

**CHAPTER EIGHTEEN  
MISCELLANEOUS PROVISIONS**

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MISCELLANEOUS PROVISIONS

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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) Persons connecting to central alarm systems in accordance with this article shall pay the amount of \$90.00 to the county for first and second false alarms responded to by the sheriff's department for each premises connected in a calendar year.

(b) Enforcement.

1. The County elects to also use the citation method of enforcement under Section 66.0113 of the Wisconsin Statutes for violations of this ordinance, including those for which a statutory counterpart exists. The procedures contained in Section 66.0113(3) of the Wisconsin Statutes, relating to the options of an alleged violator and default are adopted and incorporated herein by reference.
2. The person issued a citation shall be required to remit an amount provided in a forfeiture schedule as from time to time adopted by the County Board in the Sheriff's Department budget.
3. A citation which is issued for a violation of this article shall conform to the requirements of section 66.0113(1), Wisconsin Statutes, and shall contain all information required by that statute, as it is from time to time amended. The schedule of cash deposits including the penalty assessment, jail assessment, crime lab assessment and drug/law enforcement

assessment and any applicable domestic abuse assessment or consumer information assessments for use with citations issued under this section is adopted and is on file in the Offices of the Sheriff and Clerk of Courts. Receipts shall be given for cash deposits.

4. 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.

**Editor's Note:** Enrolled Ordinance 164-97 provided in Section III that citations for third and subsequent false alarms shall impose a forfeiture of no less than \$50.00 nor more than \$300.00 and that these amounts may be changed by the budget process in years after 2010.

(Ord. of 5-19-81, § .03; Ord. of 5-15-84, § 2; Ord. No. 164-97, 03/23/10.)

#### **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;
8. Any action subject to administrative review procedures under any other county ordinance or resolution;
9. Any adverse determination of the Aging and Disability Resource Center of Waukesha County or a managed care organization serving people in Waukesha County; and,
10. 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; Ord. No. 164-79, 2/23/10.)

#### **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 indigence of one or both of the parties requiring services, the fee for one or more mediation sessions conducted subsequent to the initial free session, or for a custody and/or visitation study as ordered by the court, shall be set at the amounts listed on the schedule on file in the Office of the Waukesha County Clerk of Courts.

(d) 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.

(e) 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, 10/11/02; Ord. No. 161-67, 12/12/06.)