

ENROLLED ORDINANCE 162-77

REPEAL AND RECREATE WAUKESHA COUNTY CODE OF ORDINANCES  
TO ALLOW COUNTY ENFORCEMENT OF STATE OFFENSES

WHEREAS 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 but does not include adoption of state law regarding marijuana possession and possession of drug paraphernalia, and

WHEREAS adoption of state statutes in order to allow county ordinance citations 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 rather than by charging these offenses as crimes.

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 That Sections 13-102(a)-(d) be repealed and recreated to read as follows: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;
12. 943.20: theft;
13. 961.41(3g)(e) possession of marijuana;
14. 961.573(1) possession of drug paraphernalia.

(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).
13. 961.41(3g)(e) possession of marijuana, not more than one thousand (\$1,000.00).
14. 961.573(1) possession of drug paraphernalia, not more than five hundred (\$500.00).

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.

Referred on: 11/13/07	File Number: 162-O-074	Referred to: JU – FI
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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.

REPEAL AND RECREATE WAUKESHA COUNTY CODE OF ORDINANCES  
TO ALLOW COUNTY ENFORCEMENT OF STATE OFFENSES

Approved By:  
Judiciary & Law Enforcement  
Committee

Bonnie Morris  
Bonnie J. Morris, Chair

Absent  
Genia Bruce

Kathleen M. Cummings  
Kathleen M. Cummings

Absent  
Keith Harenda

Rick Stevens  
Rick Stevens

David W. Swan  
David W. Swan

Steven C. Wimmer  
Steven C. Wimmer

Approved By:  
Finance Committee

Patricia A. Hauko  
Patricia A. Hauko, Chair

absent  
James A. Heinrich

absent  
Robert Hutton

Pamela Meyer  
Pamela Meyer

Ted Rolfs  
Ted Rolfs

Rodell L. Singert  
Rodell L. Singert

Jean Tortomasi  
Jean Tortomasi

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

Date: 11/30/07, Kathy Nickolaus  
Kathy Nickolaus, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_

Date: 12-3-07, Daniel P. Vrakas  
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-11/27/07

(ORD) NUMBER-1620074

- 1 K. HERRO.....
- 3 T. ROLFS.....
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....AYE
- 13 J. HEINRICH.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....NAY
- 23 J. TORTOMASI.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 T. BULLERMANN.....NAY
- 31 V. STROUD.....AYE
- 33 K. HAMMITT.....AYE
- 35 P. MEYER.....AYE

- 2 R. THELEN.....AYE
- 4 R. HUTTON.....AYE
- 6 D. FARRELL.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 T. SCHELLINGER.....AYE
- 14 S. WIMMER.....AYE
- 16 R. STEVENS.....AYE
- 18 B. MORRIS.....AYE
- 20 P. WOLFF.....
- 22 G. BRUCE.....AYE
- 24 J. VITALE.....
- 26 F. RUF.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....NAY
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....NAY

TOTAL AYES-27

TOTAL NAYS-04

CARRIED X

DEFEATED \_\_\_\_\_

UNANIMOUS \_\_\_\_\_

TOTAL VOTES-31