

**CHAPTER EIGHTEEN
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CHAPTER EIGHTEEN

MISCELLANEOUS PROVISIONS

ARTICLE I. SECURITY ALARM SYSTEMS

Sec. 18-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm system means a device that is used at establishments and residences that is received at the sheriff's department.

False alarm means a signal from an alarm system resulting in a response by the sheriff's department when an emergency situation does not exist.
(Ord. of 5-19-81, § .02; Ord. of 5-15-84, § 1)

Sec. 18-2. Purpose.

The purpose of this article is to establish regulations, standards, and controls relating to the use of alarm devices which are monitored by the county sheriff's department and to prevent repeated false alarms, intentional or otherwise, that create a hazard to the public.
(Ord. of 5-19-81, § .01)

Sec. 18-3. False alarms-Generally.

(a) For various reasons, false alarms from alarm systems frequently occur. Each false alarm requires response by public safety personnel, involves unnecessary expense to the county, increases the risk of injury to persons or damage to property, and dilutes the overall public safety protection of the county. Such false alarms constitute a public nuisance and must be abated. Persons connecting to central alarm systems in accordance with this article shall pay to the county a charge for false alarms responded to by the sheriff's department according to the following schedule for each calendar year for each premises connected:

1. First two (2) false alarms, no charge;
2. Third false alarm, fifty dollars (\$50.00);
3. Fourth false alarm, seventy-five dollars (\$75.00);
4. Fifth and subsequent false alarms, one hundred dollars (\$100.00).

(b) This section is intended to impose strict liability on the person whose premises is protected by an alarm which is received at the sheriff's department.
(Ord. of 5-19-81, § .03; Ord. of 5-15-84, § 2)

Sec. 18-4. Same-Intentional false alarms.

No person shall intentionally cause the activation of a police alarm device knowing that no crime or emergency exists. Any person convicted of violating this section shall forfeit not less than five hundred dollars (\$500.00) or more than one thousand dollars (\$1,000.00) for each violation. (Ord. of 5-19-81, § .04)

Secs. 18-5 - 18-19. Reserved.

ARTICLE II. MEDICAL EXAMINER

Sec. 18-20. Medical examiner system.

The position of coroner is abolished and a medical examiner system is established. (Res. No. 54-6/84, 6-19-84)

State law reference - Authority to so provide, Wis. Stat. § 59.34(1).

Sec. 18-21. Medical examiner fees.

The fees charged for services provided by the office of the medical examiner shall be established annually through the budget processes and shall be authorized by the County Board. A copy of the fees approved by the County Board shall be accessible from the medical examiner's or county clerk's offices. (Res. No. 2-4/85, 4-16-85; Ord. No. 142-71, § 1, 10-20-87; Ord. No. 142-158, § 1, 3-15-88; Ord. No. 156-106, § 1, 01/22/02)

Secs. 18-22 - 18-49. Reserved.

ARTICLE III. COUNTY CLERK

Sec. 18-50. Marriage license fee.

The fee to be paid to the county clerk for a marriage license shall be established annually through the budget processes and authorized by the County Board. A copy of the fees approved by the County Board shall be accessible from the county clerk's office.

Secs. 18-51 - 18-149. Reserved.

ARTICLE IV. MUNICIPAL APPEALS

Sec. 18-150. Election not to be governed by Chapter 68, Wisconsin Statutes.

Waukesha County elects not to be governed by the provisions of Chapter 68, Municipal Administrative Procedure and instead elects to provide its own administrative procedures. (Ord. No. 152-97, 12/2/97).

Sec. 18-151. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

County authority shall mean any county department, agency, board, commission, employee, agent or officer.

Person shall mean any individual, private corporation, partnership, agency, association, public or private organization, officer, department, board, commission or agency of a municipality.

(Ord. No. 145-204, § 2, 4-9-91)

Sec. 18-152. Administrative appeal process.

The executive committee of the county board shall act on all requests for review of adverse decisions made by any county authority, when such review is requested, according to the requirements of this article. The executive committee shall be the final decision maker for each review, but may enlist the aid of any individual to conduct hearings necessary under this article. (Ord. No. 145-204, § 2, 4-9-91)

Sec. 18-153. Matters subject to review.

This article shall not apply to reviews of:

1. Denials of foster home licenses, or permits for installation, modification or moving of sanitary systems;
2. An ordinance, resolution or adopted motion or other legislative enactment of the Waukesha county board or veto of the same by the Waukesha county executive;
3. Any action subject to administrative or judicial review procedures under Wisconsin Statutes, excepting chapter 68;

4. The denial of a tort or contract claim for money which is filed with the county clerk pursuant to statutory procedures for the filing of such claims;
5. The suspension, removal or disciplining or nonrenewal of a contract of a municipal employee or officer;
6. Judgments and orders of a court;
7. Determinations made during labor negotiations; any action subject to administrative review procedures under any other county ordinance or resolution; and,
8. Any action or determination of a county authority which does not involve a constitutionally protected right of a specific person or persons to due process in connection with the action or determination.

(Ord. No. 145-204, § 2, 4-9-91)

Sec. 18-154. Request for administrative review.

(a) Any person wishing a review of an adverse decision or determination of any county authority must first make a written request to the county authority which has made the adverse decision to reconsider its initial decision or determination. Such written request must be delivered to the county board chair's office and shall be directed to the appropriate county authority upon receipt.

(b) Such request must be acted on by the county authority which has received the request within thirty (30) days of receipt in the county board chair's office. If the pertinent county authority refuses to reconsider its decision or determination, does not timely take up a request for reconsideration, or, if after such reconsideration the decisions or determination is still adverse to the person requesting review, the aggrieved person may request administrative review by the executive committee under this article. In any event, the county authority must provide the aggrieved person with a written determination which clearly states the reasons for the determination within the same thirty-day time period of this section.

(c) Any request for review under this article must be in writing and must be filed with the county board chair's office within thirty (30) days after the reconsideration or refusal to reconsider by the county authority making the adverse decision. The request must plainly state the nature of the adverse decision and the relief or remedy sought by the aggrieved-person.

(d) Upon receipt of the request for administrative review, the executive committee shall schedule a fact-finding hearing within thirty (30) days of the receipt of the request. A notice of the hearing date and time shall be served, by first class mail, upon the aggrieved person, at least ten (10) days prior to the scheduled hearing date.

(e) At such hearing, the aggrieved person and the county authority which has made the adverse decision appealed from may be represented by counsel, may present evidence, may call and examine witnesses and may cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The person conducting the hearing may issue subpoenas on its own behalf or for any party. The person conducting the hearing shall take notes of the proceedings and shall mark and preserve all exhibits. The hearing shall be recorded by a tape recording device, only if such recording is requested by either the aggrieved person or the county authority and such request is made at least five (5) days prior to the scheduled date of the hearing.

(Ord. No. 145-204, § 2, 4-9-91)

Sec. 18-155. Final determination.

Within fifteen (15) days of the completion of the hearing, the executive committee shall meet to make a final decision. The final decision shall be reduced to writing, shall state the reasons therefor and shall be served by first class mail upon the aggrieved person and the county authority within ten (10) days of the decision.

(Ord. No. 145-204, § 2, 4-9-91)

Sec. 18-156. Judicial review.

Judicial review of the decision of the executive committee may be had pursuant to provisions of Wisconsin Statutes.

(Ord. No. 145-204, § 2, 4-9-91)

Sec. 18-157. Legislative review.

The seeking of a review under this article shall not preclude the aggrieved person from seeking simultaneous or subsequent legislative relief from the county board of supervisors. If such legislative relief is sought, the county board of supervisors shall delay any action until the review process is completed.

The county board of supervisors need not follow the procedures of this article in the event that an aggrieved person seeks legislative relief from an adverse decision of a county authority.

(Ord. No. 145-204, § 2, 4-9-91)

Sec. 18-158. County authority decisions.

In the event that the county authority making the adverse determination or decision has made such decision or determination subsequent to a hearing in accordance with the requirements of this article, the aggrieved person may seek immediate judicial review without need to first seek executive committee review.

(Ord. No. 145-204, § 2, 4-9-91)

Sec. 18-159 - 169. Reserved.

ARTICLE V. MISCELLANEOUS FEES

Sec. 18-170 Fees for Mediation and Study Services.

(a) In accordance with the provisions of s. 767.405 Wisconsin Statutes, Waukesha County has established a family court counseling services office that provides mediation and/or performs detailed family studies in family court cases where the legal custody or physical custody of the minor children is contested.

(b) For purposes of supporting and providing for the mediation and study services provided through the family court counseling office, the County elects to adopt and establish a separate fee schedule as specified under the provisions of s. 814.615(2) of the Wisconsin Statutes.

(c) Subject to judicial determination of the indigency of one or both of the parties requiring services, the fee for one or more mediation sessions conducted subsequent to the initial free session shall be set at \$300.00 per case.

(d) Subject to judicial determination of the indigency of one or both of the parties requiring services, the fee for a custody and/or visitation study as ordered by the court shall be set at \$600.00 per case.

(e) If a new family issue involving custody and/or visitation arises in a case in which an initial judgment and order has been made, another fee is required if the matter goes to mediation or study.

(f) In accordance with subsection (3) of s. 814.615 of the Wisconsin Statutes, one or both of the parties will be ordered to pay the fees for the mediation and/or study services, and if either or both parties are unable to pay, but are not specifically found indigent, a judgment for the cost of the services shall be granted against one or both parties as appropriate, in favor of the County, and the County shall be entitled to pursue recovery.
(Ord. No. 157-66, §1, 10/11/02)