

ENROLLED ORDINANCE 163-52

AMEND WAUKESHA COUNTY CODE OF ORDINANCES TO ADD PROVISIONS TO  
CHAPTER 13 TO ALLOW COUNTY ENFORCEMENT OF STATE OFFENSES  
FOR WELFARE AND LOW INCOME HOUSING FRAUD

WHEREAS, Chapter 13 of the Waukesha County Code allows County law enforcement to write citations for violations of certain adopted state criminal statutes and for violations of ordinances created pursuant to authority given to counties by sections 59.54 (6) and 59.54(22), and

WHEREAS, ordinances that allow county ordinance citation instead of criminal prosecution allows forfeitures paid to be retained, in part, by the county, and

WHEREAS, the current Code does not have provision for public assistance fraud or fraud involving low income housing, and

WHEREAS, sec. 59.54(23), Wis. Stats. allows a county to enact an ordinance to prohibit public assistance fraud proscribed by sec. 49.95(1), Wis. Stats., and

WHEREAS, sec. 59.54(6), Wis. Stats. allows a county to enact ordinances to preserve the public peace and good order within the county, and

WHEREAS, in sec. 66.1207(1), Wis. Stats. the Wisconsin legislature identifies many reasons for public funding for low income public housing many of which involve public peace and good order, and

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

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

SECTION 1. The Waukesha County Code of Ordinances is hereby amended by the addition of Division 3 to Chapter 13, Article II, which shall be entitled Public Assistance and Housing Fraud, and shall read as follows:

(a) Definitions.

False representation(s) include failing to report change of income, assets, household members, employment, or other relevant circumstance.

(b) Fraud with Respect to Low Income Housing

1. Any person who secures or assists in securing dwelling accommodations under Wisconsin Statute 66.1205 by intentionally making false representations in order to receive more than \$1,000 but less than \$25,000 in financial assistance for which the person would not otherwise be entitled is subject to the appropriate penalty set out below.

2. Any person receiving assistance for dwelling accommodations under s. 66.1205, who has been notified by the authority of the obligation to report an increase in income or assets that would reduce the amount of that assistance and who intentionally fails to notify the authority of the receipt of income or assets is subject to the appropriate penalty set out below.

(c) Fraud with Respect to Public Assistance.

Any person who, with intent to secure public assistance under this chapter, whether for himself or herself or for some other person, willfully makes any false representations is subject to the penalty set out below.

(d) Penalty.

Any person violating the provisions of this division shall be subject to a forfeiture of not less than two hundred dollars (\$200.00), plus costs, for the first offense and not more than five hundred dollars (\$500.00), plus costs, for the second and subsequent offenses. Failure to pay any forfeiture hereunder shall subject any violator to be committed to the county jail until the forfeiture is paid, but not to exceed ninety (90) days.

SECTION 2. This ordinance shall be effective upon approval and publication.

SECTION 3. 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 4. 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.

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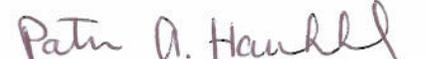
Presented by:  
Executive Committee

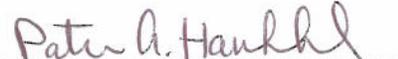
Approved by: Judiciary &  
Law Enforcement Committee

Approved by:  
Finance Committee

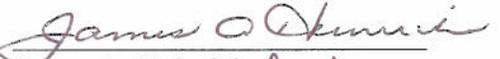
  
James T. Dwyer, Chair

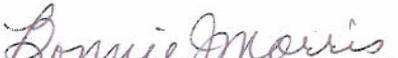
  
Bonnie J. Morris, Chair

  
Patricia A. Haukohl, Chair

  
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James R. Behrend

  
James A. Heinrich

  
Bonnie J. Morris

  
Kathleen M. Cummings

  
Robert Hutton

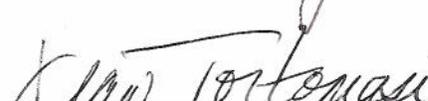
  
Duane E. Paulson

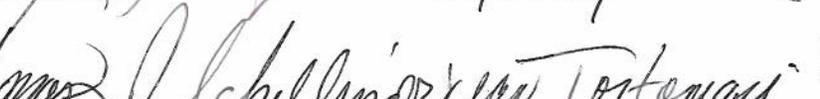
  
Dave Falstad

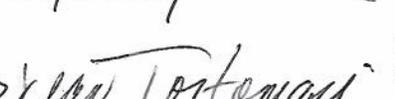
  
Pamela Meyer

  
Fritz Ruf

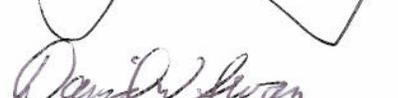
  
John J. Pledl

  
Jean Tortomasi

  
Thomas J. Schellinger

  
Jean Tortomasi

  
Steven C. Wimmer

  
David W. Swan

  
Peter M. Wolff

  
William J. Zaborowski

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

Date: 10-31-08,   
Kathy Nickolaus, County Clerk

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

Approved:   X    
Vetoed: \_\_\_\_\_

Date: 11-3-08,   
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-10/28/08

(ORD) NUMBER-1630055

1 D. FALSTAD.....AYE  
 3 R. HUTTON.....AYE  
 5 J. JESKEWITZ.....AYE  
 7 P. HAUKOHL.....AYE  
 9 J. HEINRICH.....AYE  
 11 F. RUF.....AYE  
 13 J. BEHREND.....AYE  
 15 P. MEYERS.....AYE  
 17 J. TORTOMASI.....AYE  
 19 S. WIMMER.....AYE  
 21 W. ZABOROWSKI.....AYE  
 23 J. PLEDL.....AYE  
 25 G. YERKE.....

2 T. ROLFS.....AYE  
 4 J. DWYER.....AYE  
 6 J. BRANDTJEN.....AYE  
 8 T. SCHELLINGER.....AYE  
 10 D. SWAN.....AYE  
 12 P. WOLFF.....AYE  
 14 B. MORRIS.....AYE  
 16 D. PAULSON.....AYE  
 18 K. CUMMINGS.....AYE  
 20 P. JASKE.....AYE  
 22 P. GUNDRUM.....AYE  
 24 W. KOLB.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS   X  

TOTAL VOTES-24