

## CHAPTER 30

### PUBLIC HEALTH, SAFETY, WELFARE, AND PROTECTION

**30.01 PRIVATE ALARM SYSTEMS.** (1) Purpose. The purpose of this chapter is to establish control of the various types of intrusion, hold-up, fire extinguishments, smoke detection, and other emergency signals from telephone or electronic devices that would require police or fire response, investigation, and safeguarding of property at the location of an event reported by a signal which is transmitted by telephone or radio, or which is otherwise relayed to the emergency communications center by an alarm device requiring investigation or other action by any person acting in response to a signal actuated by an alarm device, including such devices already in use within the county.

(2) Definitions. For the purpose of this chapter:

"Central alarm station" means any facility operated by a business that owns or leases a system of police or fire alarm devices, which facility is manned by operators who receive, record or validate alarm signals and relay information about such validated signals to the Police Department or Fire Department when appropriate.

"Fire Department" means the fire headquarters and other locations housing privately or publicly owned equipment serving any fire department in Brown County.

"Police Department" means the police headquarters and other locations housing privately or publicly owned equipment serving any police department in Brown County.

"Emergency communications center" means the "Nine-one-one" emergency telephone number answering center located within the Communications Center of the Brown County Sheriff-Traffic Department, which handles the emergency telephone calls and radio communication for the Police and Fire Departments.

"Premise or local alarm" means any alarm which produces an audible or visible signal designed to notify persons within audible or visual range of the signal.

"Private alarm system" means any system which, when actuated by an unlawful act, fire, or other emergency requiring Police or Fire Department response, transmits a pre-recorded message or other signal by telephone, radio, or other means to a central alarm station.

"Telephone or electronic device" means any device which is a telephone device or telephone attachment, that automatically or electronically selects a telephone line connected to a central alarm station.

(3) Devices Prohibited. No person shall use, or cause or permit to be used, any telephone or electronic device or attachment that, when activated, automatically selects and dials the telephone digits "Nine-one-one", engaging the primary telephone trunk line of the Emergency Communications Center, and reproduces a pre-recorded message to report any unlawful act, fire, or other emergency.

(4) Exception. None of the provisions of this chapter shall apply to any official governmental body or subdivision thereof which owns, operates, and maintains its own alarm equipment.

(5) Penalty. Any person who violates any provision of this chapter shall be subject to forfeiture in an amount not exceeding \$250 for each offense. Each day during which violation continues shall be deemed to be a separate offense.

**30.02 ORDINANCE ENFORCEMENT BY CITATION.** (1) Authority. (a) Pursuant to the authority of Section 66.113 of the Wisconsin Statutes, as may be amended from time to time hereafter, Brown County hereby elects to use citations issued in accordance with Wis. Stat., 66.0113 (1)(b), as a method of enforcing the ordinances identified in subsection (4) below or duly incorporated herein by reference.

(b) The adoption herein of the citation method of enforcement shall not preclude the county or officers authorized to issue citations under this section from proceeding under any other enforcement ordinance, regulation, statute, law, rule or order that pertains to the subject matter addressed by the citation or to any other matter. Proceedings under any other ordinance, statute, law, rule or regulation pertaining to that or any other matter shall not preclude the issuance of a citation.

(c) Unless otherwise specified in the adopting ordinance, all ordinances adopted subsequent to this section shall be enforced by the aforementioned citation method, provided that the County Board shall, in conjunction with enacting any such ordinance, establish a cash deposit for the violation unless the County Board shall decide to enforce the ordinance other than by the citation method. The deposit set for each new ordinance shall be incorporated by reference to this section and added to the schedule, contained herein through amendment hereto. The provision of paragraph (b) above shall apply to all new ordinances.

(2) Effect of Citation. Citations issued hereunder shall have the legal effect specified in Section 66.0113 of the Wisconsin Statutes, including but not limited to conferring subject matter jurisdiction upon the Circuit Court for the County of Brown for the purposes set forth therein.

(3) Persons Authorized to Issue Citations. (a) Any law enforcement officer employed by Brown County may issue citations for enforcement of ordinances authorized under this section.

(b) The following officials of Brown County are hereby authorized to issue citations for enforcement of those ordinances specified. Such officials may delegate this authority upon approval by the County Board, as indicated in paragraph (c).

| <u>Ordinance Number or Chapter &amp; Title</u>                       | <u>Enforcement Officials</u> |
|--|------------------------------|
| 6.04   | Highway Commissioner         |
| 6.05   | Highway Commissioner         |
| 7.11   | Emergency Govt. Director     |
| All acts prohibited or required under Chapter 8, except Section 8.22 | Parks Director               |
| 8.22   | Golf Course Super.           |
| All acts prohibited or required under Chapter 11                     | Zoning Administrator         |

|  |  |
|--|--|
| All acts prohibited or required under Chapter 12 and 31.05                           | Solid Waste Manager                            |
| All acts prohibited or required under Chapter 21                                     | Principal County Planner                       |
| All acts prohibited or required under Chapter 22                                     | Zoning Administrator                           |
| Chapter 22 (3) (a) 1 & 2<br>All acts prohibited or required under Chapters 24 and 25 | County Conservationist<br>Airport Director     |
| All acts prohibited or regulated under Chapter 26                                    | County Conservationist                         |
| All acts prohibited or required under Chapter 30                                     | Sheriff  |
| Chapter 31 Offenses Against Public Peace and Safety                                  | Sheriff  |
| 31.06  | Sheriff  |
| 31.14  | Sheriff  |
| 31.20 Restrictions on Sale or Gift of Cigarettes or Tobacco Products                 | Sheriff  |
| 33.02  | Sheriff  |
| 34.04  | Sheriff, Superintendent of Buildings & Grounds |
| Chapter 40   | County Health Officers                         |
| 340.0012   | Sheriff and Parks Director                     |
| All acts prohibited or required under Chapter 37                                     | County Health Officer                          |
| All acts prohibited or required under Chapter 38                                     | County Health Officer                          |
| All acts prohibited or required under Chapter 39                                     | County Health Officer                          |

(c) The officials named in paragraph (b) may submit to the County Board written nominations of persons, either individually or by class, who should be delegated authority to issue citations for violations of ordinances related to their official responsibilities. If the nominations are

affirmatively approved by vote of the County Board, the persons so named shall have authority to issue citations with respect to ordinances directly related to their responsibilities.

(4) Schedule of Deposits. (a) The following schedule of cash deposits required for the various ordinance violations including ordinances with a statutory counterpart is hereby established for use with citations issued under this section; in addition, the penalty assessment imposed by Section 165.87, Wisconsin Statutes, the court support fee imposed by Section 814.634, Stats., the justice information fee imposed by Section 814.635, Stats., the crime lab and drug law enforcement assessment imposed by Section 165.755, Stats., and the court costs shall be collected in the same manner as the cash deposit and shall be in addition to the cash deposit:

**SCHEDULE OF DEPOSITS - LOCAL BROWN COUNTY ORDINANCES**

| Ordinance Number | Offense   | Deposit | Sec.<br>757.05<br>(1) (a)<br><u>26%</u><br>Penalty<br>Asses. | Court<br>Costs<br>&Fee* | Jail<br>Asses. | Total<br>Cash<br>Deposit |
|------------------|---|---------|--|-------------------------|----------------|--------------------------|
| 6.04             | Structure Prohibited<br>Within Setback Lines                                      | 150.00  | 39.00  | 113.00                  | 10.00          | 312.00                   |
| 6.05             | Structure Permitted<br>Within Setback Lines                                       | 150.00  | 39.00  | 113.00                  | 10.00          | 312.00                   |
| 7.11             | Obstructing Emergency Gov't   | 150.00  | 39.00  | 113.00                  | 10.00          | 312.00                   |
| 8.03(1)          | Parks/Deface Property   | 100.00  | 26.00  | 113.00                  | 10.00          | 249.00                   |
| 8.03(2)          | Parks/Litter Water  | 50.00   | 13.00  | 113.00                  | 10.00          | 186.00                   |
| 8.03(3)          | Parks/Disorderly Conduct  | 100.00  | 26.00  | 113.00                  | 10.00          | 249.00                   |
| 8.03(4)          | Parks/Endangering Others/<br>Damage Property of Others                            | 100.00  | 26.00  | 113.00                  | 10.00          | 249.00                   |
| 8.03(5)          | Parks/Violation   | 40.00   | 10.40  | 113.00                  | 10.00          | 173.40                   |
| 8.03(6)          | Parks/Prevent or Interfere<br>with Public's Use of any Park                       | 100.00  | 26.00  | 113.00                  | 10.00          | 249.00                   |
| 8.03(7)          | Ski Trail Violation   | 40.00   | 10.40  | 113.00                  | 10.00          | 173.40                   |
| 8.035            | Parks/Smoking in Parks  | 20.00   | 5.20   | 113.00                  | 10.00          | 148.20                   |
| 8.04             | Parks/Hours   | 20.00   | 5.20   | 113.00                  | 10.00          | 148.20                   |
| 8.045            | Parks Permits   | 40.00   | 10.40  | 113.00                  | 10.00          | 173.40                   |
| 8.05             | Parks/Fires   | 20.00   | 5.20   | 113.00                  | 10.00          | 148.20                   |
| 8.06             | Parks/Refuse  | 20.00   | 5.20   | 113.00                  | 10.00          | 148.20                   |
| 8.07             | Parks/Firearms and Arms   | 40.00   | 10.40  | 113.00                  | 10.00          | 173.40                   |
| 8.08             | Parks/Pets  | 20.00   | 5.20   | 113.00                  | 10.00          | 148.20                   |
| 8.09             | Parks/Horses  | 20.00   | 5.20   | 113.00                  | 10.00          | 148.20                   |
| 8.10             | Parks/Motor Vehicles  | 40.00   | 10.40  | 113.00                  | 10.00          | 173.40                   |
| 8.11             | Parks/Snowmobiles   | 40.00   | 10.40  | 113.00                  | 10.00          | 173.40                   |
| 8.12             | County Boat Launches  | 40.00   | 10.40  | 113.00                  | 10.00          | 173.40                   |
| 8.13             | Parks/Off the Road Vehicles   | 40.00   | 10.40  | 113.00                  | 10.00          | 173.40                   |
| 8.14             | Parks/Molest Animals  | 100.00  | 26.00  | 113.00                  | 10.00          | 249.00                   |
| 8.15             | Parks/Use of Park Facilities to<br>the Exclusion of Others Without Written Permit | 100.00  | 26.00  | 113.00                  | 10.00          | 249.00                   |
| 8.15<br>(4)      | Parks/Dates Intoxicants<br>(Beer & Wine)  | 20.00   | 5.20   | 113.00                  | 10.00          | 148.20                   |
| 8.15<br>(5)      | Parks/Fairgrounds During the<br>Fair (Intoxicants)                                | 20.00   | 5.20   | 113.00                  | 10.00          | 148.20                   |
| 8.15<br>(7)      | Parks/Fonferek's Glen County<br>Park (Intoxicants)                                | 20.00   | 5.20   | 113.00                  | 10.00          | 148.20                   |
| 8.16             | Parks/Group Activities  | 100.00  | 26.00  | 113.00                  | 10.00          | 249.00                   |
| 8.17             | Other Activities  | 20.00   | 5.20   | 113.00                  | 10.00          | 148.20                   |
| 8.19             | Parks/Unauthorized Signs  | 40.00   | 10.40  | 113.00                  | 10.00          | 173.40                   |
| 8.20             | Parks/Camping   | 40.00   | 10.40  | 113.00                  | 10.00          | 173.40                   |
| 8.21             | Metal Detectors   | 20.00   | 5.20   | 113.00                  | 10.00          | 148.20                   |
| 8.22             | Additional Rules & Regulations  | 40.00   | 10.40  | 113.00                  | 10.00          | 173.40                   |

| Ordinance Number  | Offense   | Deposit | Penalty Asses.          | Court Costs & Fees* | Jail Asses. | Total Cash Deposit |
|-------------------|---|---------|-------------------------|---------------------|-------------|--------------------|
| 8.225             | Parks/Noise   | 60.00   | 15.60                   | 113.00              | 10.00       | 198.60             |
| 8.23(2)           | Golf Course Regulations                                   | 40.00   | 10.40                   | 113.00              | 10.00       | 173.40             |
| 8.23(3)           | Golf Course/Interference Permitees                        | 100.00  | 26.00                   | 113.00              | 10.00       | 249.00             |
| 8.23(4)           | Golf Course/Use of Liquor                                 | 100.00  | 26.00                   | 113.00              | 10.00       | 249.00             |
| 8.23(5)           | Golf Course/Disorder Conduct                              | 100.00  | 26.00                   | 113.00              | 10.00       | 249.00             |
| 11.01             | Private Sewage System Regulation                          | 500.00  | 130.00                  | 113.00              | 10.00       | 753.00             |
| 11.20             |   |         |                         |                     |             |                    |
| 12.01             | Solid Waste Disposal Operations                           | 1000.00 | 260.00                  | 113.00              | 10.00       | 1383.00            |
|                   |   |         | Sec. 757.05 (1) (a) 24% | Court Costs & Fees* | Jail Asses. | Total Cash Deposit |
| 12.03             |   |         |                         |                     |             |                    |
| 12.04             | Recycling Centers   | 200.00  | 52.00                   | 113.00              | 10.00       | 375.00             |
| 13.03             | Abandoned Vehicle (Parking Ticket \$10.00 + Wrecker Bill) | N/A     | N/A                     | N/A                 | N/A         | N/A                |
| 21.00             | Subdivision & Plotting Regulations                        | 400.00  | 104.00                  | 113.00              | 10.00       | 627.00             |
| 22.00             | Shorelands and Floodplains                                | 175.00  | 45.50                   | 113.00              | 10.00       | 343.50             |
| 26.00             | Airport Zoning Districts                                  | 150.00  | 39.00                   | 113.00              | 10.00       | 312.00             |
| 25.07(2) & (4)    | Airport Traffic Regulations                               | 150.00  | 39.00                   | 113.00              | 10.00       | 312.00             |
| 25.07(3)          | Airport Traffic Regulations (Speed)                       | 50.00   | 13.00                   | 113.00              | 10.00       | 186.00             |
| 25.09             | Conveyors of Public Transport.                            | 50.00   | 13.00                   | 113.00              | 10.00       | 186.00             |
| 25.10             | Literature & Newspaper Rack Prohibitions                  | 50.00   | 13.00                   | 113.00              | 10.00       | 186.00             |
| 25.11(1) thru (4) | Airport Security  | 100.00  | 26.00                   | 113.00              | 10.00       | 249.00             |
| 30.01             | Private Alarm Systems                                     | 100.00  | 26.00                   | 113.00              | 10.00       | 249.00             |
| 30.05             | Prohibiting Fraud in Public Asst.                         | 500.00  | 130.00                  | 127.50              | 10.00       | 767.50             |
| 31.01             | Resisting or Obstructing Officer                          | 100.00  | 26.00                   | 113.00              | 10.00       | 249.00             |
| 31.02             | Disorderly Conduct  | 100.00  | 26.00                   | 113.00              | 10.00       | 249.00             |
| 31.03             | Prohibited Operation on Icebound Waters                   | 50.00   | 13.00                   | 113.00              | 10.00       | 186.00             |
| 31.045            | Prohibited/Vehs Snomo Trails                              | 50.00   | 13.00                   | 113.00              | 10.00       | 186.00             |
| 31.05             | Litter from Vehicles (To Solid Waste Site)                | 50.00   | 13.00                   | 113.00              | 10.00       | 186.00             |
| 31.06             | Trespass to Dwelling                                      | 100.00  | 26.00                   | 113.00              | 10.00       | 249.00             |
| 31.07             | Petty Theft (SEE GRADUATED SCALE)                         |         |                         |                     |             |                    |
| 31.08             | Damage to Property  | 100.00  | 26.00                   | 113.00              | 10.00       | 249.00             |
| 31.09             | Shoplifting (SEE GRADUATED SCALE)                         |         |                         |                     |             |                    |
| 31.11             | Restaurant Keeper   | 100.00  | 26.00                   | 113.00              | 10.00       | 249.00             |
| 31.12             | Worthless Checks  | 200.00  | 52.00                   | 113.00              | 10.00       | 375.00             |
| 31.13             | Trespass to Land  | 50.00   | 13.00                   | 113.00              | 10.00       | 186.00             |
| 31.15             | Unlawful Use of Telephone                                 | 100.00  | 26.00                   | 113.00              | 10.00       | 249.00             |
| 31.15             | Unlawful Use of Telephone (2nd Violation within 4 years)  | 200.00  | 52.00                   | 113.00              | 10.00       | 375.00             |
| 31.16(1) & (2)    | Arena/Intoxicants at Brown County Arena                   | 25.00   | 6.50                    | 113.00              | 10.00       | 154.50             |
| 31.17             | Arena/Smoking At Brown Co. Arena                          | 25.00   | 6.50                    | 113.00              | 10.00       | 154.50             |
| 31.18             | Truancy   | 20.00   | 5.20                    | 113.00              | 10.00       | 148.20             |
| 31.18(3)          | Contributing to Truancy                                   | 250.00  | 65.00                   | 127.50              | 10.00       | 452.50             |
| 31.19             | Possession of Marijuana                                   | 50.00   | 13.00                   | 113.00              | 10.00       | 186.00             |
| 31.20             | Sale or Gift of Cigarettes/ (except) Tobacco products     | 100.00  | 26.00                   | 113.00              | 10.00       | 249.00             |
| 31.20(2) (b)      | Signs as to tobacco vending machines - \$25.00 ticket     | N/A     | N/A                     | N/A                 | N/A         | N/A                |
| 32.00             | Equal Oppts Housing                                       | 100.00  | 26.00                   | 113.00              | 10.00       | 249.00             |

6/22/23

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|   |         |        |        |       |         |
|---|---------|--------|--------|-------|---------|
| 33.00 Public Assemblages  | 2000.00 | 520.00 | 113.00 | 20.00 | 2643.00 |
| 34.04 Clean Indoor Air  | 25.00   | 6.50   | 113.00 | 10.00 | 154.50  |
| 340.0011 Disorderly Conduct W/ Motor Vehicle (2nd Violation with 2 Years) | 50.00   | 13.00  | 113.00 | 10.00 | 186.00  |
|   | 100.00  | 26.00  | 113.00 | 10.00 | 249.00  |
| 37.00 Public Health Regulations   | 175.00  | 45.50  | 113.00 | 10.00 | 343.50  |
| 38.00 Public Health Nuisance  | 175.00  | 45.50  | 113.00 | 10.00 | 343.50  |
| 39.00 Noise Control   | 175.00  | 45.50  | 113.00 | 10.00 | 343.50  |
| 40.00 Tattoo health & Sanitary req.                                       | 100.00  | 26.00  | 113.00 | 10.00 | 249.00  |

GRADUATED SCALE

Value of Property

|                 |        |
|-----------------|--------|
| .01 - 10.00     | 40.00  |
| 10.01 - 50.00   | 60.00  |
| 50.01 - 100.00  | 132.00 |
| 100.01 - 200.00 | 200.00 |

\* Includes Court Costs (\$25.00), Justice Information fee (\$12.00), Crime Lab and Drug Assessment (\$8.00), plus Court Support fee (\$68.00).

(b) A person issued a citation under any ordinance listed in the schedule shall be required to remit the amount provided for therein, in cash or by certified check or money order, to the Clerk of Courts at the Courthouse, Green Bay, Wisconsin, 54301. The Clerk shall provide a receipt for each cash deposit so received. Cash deposits may be mailed to the Clerk of Court or delivered personally to the office of the Clerk of Court.

(5) Procedure. The provisions of Section 66.0113(3) of the Wisconsin Statutes, as amended from time to time hereafter, relating to violator's options and procedures on default, are hereby adopted and incorporated herein by reference.

(6) Nonexclusivity. Adoption of this section in no way precludes the adoption of any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this section in no way precludes the proceeding under any other law or ordinance relating to the same or any other matter.

(7) Severability. If any provision of this section is invalid or unconstitutional, or if the application of this section to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this section which can be given effect without the invalid or unconstitutional provision or application.

(8) The form of the citation to be used for purposes of this section of the ordinances shall be the Brown County Ordinance Court Citation or the Wisconsin Uniform Municipal Court Citation which are multiple part forms, the size of the standard moving traffic violation ticket.

**30.021 CRIME PREVENTION FUNDING BOARD SURCHARGE.** The Courts of Brown County shall impose a crime prevention funding board surcharge in the amount of \$20 per count, or in the amount as amended from time to time by the State, for each count involving a misdemeanor or felony conviction, whenever the court imposes a sentence or places a person on probation pursuant to Wis. Stat. 973.0455, as amended from time to time. All funds shall be placed in an account for use by the Crime Prevention Funding Board created in accordance with Wisconsin Statutes 59.54(28).

**30.03 REGULATION OF EMERGENCY ALARM SYSTEMS.** (1) Purpose. The primary purpose of this section is to reduce the incidence of false burglar and hold-up alarms by eliminating those false alarms which are preventable or avoidable. It is also meant to encourage the installation of reliable emergency alarm systems in all structures within the County to provide additional protection to persons and property from fire, crime (including burglary, robbery and vandalism) and such other hazards as may constitute a danger to persons and/or property. This section is intended to impose standards and requirements from such causes as negligence of the user of an alarm system or of his employees operating the system, the negligent maintenance of equipment or the sale, installation or servicing of alarm systems by unlicensed operators.

It is anticipated that such installations will provide a technique of early detection, which will permit the Police and Fire Departments to increase the present level of protection to persons and property.

(2) Definitions. (a) Alarm business means any business operated for profit which alters, installs, leases, maintains, monitors, replaces, sells, services or responds to a burglar or hold-up alarm system or which causes any of these activities to take place. This includes answering services, central stations, etc.

(b) Alarm system means an assembly of equipment and devices (or a single device such as a solid state unit which plugs directly into a 110 volt AC line) arranged to signal the presence of a hazard requiring urgent attention to which police are expected to respond. In this section, "alarm system" includes the terms "automatic hold-up alarm systems", "burglar alarm systems", "hold-up alarm systems", and "manual hold-up alarm systems" as those terms are herein defined. Fire alarm systems and alarm systems which monitor temperature, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this section.

(c) Alarm user means any person on whose premises an alarm system is maintained within the County, except for alarm systems on motor vehicles or proprietary systems. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premises (other than a proprietary system), the person using such system is an alarm user. Also excluded from the definition and from the coverage of this section are persons who use alarm systems to alert or signal persons within the premises of an attempted unauthorized intrusion or hold-up attempt. If such system, however, employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of alarm system and shall be subject to this section.

(d) Answering service means a telephone answering service providing the service of receiving, on a continuous basis through trained employees, emergency signals from alarm systems and, thereafter, immediately relaying the message by live voice to the communication center of the Brown County Sheriff's Department.

(e) Automatic dialing device means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

(f) Burglar alarm system means an alarm system signaling an entry or attempted entry into the area protected by the system.

(g) Calendar year means January 1 through December 31.

(h) Central station system means a system in which the operator of electrical protection circuits and devices are signaled automatically to, recorded in, maintained and supervised from a central station having trained operators and/or guards in attendance at all times.

(i) County means County of Brown.

(j) Commercial alarms means all alarm systems that are installed to protect business-type property, that are engaged in selling, distributing, manufacturing, warehousing and/or managing the property of others, such as the banking institutions.

(k) Direct line means a telephone line loading directly from a central station to the communication center of the Sheriff's Department used only to report emergency signals on a person-to- person basis.

(l) Hold-up alarm system means an alarm system in which the signal transmission is initiated by the action of the robber or employee of the protected premises.

(m) False alarm means any of the following:

1. The activation of an alarm system through negligence of the owner or lessee of an alarm system or of his employees or agents.

2. The activation of an alarm system through mechanical failure or malfunction because of improper maintenance by the alarm user.

3. The activation of an alarm system because of improper installation and/or use of equipment by the alarm business.

Such terminology does not include, for example, false alarms caused by hurricanes, tornadoes, earth quakes, or other violent conditions.

(n) Local alarm system means a signaling system which, when activated, causes an audible and/or visual signaling device to be activated in or on the premises within which the system is installed.

(o) Person means any person, firm, partnership, association, corporation, company or organization of any kind.

(p) Proprietary system means an alarm system sounding and/or recording alarm and supervisory signals at a control center located within the protected premises, the control center being under the supervision of the proprietor of the protected premises.

If a proprietary system includes a signal line connected directly or by means of an automatic dialing device to a police communication center, a central station or answering service, it thereby becomes an alarm system, as defined in this section.

(q) Residential alarms means all alarm systems that are installed to protect the private living quarters and/or residence only.

(3) Permit Fee and Licensing.

(a) Alarm Business.

1. Qualifications of Individual Applicant. Licenses under this section shall be issued only to a U.S. citizen over 18 years of age of good moral character.

2. Any person engaged in an alarm business in the County shall apply to the County Clerk's Office by January 1, 1984, for a license to operate on a form to be furnished by the County Clerk.

3. License applications shall be accompanied by a nonrefundable fee of \$15.00 to cover the costs to the County of processing the application and investigating the applicant.

4. Applicants already doing business in the County on December 1, 1983, may continue to do business while their license applications are being processed. An applicant not previously doing business in the County on December 1, 1983, shall not commence doing business until his application is approved.

5. If an alarm business has already obtained an alarm business license from any other jurisdiction within Brown County, which has provisions substantially similar to this section, such alarm business shall not be required to obtain an alarm license under this section.

6. License Renewal.

(a) All alarm business licenses shall expire on December 31 in the year issued.

(b) The County Clerk, upon receiving payment of \$15.00 for renewal of any such alarm business license, shall renew the license, if appropriate.

(c) License shall be presented to any police officer upon demand for examination.

(d) No refunds of license fees shall be made.

7. Application requirements.

(a) The principal owner, agent or operator of the business shall apply for the alarm business license.

(b) Applicants for licenses under this section shall file a sworn application in writing ( in duplicate) with the County Clerk on a form furnished by the County Clerk, which shall give the following information:

i. Name and complete description of the applicant.

ii. Date of birth.

iii. Where born.

iv. Address (home and business).

v. Applicant will furnish 2 names of property owners who will certify the applicant's good character and business responsibility or, in lieu of the names or references, any other available evidence of the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.

vi. Upon completion of the application, the County Clerk shall furnish applicant the original copy of the application. The applicant shall then be directed to bring the application to the Sheriff's Department where he shall be fingerprinted.

(c) Investigation and Issuance.

i. Upon receipt of such application, the original shall be referred to the Sheriff, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

ii. If, as a result of such investigation, the applicant's character or business responsibility is found to be questionable, the Sheriff shall report the same to the Board which shall determine whether the application shall be approved or disapproved and return such application to the County Clerk, who shall notify the applicant that his application is disapproved.

(d) Applicant shall also furnish the Brown County Sheriff's Department with a 2" x 1½" front view photograph.

(b) Alarm User Permits.

1. Permit. Every alarm user shall obtain an alarm user permit for each alarm system he operates within the County from the County Clerk.

This paragraph does not require that a licensed alarm business obtain a permit under this section when it leases or provides services to alarm system users. If a licensed alarm business does, however, use an alarm system to protect its own premises, it shall obtain a permit for such a system, as required in this section.

2. Alarm User Permit Application.

(a) The alarm user applying for the permit required in 1. shall state on the application form, which shall be furnished in duplicate by the County Clerk's office, the following:

i. His name, the address of the residence or business in or upon which the alarm system has been or will be installed and telephone number.

ii. Number of systems for that address.

iii. Type of systems: burglary, armed robbery.

iv. Terminating point of system.

aa. Answering service.

bb. Central Station, etc.

cc. Direct connection.

dd. Local.

ee. Proprietary system.

v. The alarm business selling, installing, monitoring, inspecting, responding to and/or maintaining the alarm system.

vi. The name, address and telephone number of at least one other person (for a corporate alarm user, at least 2 persons shall be listed) who can be reached at any time and who is authorized by the corporation or individual to respond to an alarm signal and who can open the premises in which the system is installed.

vii. The duplicate copy of the application, including all information, shall be furnished by the County Clerk's office to the Sheriff, where it shall be kept on file in the Shift Commander's office.

(b) Alarm users who install burglar and hold-up alarm systems at the same location shall be required to obtain a permit for each type of system installed. (Burglary/Hold-up)

### 3. Alarm User Permit Fee.

(a) There shall be a permit fee, as established in the County Budget, paid to the County Clerk at the time of filing an application.

#### i. Commercial Permits.

aa. No more than 2 permits shall be issued for any one location and/or address be issued more than one burglar or one hold-up alarm permit.

bb. Each permit shall be valid for one year and shall be renewed by January 1 of each year, and there shall be a charge each time a permit is renewed, as established in the Budget, which charge shall be paid when the renewal application is filed.

cc. The County Clerk shall notify the permit holder a minimum of 15 days prior to the expiration date of the permit.

dd. No refunds of permit fees shall be made.

#### ii. Residential and/or Private Property Permits.

aa. There shall be a permit fee, as established in the County Budget, paid to the County Clerk at the time of filing an application.

bb. No more than one burglar alarm permit shall be issued for any one location and/or address.

cc. Each permit shall be valid for one year and shall be renewed by January 1 of each year.

dd. No refunds of permit fees shall be made.

(b) General Requirement for User Permit Holders.

i. All alarm users, including local installations, shall be required to have an alarm user's permit.

ii. Each time an alarm is activated, the permit holder or his agent shall respond at once to the scene of the activation when requested to by the police or be subject to the penalty provided in this section.

iii. Any alarm system user who operates an alarm system without first obtaining a user's permit as required by this section or who fails to comply with any part of this section shall be subject to the penalty provided in this section.

iv. Revocation of a user's permit shall be according to par. (c) of this section.

aa. Any revocation of an alarm user's permit that would be in conflict with the Federal Bank Protection Act of 1968 shall not apply to those permit holders.

v. Two separate convictions in Circuit Court of Brown County of any alarm users, as defined in this section, for violations of any portion of this section in any one calendar year may constitute grounds for revocation of the alarm user's permit by the Board.

vi. Permits shall be presented by the holder for examination whenever requested by a police officer.

(c) Revocation of Alarm Business Licenses and/or User Permits.

1. In addition to any penalties which may be imposed for the violation of certain provisions of this section, the County may, pursuant to the provisions of this section, revoke the license of any alarm business or an alarm user's permit on any of the following grounds:

a. Fraud or willful, knowing misrepresentation or false statements made on application for such license and/or user's permits.

b. Fraud or willful, knowing misrepresentation or false statement made in the conduct of an alarm business.

c. Failure to correct any deficiencies in equipment or operation within 30 days after receipt of notice of same from the Sheriff, or within a reasonable time if the deficiencies cannot be corrected within 30 days.

d. No license and/or user's permit shall be revoked until a written notice of the violations is received by the licensee or permit holder from the Sheriff. Those so notified shall then have 10 days to request a hearing before the Public Safety Committee which shall rule on the revocation. The licensee or permit holder shall receive notice of the hearing and have an opportunity to present evidence at the hearing, through witnesses if necessary.

2. Two convictions for any violation of this section in any one calendar year may be grounds for revocation of the business license or user permit by the Board.

3. An alarm business or user whose license or permit has been revoked shall not be precluded under this section from applying for a new permit or license.

(4) Solicitor's Permits Required. Any person who intends to pursue the distribution of and/or sale of alarm systems to businesses or residential locations by direct door-to-door sales shall obtain a solicitor's permit for each individual so employed in accordance with the appropriate municipal ordinance, if applicable.

(5) False Alarms. (a) Hold-Up, Burglar and Intrusion Alarms. 1. The owner, lessee or agent of any alarm device shall be assessed a fee for each false alarm. After the Sheriff's Department has recorded two (2) false alarms within the calendar year from one alarm permit holder, it shall notify the permit holder in writing by registered mail of such fact and require the permit holder to submit a report to the Sheriff's Department within fifteen (15) days after receipt of such notice, stating the reasons for such false alarms and what efforts are being made to correct and eliminate the problem. If the permit holder fails to submit such a report within 15 days, the Board may revoke the user's permit.

2. The owner, lessee or agent of any Hold-up, Burglar and Intrusion Alarm device shall be assessed a fee for each false alarm as defined in subsection (2)(m).

a. The assessment and forfeiture for each offense shall comply with the following schedule;

|                                |   |                |
|--------------------------------|---|----------------|
| 1 <sup>st</sup>                | - | Warning Letter |
| 2 <sup>nd</sup>                | - | \$25.00        |
| 3 <sup>rd</sup>                | - | \$50.00        |
| 4 <sup>th</sup> and additional | - | \$100.00       |

3. Such fee shall be billed by and paid to the Sheriff's Department for deposit in the General Fund/Other Law & Ordinance Violations Account.

4. Any alarm user for which a permit has been issued shall be allowed a maximum of 12 false alarms in any calendar year. Any alarms in excess of this number may constitute grounds for revocation of such permit by the Board.

(6) Time Limit After Activation of Local Alarm System. (a) Any alarm system installed within the County that, when activated, causes an audible and/or visual signal externally of the premises shall signal for a maximum of 30 minutes, after which time the system shall cease all signals, resetting itself for any new activation.

(b) Any system which fails to comply with this section shall be subject to the revocation of the user permit by the Board.

(7) Violations. (a) The failure of any person to do any of the following shall constitute a violation of this section:

1. Obtain an alarm business license or user permit, as prescribed by (4) of this section.

2. Make any reasonable correction to any alarm system, as requested by the Sheriff.
3. Obey any order of the Public Safety Committee for suspension or revocation of an alarm business, license or an alarm user permit after such person has exhausted his rights to hearings.
4. Comply with any provisions of the false alarm portion of this section. Payment of assessed fees shall be completed within 60 days after billing by the County Treasurer.
5. Comply with any portion of this section that is not explicitly stated here.

**30.04 USER CHARGE TO ESTABLISH AND FINANCE AN ENHANCED 911 EMERGENCY TELEPHONE SYSTEM IN BROWN COUNTY.** (1) Emergency 911 System. There is hereby established an enhanced 911 Emergency Telephone Number System to be operated and maintained by the Brown County Public Safety Communications Department at the City of Green Bay Police Department, which shall be in accordance with the plan and contract submitted to the telephone utilities involved in its operation and/or the Wisconsin Public Service Commission, all pursuant to the provisions of Wisconsin Statutes.

(2) Additional Answering Point. In addition to the Public Safety Answering Point (PSAP) maintained by the Brown County Sheriff Department, there will be an answering point established and maintained at the Green Bay Police Department at their Police Station, 307 S. Adams Street, Green Bay, Wisconsin, which will be in accordance with the plan and contract submitted to and by Wisconsin Bell, Inc. and/or the Wisconsin Public Service Commission, pursuant to the provisions of section 146.70 of Wisconsin Statutes.

(3) Cost Assessment. All telephone service users in Brown county which have access to a 911 Emergency Telephone System shall be required to pay the cost of said system as authorized by Wisconsin State Law, Sec. 146.70(3), statutes, and as determined by the telephone utility companies serving such users in Brown County.

(4) Cost Levy and Collection. All telephone service providers in Brown County shall bill the service users for all of the costs referred to in section 30.04 and Wisconsin State Law, Section 146.70 Stats., and as approved by the Wisconsin Public Service Commission, and as part of the regular billing to those service users. The actual user service fee shall be 26¢ for the first 36 months of service and thereafter 17¢ per month, but in no instance exceed 40¢ per access line per month. All revenues collected from the user service charge must be applied to the actual, authorized costs incurred in the installation and maintenance to the enhanced 911 Emergency Telephone Number System.

**30.05 PROHIBITING FRAUD IN PUBLIC ASSISTANCE, HOUSING ACCOMMODATIONS AND ENERGY ASSISTANCE CASES.**

(1) Definitions. For purpose of this Section:

(a) "False Representation" shall mean an untrue or incorrect representation regarding a material fact that is made with knowledge or belief of its inaccuracy, including but not limited to the failure to report changes in income, assets, household members, employment or other relevant circumstances.

(b) "FoodShare Trafficking" shall include any of the following activities:

- i. Using FoodShare benefits to purchase foods with a container deposit, for the sole purpose of returning the container for a cash refund;
- ii. Reselling food purchased with FoodShare benefits for cash or other consideration;
- iii. Purchasing, for cash or other consideration, food that was previously purchased from a supplier using FoodShare benefits;
- iv. Directly or indirectly buying, selling, or stealing Electronic Benefit Transfer cards, card numbers or personal identification numbers (PINs), for cash or other items;
- v. Exchanging of firearms, ammunition, explosives or controlled substances, as defined in section 802 of title 21, United States Code, for FoodShare benefits; or
- vi. Unauthorized person(s) knowingly obtaining, possessing, transferring, or using FoodShare benefits.

(c) "Housing Accommodations" shall include assistance obtained through the Housing Assistance programs authorized under the Housing Authorities Law of Wis. Stat., §§ 66.1201 to 66.1211, as may be hereinafter amended from time to time.

(d) "Person" shall include all partnerships, associations, corporations and individuals.

(e) "Public Assistance" shall include all forms of assistance granted or issued pursuant to Chapter 49 of the Wisconsin Statutes, as may be hereinafter amended from time to time, including, but not limited to Wisconsin Works (W-2), Medical Assistance, FoodShare (SNAP benefits under 7 USC 2011 to 2036), child care assistance, energy assistance, any successor program to those listed above and any other programs authorized by State or Federal law which are intended to provide assistance to persons with low or fixed incomes.

(2) Presumptions and Evidence.

(a) Any Person who makes any statement in a written application for Housing Accommodations or Public Assistance shall be considered to have made an admission as to the existence, correctness or validity of any fact stated, which shall be taken as prima facie evidence against the Person making it in any complaint, information or indictment, and in any action or proceeding brought for the enforcement of any provision of this Section.

(b) The negotiation of a check, share draft or other draft received in payment for Housing Accommodations or Public Assistance by the recipient or the withdrawal of any funds credited to the recipient's account through the use of any

other money transfer technique after any change in income or assets which would render the recipient ineligible for Housing Accommodations or Public Assistance or eligible for reduced Housing Accommodations or Public Assistance shall be prima facie evidence of fraud in such case.

(3) Violations.

(a) No Person shall willfully make any False Representation(s) with the intent to secure or maintain eligibility for Housing Accommodations or Public Assistance whether for himself, herself or for some other Person.

(b) No Person shall willfully do any act designed to interfere with the proper administration of the Housing Accommodations or Public Assistance programs

(c) No Person shall knowingly participate in, take part in, engage in or contribute to any activities that constitute FoodShare Trafficking hereunder.

(d) No Person shall accept any funds, supplies or articles furnished to any Person under the Housing Accommodations or Public Assistance programs in exchange for or as payment for any alcoholic beverages, cigarettes or other prohibited items.

(e) No Person or dependent of that Person shall knowingly use, sell, exchange, or dispose of any supplies or articles furnished that Person or dependent under the Housing Accommodations or Public Assistance programs in any manner other than as directed by the agency administering said programs.

(f) No Person shall knowingly accept any funds, supplies or articles furnished to another Person under the Housing Accommodations or Public Assistance programs in exchange for or as payment for anything not authorized by said programs, nor shall any Person purchase any supplies or articles known to have been issued to another Person as Public Assistance.

(g) No Person shall use money, checks, share drafts, other drafts, vouchers, debit cards, or any other thing of value furnished to that Person or another Person under the Housing Accommodations or Public Assistance programs for purposes other than as directed by the agency administering said programs.

(h) No Person receiving Housing Accommodations or Public Assistance, who has been notified by the agency administering said Housing Accommodations or Public Assistance of their obligation to report a change in income, assets, household members, employment or other relevant circumstances, shall fail to notify the agency of said change within ten (10) days thereof.

(i) No Person in charge of the Housing Accommodations or Public Assistance programs or any person working under him or her shall receive or solicit any commission or derive or seek to obtain any personal financial gain through the purchase, sale, disbursement or contract of supplies or other property used in the administration of said programs.

(3) Penalties. Any Person who violates any provision of this Section shall, upon conviction, be subject to a forfeiture of not to exceed \$1,000 together with costs

of prosecution and penalty assessments. Furthermore, should any such Person be found in contempt of court for failure to pay said forfeiture, costs and/or penalty assessments, said Person may be subject to imprisonment in the County jail. In addition to the penalties noted herein, a conviction for violation(s) of this Section, whether due to a no contest plea, a default judgment or a guilty verdict/judgment, shall be considered an intentional program violation under 7 CFR 273.16 subjecting the Person to the additional penalties authorized thereunder.

**30.06 DIRECT SALES AND SOLICITATIONS.** (1) Registration Required. It shall be unlawful for any direct seller or solicitor to engage in direct sales or solicitations within the towns of Brown County without being registered and licensed for that purpose as provided herein.

(2) Definitions. In this ordinance:

(a) "Direct seller" means any individual who, for him/herself, or for an organization, society, partnership, association or corporation, sells goods or services or takes sales orders for the later delivery of goods or services at any location other than the permanent business place or residence of the individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, canvassers and transient merchants. The sale of goods and services includes donations requested or required by the direct seller for the retention of goods or services by a donor or prospective customer.

(b) "Permanent merchant" means a direct seller or one representing a merchant who, for at least one year prior to the submission of an application pursuant to this ordinance, has continuously operated an established place of business in this County or has continuously resided in the County and now does business from his/her residence.

(c) "Goods" shall include personal property of any kind and shall include goods provided incidental to services offered or sold.

(d) "Solicitor" means any individual who, for him/herself or for any other person, organization, society, association or corporation, personally solicits money, property or financial assistance of any kind from persons other than members of such organization, society, association or corporation.

(e) "Charitable organization" shall mean any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association, organization or corporation for which there is provided proof of tax exempt status pursuant to Sec. 501 (c)(3) or (e) of the United States Internal Revenue Code.

(f) "Clerk" shall mean the County Clerk.

(g) "Applicant" shall mean each individual applying for registration and licensing as a direct seller or solicitor.

(h) "Registrant" shall mean each individual registered by the Clerk and to whom a license has been issued.

(3) Exemptions. (a) The following shall be exempt from all provisions of this ordinance:

1. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.
2. Any person selling goods at wholesale to dealers in such goods.
3. Any farmer or truck gardener selling agricultural products of the farm or garden occupied or cultivated by such person.
4. Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this county and who delivers such goods in their regular course of business.
5. Any person who has an established place of business where the goods being sold are offered for sale on a regular basis and in which the buyer has initiated contact with and specifically requested a home visit by said person.
6. Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with a prospective customer.
7. Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.
8. Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is submitted to the Clerk, proof that such person has purchased or leased for at least one year the premises from which he/she is conducting business or proof that such person has conducted such business in this County for at least one year prior to the date complaint was made.

(b) Charitable organizations shall be exempt from the requirements set forth in Subsections (4)(a), (4)(c) and (6) if the organization has provided the individual representing it with credentials stating the name of the organization, the name of the representative and the purpose of the solicitation and provided, further, that said individuals provide the Clerk with the following information:

1. The individual's name and permanent address.
2. The name and address of the organization represented.
3. The name and address of the officers or directors of the organization.
4. The nature of the sales or solicitations.
5. Proposed dates and time of sales or solicitations.

A license operative for the dates provided to the Clerk shall be issued without charge upon compliance with the foregoing. The Clerk shall then forward the information and notice of the issuance of a license to the Sheriff.

(c) Any religious organizations for which there is provided proof of tax exempt status pursuant to Sec. 501(c)(3) of the United States Internal Revenue Code shall be exempt from the requirements set forth in Subsections (4)(a), (4)(c) and (6). The provisions of subsection (3)(b) above shall be applicable to such organizations.

(d) Any veteran who holds a special state license pursuant to sec. 440.51, Stats., shall be exempt from the provisions of subsections (4) and (6) provided that such veteran provides the Clerk with the following information:

1. The veteran's name and permanent address.
2. The nature of the sales or solicitations.
3. Proposed dates and times of sales or solicitations.

The Clerk shall then forward the above information to the Sheriff.

(4) Registration Requirements. (a) Applicants for licenses must complete and return to the Clerk a registration form furnished by the Clerk which shall require the following information:

1. Name, permanent address, telephone number and temporary address, if any.
2. Age, height, weight and color of hair and eyes.
3. Name, address and telephone number of the person, partnership, organization, firm, association or corporation that the direct seller represents or is employed by or whose merchandise is being sold.
4. Temporary address and telephone number from which sales or solicitations will be conducted, if any.
5. Nature of sales or solicitations to be conducted and a brief description of the goods and/or services offered.
6. Proposed dates and times of sales or solicitations.
7. Proposed method of delivery of goods, if applicable.
8. Make, model and license number of any vehicle to be used by applicant in the conduct of sales or solicitations.
9. Last 3 cities, villages and towns where applicant conducted similar sales or solicitations.
10. Place where applicant can be contacted for at least seven days after leaving Brown County.
11. Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's sales or solicitation or other

transient merchant activities within the last five years, the nature of the offense and the place of conviction.

- (b) Applicants shall present the following items to the Clerk for examination:
1. A driver's license or some other proof of identity as may be reasonably required.
  2. A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities.
  3. A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

(c) No application shall be processed until the application fee has been paid to the Clerk to cover the cost of processing said application. Said fee shall be \$15.00 if the applicant is a resident of this County or the organization represented by the applicant has been conducting its business activities in this County for 1 year prior to submission of the application. The fee for all other applicants shall be \$25.

(d) No application shall be processed until the applicant signs a statement appointing the Clerk his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale, services performed or solicitation by the applicant in connection with the direct sales or solicitation activities of the applicant in the event the applicant cannot, after reasonable effort, be served personally. Such action shall be brought in Brown County, Wisconsin.

(5) Investigation; Denial of Application. (a) Upon receipt of a completed registration form the Clerk shall immediately refer it to the Sheriff to make an investigation.

(b) The Clerk shall refuse to issue a license to the applicant for any of the following reasons:

1. The application contains any material omission or materially inaccurate statement.
2. Complaints of a material nature have been received against the applicant to authorities in any of the last three cities, villages or towns in which the applicant conducted similar business.
3. The applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling or solicitation.
4. The applicant failed to comply with any applicable provision of Sec. (4)(b) above.

(c) Any person denied application for a license may appeal such action by filing with the County Clerk within 14 days after written notice of the denial a written statement requesting a hearing and setting forth the grounds for the appeal. The County Board Public Safety Committee shall set a time and place for the hearing. Written notice of the time and place of the hearing shall be given to the applicant at least 72 hours prior to the time set for the hearing.

(6) Registration & Issuance of Licenses. (a) Upon compliance with the foregoing requirements, filing of a bond and payment of the license fee as hereinafter set forth the Clerk shall register the applicant as a direct seller or solicitor and issue a license to the applicant. The license shall be operative only during the days requested on the registration form.

(b) Such license shall contain the signature of the Clerk, the name and address of the direct seller or solicitor, the type of goods or services being sold or the nature of the solicitation, the dates during which the license is operative and the license number of any vehicle used for sales or solicitation.

(c) Registrants shall exhibit their license at the request of any citizen or police officer.

(d) Every applicant who intends to take sales orders and down payments for the later delivery of goods and services and is not a resident of Brown County, Wisconsin, or who is such a resident and represents a business or organization whose principal place of business is located outside the State of Wisconsin, shall file with the Clerk a surety bond, for a term of one year from the date of issuance of license, running to Brown County in the amount of \$5,000 with surety acceptable to the County Risk Manager, conditioned that the applicant comply with all applicable ordinances of this County and statutes of the State of Wisconsin regulating peddlers, canvassers, solicitors and transient merchants. Such bond shall guarantee to any citizen of this County that all money paid as a down payment will be accounted for and applied according to the representations of the seller and that the property purchased will be delivered according to the representations of the seller. Action on such bond may be brought by the person aggrieved and for whose benefit, among others, the bond is given. The surety may, pursuant to a court order, pay the face amount of the bond to the Clerk of Court in which suit is commenced and be relieved of all further liability.

(e) Every applicant shall pay a license fee of \$5.00 per day.

(7) Regulation of Direct Sellers and Solicitors. (a) Prohibited Practices:

1. A direct seller or solicitor shall be prohibited from:

a. Calling at any dwelling or other place between the hours of 8:00 p.m. and 9:00 a.m. except by appointment.

b. Calling at any dwelling or other place where a sign is displayed bearing the word "No Peddlers", "No Solicitors" or words of similar meaning.

c. Calling at the rear door of any dwelling place.

d. Remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

2. A direct seller or solicitor shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods or services offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A direct seller representing a charitable or religious organization shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable or religious purpose for which the individual is soliciting.

Said portion shall be expressed as a percentage of the sale price of the goods or services.

3. No direct seller or solicitor shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales or solicitations are made from vehicles, all traffic and parking regulations shall be observed. No direct seller or solicitor shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon in excess of 15 minutes, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. Any move from a stationary location shall be to a place not less than 100 feet from such location, and the seller or solicitor shall not return to within 100 feet of any previously occupied location within 4 hours of having moved from said location. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.
4. No direct seller or solicitor shall make any loud noises or use any sound amplifying device to attract customers or donors if the noise produced is capable of being plainly heard outside a one hundred foot radius of the source.
5. No direct seller or solicitor shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business or making solicitations.

(b) Disclosure Requirements.

1. After the initial greeting and before any other statement is made to a prospective customer or donor, a direct seller or solicitor shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of goods or services he/she offers to sell.
2. If any sale of goods or services is made by a direct seller, or any sales order for the later delivery of goods or services is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25, in accordance with the procedure as set forth in sec. 423.203, Stats.; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of secs. 423.203(1)(a)(b) and (c), (2) and (3), Stats.

3. If the direct seller takes a sales order for the later delivery of goods, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made; the name, address and telephone number of the seller; the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

(8) Records of Violations. The Sheriff shall report to the Clerk all convictions for violations of this ordinance and the Clerk shall note any such violation on the record of the registrant convicted. The Clerk shall note any complaint or report of an alleged violation made by a resident of this County or a police officer.

(9) Revocation of License. (a) The registrant's license may be revoked by the Public Safety Committee after notice and hearing if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales or solicitation, violated any provision of this ordinance or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling or solicitations.

(b) Written notice of the hearing shall be served personally or by certified mail, return receipt requested, on the registrant or his/her representative at least 72 hours prior to the time set for the hearing. Such notice shall contain the time and place of hearing and a statement of the acts or omissions upon which the hearing will be based.

(10) Bond. Any direct seller, before being entitled to a permit under this section shall post a corporate surety or cash bond with the County Clerk. The surety shall be approved of by the Clerk and the aggregate liability of the surety for all losses shall in no event exceed the face amount of the bond. The bond or surety shall be conditioned upon compliance with this section and on compliance with all material, oral or written statements, and representations made by or in behalf of the direct seller with reference to the merchandise sold or offered for sale of the faithful performance under all warranties made with reference thereto. The bond shall be effective for one year after the date of issuance. In the event that the bond is a corporate surety bond, the amount thereof shall be equal or exceed the total amount of inventory listed in the application. If the surety is in the form of cash bond, it shall be 10 percent of the amount indicated as the total amount of inventory.

(11) Severance Clause. The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining section, sentences, clauses and phrases of this ordinance; they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

**30.07 CHARGES FOR SHERIFF'S DEPARTMENT PATROL DIVISION.** (1) Any municipality mandated by §61.65, Wis. Stats., or its successor statute, to provide police protection services shall be charged for services of the Sheriff's Department Patrol Division as further specified herein.

(2) The municipality shall be billed for services rendered by the Sheriff's Department Patrol Division if the Sheriff's Department Patrol Division is the primary responder to a call within the municipality requiring a response by a patrol officer.

(3) This ordinance shall not apply to requests from the primary responder of the municipality for assistance or back-up support when the primary responder from the municipality is already on duty.

(4) The municipality shall be billed on a per unit per hour basis with a minimum billing of two hours per unit commencing at time of dispatch. A unit shall be defined as one deputy and a patrol car. Any charges after the two-hour minimum per unit charge shall be rounded to the nearest hour with anything under one-half hour rounded down and anything over one-half hour rounded up to the nearest hour.

(5) Based on current direct and indirect costs, the charge for fiscal year 2007 shall be \$55.00 per hour per Patrol Officer and \$60.00 per hour per Patrol Sergeant. This rate shall be reviewed annually by the Administration Department and the Public Safety Committee, using data calculated by the Sheriff's Department, shall adjust the rate to reflect current actual direct and indirect costs.

(6) In determining the annual rate to be billed, the Sheriff's Department and Public Safety Committee shall take into account factors which establish actual costs including but not limited to:

(a) Total budgeted wages and fringe benefits for patrol deputies.

(b) Pro rated patrol division supervisory personnel wages and benefits.

(c) Pro rated Sheriff's Department administrative costs.

(d) Pro rated patrol vehicle operating costs.

(e) Pro rated patrol vehicle depreciative costs.

(f) Indirect costs defined as a percentage of direct costs set annually based on current cost allocation plan. Indirect costs include costs of support service to the Sheriff's Department from other County departments.

(7) The Sheriff's Department shall establish all applicable billing procedures on a per month basis. All payments shall be due within 30 days of receipt of billing to the municipality. The Sheriff's Department shall establish internal operational policies and procedures to implement this ordinance.

(8) This ordinance shall be applicable to any municipality covered by §61.65, Wis. Stats., or any amendments thereto or successor statute.

### **30.08 PAWN BROKERS AND SECONDHAND ARTICLE AND JEWELRY DEALERS.**

(1) PURPOSE AND STATUTORY AUTHORITY. Section 134.71, Wis. Stats., is hereby adopted and, by reference, made a part of this chapter with the same force and effect as though fully set out herein notwithstanding the below Subsections. Failure to comply with any of the

provisions of this ordinance shall constitute a violation of this chapter, punishable according to the penalties set forth in §1.07 of the Brown County Code of Ordinances.

(2) DEFINITIONS:

(a) Article. Any item of value, excluding only motor vehicles, large appliances, furniture, books, and clothing other than furs.

(b) Reportable Transaction. Every transaction conducted by a pawnbroker, secondhand article and jewelry dealers in which an article or articles are received through a pawn, purchase, consignment, or trade, or in which a pawn is renewed, extended, voided, or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, and is reportable except:

1. The bulk purchase or consignment of new or used articles from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said articles, provided the pawnbroker must maintain a record of such purchase or consignment that describes each item, and must mark each item in a manner that relates it to that transaction record.

2. Retail and wholesale sales of articles originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

(c) Secondhand article dealer. Any person, other than an auctioneer, who engages in the business of purchasing or selling secondhand articles, with exceptions as stated in Wis. Stats. Sec. 134.71 (1) (g).

(d) Responsible Law Enforcement Agency. The Responsible Law Enforcement Agency (RLEA) is the entity with the responsibility to collect the data to be furnished by the pawnbroker, secondhand article or jewelry dealer pursuant to this ordinance. The sheriff shall notify pawnbrokers and dealers subject to this ordinance if the RLEA changes in the future.

(3) WHEN DIGITAL PHOTOS ARE REQUIRED.

(a) Pawnbrokers, secondhand article dealers and secondhand jewelry dealers must take a color, digitized photograph of every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed, excluding only electronic media. One group photo shall suffice for mass items such as several coins acquired in one transaction. If a photograph is taken, it must be at least two (2) inches in length by two (2) inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the RLEA upon request. Items photographed must be accurately depicted and submitted as digital images, in a format specified by the issuing authority, electronically cross-referenced to the reportable transaction they are associated with. Entries of required digital images shall be retained a minimum of ninety (90) days.

(4) DAILY REPORTS TO RESPONSIBLE LAW ENFORCEMENT AGENCY.

(a) Pawnbrokers and secondhand article and jewelry dealers must submit every reportable transaction to the Responsible Law Enforcement Agency (RLEA) daily in the following manner. Pawnbrokers and secondhand article and jewelry dealers must provide to the RLEA all required information pursuant to State Statute, by transferring it from their computer

to the web server via modem designated by the RLEA. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the RLEA using procedures that address security concerns of the pawnbroker or secondhand article and jewelry dealer and the RLEA. The pawnbroker or secondhand article and jewelry dealer must display a sign of sufficient size in a conspicuous place on the premises, which informs all patrons that all transactions are reported daily to the RLEA.

(b) If a pawnbroker or secondhand article and jewelry dealer is unable to successfully transfer the required reports by modem, the pawnbroker or secondhand article and jewelry dealer must provide the RLEA with printed copies of all reportable transactions by 12:00 noon the next business day.

(c) If a problem is determined to be in the pawnbroker's or secondhand article and jewelry dealer's system and is not corrected by the close of the first business day following the failure, the pawnbroker or secondhand article and jewelry dealer must provide the required reports as detailed in State Statute, and shall be charged a daily reporting failure fee of \$10.00 until the error is corrected, or, if the problem is determined to be outside the pawnbroker's or secondhand article and jewelry dealer's system, then the pawnbroker or secondhand articles and jewelry dealer must provide the required reports pursuant to State Statute and resubmit all such transactions via modem when the error is corrected.

(d) Regardless of the cause or origin of the technical problems that prevented the pawnbroker or secondhand article and jewelry dealer from uploading, the pawnbroker or secondhand article and jewelry dealer shall upload every reportable transaction from every business day the problem has existed.

(e) The provisions of this section notwithstanding, the RLEA may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

(f) This subsection (4) shall not apply to businesses that did not have 200 reportable transactions in the past calendar year. However, any such pawnbroker or secondhand article and jewelry dealer must follow the daily reporting procedure for each reportable transaction by submitting a written transaction form approved by the RLEA to the RLEA on the business day following the date of the reportable transaction.

(5) SEVERABILITY. If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

### **30.09 PURCHASE AND SALE OF SCRAP METAL.**

(1) PURPOSE AND STATUTORY AUTHORITY. Section 134.405 Stats. is hereby adopted and, by reference, made a part of this chapter with the same force and effect as though fully set out herein notwithstanding the below Subsections.

(2) DEFINITIONS:

(a) "Commercial Account" means a commercial enterprise with which a scrap metal dealer maintains an ongoing and documented business relationship.

(b) "Commercial Enterprise" means a corporation, partnership, limited liability company, business operated by an individual, association, state agency, political subdivision, or other government or business entity, including a scrap metal dealer.

(c) "Ferrous Scrap" means scrap metal, other than scrap metal described in paragraphs (d) to (f), consisting primarily of iron or steel, including large manufactured articles that may contain other substances to be removed and sorted during normal operations of scrap metal dealers.

(d) "Metal Article" means a manufactured item that consists of metal, is usable for its original intended purpose without processing, repair, or alteration, and is offered for sale for the value of the metal it contains, except that "metal article" does not include antique or collectible articles, including jewelry, coins, silverware, and watches.

(e) "Nonferrous Scrap" means scrap metal consisting primarily of metal other than iron or steel, but does not include any of the following:

1. Aluminum beverage cans.
2. Used household items.
3. Small quantities of nonferrous metals contained in large manufactured items.

(f) "Proprietary Article" means any of the following:

1. A metal article stamped, engraved, stenciled, or otherwise marked to identify the article as the property of a governmental entity, telecommunications provider, public utility, cable operator, as defined in §66.0420(2)(d) or an entity that produces, transmits, delivers, or furnishes electricity, or transportation, shipbuilding, ship repair, mining, or manufacturing company.
2. A copper conductor, bus bar, cable, or wire, whether stranded or solid.
3. An aluminum conductor, cable, or wire, whether stranded or solid.
4. A metal beer keg.
5. A manhole cover.
6. A metal grave marker, sculpture, plaque, or vase, if the item's appearance suggests the item has been obtained from a cemetery.
7. A rail, switch component, spike, angle bar, tie plate, or bolt used to construct railroad track.

(g) "Scrap Metal" means a metal article; metal removed from or obtained by cutting, demolishing, or disassembling a building, structure, or manufactured item; or other metal that is no longer used for its original intended purpose and that can be processed for reuse in a mill, foundry, or other manufacturing facility.

(h) "Scrap Metal Dealer" means a person engaged in the business of buying or selling scrap metal.

(i) "Responsible Law Enforcement Agency" - The Responsible Law Enforcement Agency (RLEA) is the entity with the responsibility to collect the data to be furnished electronically by the scrap metal dealer pursuant to this ordinance. The sheriff shall notify the scrap metal dealers of the RLEA and of any changes in the RLEA in the future.

(2) PURCHASES OF FERROUS SCRAP. A scrap metal dealer may purchase scrap metal other than nonferrous scrap, a metal article, or a proprietary article from any person over the age of 18.

(3) PURCHASES OF NONFERROUS SCRAP, METAL ARTICLES, PROPRIETARY ARTICLES.

(a) Subject to paragraph (b), a scrap metal dealer may purchase nonferrous scrap, metal articles, or proprietary articles from any person who is over the age of 18 if all of the following apply:

1. If the seller of nonferrous scrap, metal articles, or proprietary articles is an individual, at the time of the sale, the seller provides to the scrap metal dealer the seller's motor vehicle operator's license or other comparable government-issued, current photographic identification. If the seller is not an individual, at the time of the sale, the individual who delivers the seller's nonferrous scrap, metal articles, or proprietary articles provides to the dealer the deliverer's motor vehicle operator's license or other comparable government-issued, current photographic identification.

2. The scrap metal dealer records and maintains at the scrap metal dealer's place of business the seller's or deliverer's identification information described in subd. 1., the time and date of the purchase, the number and state of issuance of the license plate on the seller's or deliverer's vehicle, and a description of the items received, including all of the following:

a. The weight of the scrap or articles.  
b. A description of the scrap or articles that is consistent with guidelines promulgated by a national recycling industry trade organization.

3. With respect to a purchase of nonferrous scrap or a metal article the scrap metal dealer obtains the seller's signed declaration that the seller is the owner of the items being sold.

4. With respect to a purchase of a proprietary article, one of the following applies:

a. The scrap metal dealer receives from the seller documentation, such as a bill of sale, receipt, letter of authorization, or similar evidence, that establishes that the seller lawfully possesses the proprietary article.

b. The scrap metal dealer documents that the scrap metal dealer has made a diligent inquiry into whether the person selling the proprietary article has a legal right to do so, and not later than one business day after purchasing the proprietary article, submits a report to a local law enforcement department describing the proprietary article and submits a copy of the seller's or deliverer's identifying information under subd. 1.

(b) This subsection does not apply to purchases of nonferrous scrap, metal articles, or proprietary articles by a scrap metal dealer from a commercial account, if the scrap metal dealer creates and maintains a record of its purchases from the commercial account that includes all of the following:

1. The full name of the commercial account.

2. The business address and telephone number of the commercial account.

3. The name of a contact person at the commercial account who is responsible for the sale of nonferrous scrap, metal articles, or proprietary articles to the scrap metal dealer.

4. The time, date, and value of each of the scrap metal dealer's purchases from the commercial account.

5. A description of the predominant types of nonferrous scrap, metal articles, or proprietary articles the scrap metal dealer has purchased from the commercial account.

(c) Except as provided under sub. (4), a scrap metal dealer may disclose personally identifiable information recorded or maintained under this subsection only to a successor in interest to the scrap metal dealer, including a successor in interest that arises as a result of a merger, sale, assignment, restructuring, or change of control.

(4) OTHER PROVISIONS. (a) A scrap metal dealer shall make the records required under sub. (3) (a) and (b) available to a law enforcement officer who presents credentials at the scrap metal dealer's place of business during business hours.

(b) A scrap metal dealer shall maintain the records required under sub. (3)(a) for not less than 2 years after recording it. A scrap metal dealer shall maintain the records required under sub. (3)(b) 1. to 3. regarding a commercial account for not less than 2 years after the dealer's most recent transaction with the commercial account.

(c) Scrap metal dealers shall create reports of purchases of nonferrous scrap, metal articles and proprietary articles and make them available to the sheriff in a paper format or submit the same to the RLEA in an electronic format as indicated in paragraphs (e) through (h) at the sheriff's discretion. The report of each purchase of nonferrous scrap, metal articles, and proprietary articles shall include the seller's or deliverer's name, date of birth, identification number, address, number and state of issuance of the license plate on seller's or deliverer's vehicle, as well as a description of the items purchased, including any serial or identification numbers on the items purchased.

(d) The scrap metal dealer must also take a color, digitized photograph of every item sold to the scrap metal dealer that does not have a unique serial or identification number permanently engraved or affixed. One group photo shall suffice for mass items acquired in one transaction. If a photograph is taken, it must be at least two (2) inches in length by two (2) inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the sheriff upon request. Items photographed must be accurately depicted and submitted as digital images in a format specified by the sheriff, electronically cross-referenced to the reportable transaction they are associated with. Entries of required digital images shall be retained a minimum of ninety (90) days.

(e) Scrap metal dealers must submit every report of a transaction, as defined in paragraph (c), to the RLEA daily in the following manner. Scrap metal dealers must submit all information required in paragraph (c) and the digital photograph specified in paragraph (d) by transferring it from their computer to the web server via modem designated by the RLEA. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the RLEA using procedures that address security concerns of the scrap metal dealer. The scrap metal dealer must display a sign

of sufficient size in a conspicuous place on the premises which informs sellers of the transactions reported daily to the RLEA.

(f) If a scrap metal dealer is unable to successfully transfer the required reports by modem, the dealer must provide the RLEA with printed copies of all reportable transactions by 12:00 noon the next business day.

(g) If a problem is determined to be in the scrap metal dealer's system and is not corrected by the close of the first business day following the failure, the dealer must provide the required reports and shall be charged a daily reporting failure fee of \$10.00 until the error is corrected, or if the problem is determined to be outside the dealer's system, then the dealer must provide the RLEA with the required printed reports and resubmit all such transactions via modem when the error is corrected.

(h) Regardless of the cause or origin of the technical problems that prevented the scrap metal dealer from uploading, the dealer shall upload every reportable transaction from every business day the problem has existed. The provisions of this section notwithstanding, the RLEA may, upon presentation of extenuating circumstances, delay the implementation of the daily report penalty.

(i) Notwithstanding s.19.35(1), a law enforcement officer or agency that receives a record under paragraph (a) or a report under paragraph (c) may disclose it only to another law enforcement officer or agency.

(5) PENALTIES. Failure to comply with any of the provisions of this ordinance shall constitute a violation of this chapter punishable according to the penalties set forth in §1.07 of the Brown County Code of Ordinances.