establishments, hotels and motels, campgrounds, +recreational and educational camps, and public swimming pools. For the purpose of inspection and enforcement, the department shall have access to establishments during reasonable hours. In the event any operator of any establishment refuses entry for inspection purposes, the department may obtain a special inspection warrant under section 66.0119 of the Wisconsin Statutes. The director or the director's designee shall enforce violations of this article through the office of the corporation counsel.

SECTION 6. That Section 14-430 is repealed and recreated to read:

Wisconsin Administrative Code ATCP 75, "Retail Food Establishments," as from time to time amended, is hereby adopted by reference and made part of this article as though fully set forth herein.

SECTION 7. That Section 14-431 is repealed and recreated to read:

For purposes of this article:

*Department* shall mean the Department of Parks and Land Use.

*Partial inspection* shall mean a followup inspection of the facility for special critical violations noted in a routine inspection, reinspection or complaint followup inspection.

*Preinspection* means the inspection performed by the department prior to licensing when there is:

1. The opening of a new food establishment;
2. A change of operator of a licensed retail food establishment; or,

3. The addition of a new category of food processing operations to a retail food license.

*Reinspection* shall mean a complete inspection of the facility due to non-complying conditions noted in a routine inspection or complaint followup inspection where the facility fails to meet established standards.

*Temporary retail food establishment inspection* shall mean an inspection of a temporary retail food establishment where a current and valid permit has been issued by the state or another agent of the state.

SECTION 8. That Sections 14-432(b) and (d) are repealed in their entirety and Section 14-432(g) is repealed and recreated to read:

(g) Copies of plans shall be submitted to the department prior to the construction, remodeling, or renovation of a retail food establishment.

SECTION 9. That Section 14-433 is repealed and recreated to read:

The department may at reasonable hours enter and inspect any unlicensed retail establishment where foods are held for sale.

SECTION 10. That Section 14-435 (b) is repealed and recreated to read:

It shall be the duty of the director of the department, or the director's designee, to enforce the provisions of this section relating to the regulation of retail food establishments. For the purpose of inspection and enforcement, the department shall have access to establishments during reasonable hours. In the event any operator of any establishment refuses entry for inspection purposes, the department may obtain a special inspection warrant under section 66.0119 of the Wisconsin Statutes. The director or the director's designee shall enforce violations of this article through the office of the county corporation counsel.

SECTION 11. That Sections 14-582 4. B., C. and D., 5. B., C. and D., 6. B., C., and D., 7. B., C., and D., and 8. B., C., and D. are repealed.

SECTION 12. This ordinance shall be effective upon approval and publication.

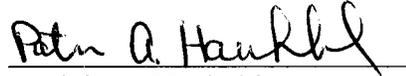
SECTION 13. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Waukesha, Wisconsin, as an addition or amendment thereto and shall be appropriately renumbered to conform to the numbering system contained therein.

SECTION 14. 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 CHAPTER 14 OF THE WAUKESHA COUNTY CODE  
RELATING TO THE DEPARTMENT OF PARKS AND  
LAND USE ENVIRONMENTAL HEALTH DIVISION

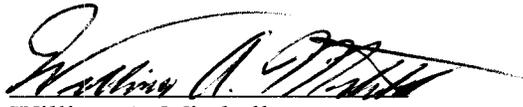
Presented by:  
Executive Committee

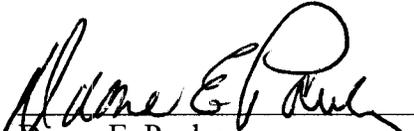
  
James T. Dwyer, Chair

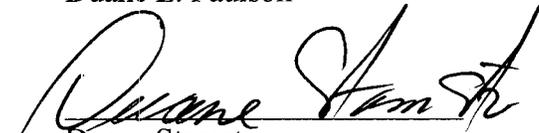
  
Patricia A. Haukohl

  
Walter L. Kolb

  
Richard L. Manke

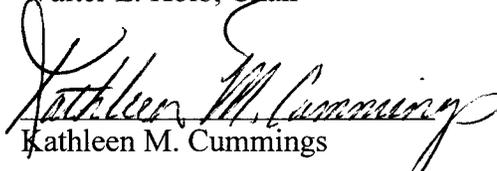
  
William A. Mitchell

  
Duane E. Paulson

  
Duane Stamsta

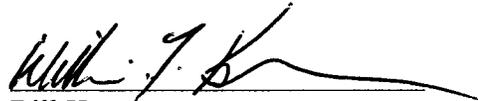
Approved by:  
Land Use, Parks, and Environment Committee

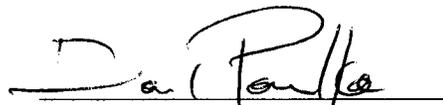
  
Walter L. Kolb, Chair

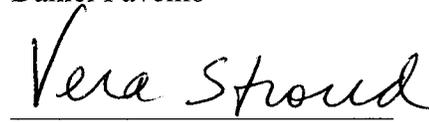
  
Kathleen M. Cummings

  
Pauline T. Jaske

  
Scott J. Klein

  
Bill Kramer

  
Daniel Pavelko

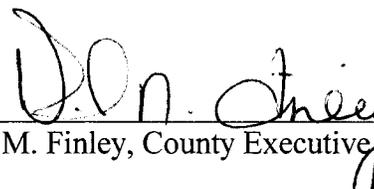
  
Vera Stroud

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

Date: 7-29-05,   
Kathy Nickolaus, County Clerk

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

Approved:   
Vetoed:

Date: 7-29-05,   
Daniel M. Finley, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-07/26/05

(ORD) NUMBER-1600028

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

TOTAL AYES-23

TOTAL NAYS-07

CARRIED X

DEFEATED \_\_\_\_\_

UNANIMOUS \_\_\_\_\_

TOTAL VOTES-30

**Forfeiture Schedule – Countywide Humane Officer Program**

Authority	Offense	Base Forfeiture	Penalty Assess.	Court Costs	Crime Lab/DEA	Justice Info Fee	Jail Assess.	Court Services	Total
WCC Article II Sec. 13-101 WCC Article X Sec. 14-453	Animals permitted to run at large.	\$ 25	\$6	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 150
WCC Article II. Sec. 13-101 WCC Article X Sec. 14-454	Failure to comply with an order for confinement and/or restraint of a vicious animal. Vicious animal uncontrolled or at large and bites, attacks or causes injury to any person or domestic animal.	\$ 400	\$84	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 603
WCC Article II. Sec. 13-101 WCC Article X Sec. 14-455	Animals placed or confined in an unattended motor vehicle without sufficient ventilation or conditions endangering the health of the animal. Transporting any animal in any vehicle of open design unless the animal is safely and humanely restrained.	\$ 100	\$24	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 243
WCC Article II. Sec. 13-101 WCC Article X Sec. 14-456	Inhumane tethering of animals.	\$ 25	\$6	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 150
WCC Article II. Sec. 13-101 WCC Article X Sec. 14-457	Oppose, resist, obstruct, hinder or in any manner prevent a Humane Officer from performing lawful duties.	\$ 400	\$84	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 603
WCC Article XII Sec. 14-461(a) Wis. Stats. 95.21(2)(a)	Failure to have dog vaccinated for rabies.	\$ 50	\$12	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 181
WCC Article XII Sec. 14-461(a) Wis. Stats. 95.21(2)(f)	Failure to attach rabies vaccination tag.	\$ 50	\$12	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 181
WCC Article XII Sec. 14-461(c) Wis. Stats. 95.21(5)(a), (b),(c),(d)	Failure to comply with an order to deliver an animal for quarantine to an officer, isolation facility, veterinarian or does not comply with conditions of an order of quarantine.	\$ 400	\$84	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 603
WCC Article XII Sec. 14-461(b) Wis. Stats. 174.05(1)	Failure to obtain dog license	\$ 100	\$24	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 243
WCC Article XII Sec. 14-461(d) Wis. Stats. 951.02	No person may treat any animal, whether belonging to the person or another, in a cruel manner.	\$ 150	\$36	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 305
WCC Article XII Sec. 14-461(d) Wis. Stats. 951.025	No person may kill an animal by means of decompression.	\$ 400	\$84	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 603
WCC Article XII Sec. 14-461(d) Wis. Stats. 951.03	No person may take the dog or cat of another from one place to another without the owner's consent.	\$ 150	\$36	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 305
WCC Article XII Sec. 14-461(d) Wis. Stats. 951.04	No person shall lead any animal upon a highway from a motor vehicle or from a trailer drawn by a motor vehicle.	\$ 150	\$36	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 305

**Forfeiture Schedule – Countywide Humane Officer Program**

Authority	Offense	Base Forfeiture	Penalty Assess.	Court Costs	Crime Lab/DEA	Justice Info Fee	Jail Assess.	Court Services	Total
WCC Article XII Sec. 14-461(d) Wis. Stats. 951.05	No person may transport any animal in or upon any vehicle in a cruel manner.	\$ 200	\$48	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 367
WCC Article XII Sec. 14-461(d) Wis. Stats. 951.06	No person may expose any domestic animal owned by another to any known poisonous substance for the purpose of harming the animal.	\$ 400	\$84	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 603
WCC Article XII Sec. 14-461(d) Wis. Stats. 951.07	No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof, either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance, any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks etc.	\$ 300	\$72	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 491
WCC Article XII Sec. 14-461(d) Wis. Stats. 951.10	No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl unless the person provides proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in the person's possession.  No retailer, as defined in s. 100.30 (2) (e), may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under 2 months of age in any quantity less than 6 unless in the business of selling these animals for agricultural, wildlife or scientific purposes.	\$ 100	\$24	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 243
WCC Article XII Sec. 14-461(d) Wis. Stats. 951.11	No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.	\$ 100	\$24	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 243
WCC Article XII Sec. 14-461(d) Wis. Stats. 951.13	No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient food and water as prescribed in Wis. Stats. 951.14 .	\$ 200	\$48	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 367
WCC Article XII Sec.14-461(d) Wis. Stats. 951.14	No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter.	\$ 200	\$48	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 367

**Forfeiture Schedule – Countywide Humane Officer Program**

Authority	Offense	Base Forfeiture	Penalty Assess.	Court Costs	Crime Lab/DEA	Justice Info Fee	Jail Assess.	Court Services	Total
WCC Article XII Sec. 14-461(d) Wis. Stats. 951.15	No person may abandon any animal.	\$ 100	\$24	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 243
WCC Article XII Sec. 14-462	Failure to comply with an order of abatement.	\$ 400	\$84	\$ 25	\$ 7	\$ 9	\$ 10	\$ 68	\$ 603

July 26, 2005