

ORDINANCE NO. 138AN ORDINANCE TO ADOPT
STATE OFFENSES
IN THE VILLAGE OF OCONOMOWOC LAKE

WHEREAS, over the last several years the District Attorney's office for Waukesha County, due to increased work loads, has become increasingly reluctant to issue certain State offenses; and

WHEREAS, upon the adoption of this ordinance, certain State offenses, when the same are not issued as crimes by the District Attorney's office for Waukesha County, could be issued as civil ordinance violations in the Village of Oconomowoc Lake; and

WHEREAS, one example of crimes which under the appropriate circumstances should be issued as civil violations is a violation of Section 943.24 of the Wisconsin Statutes entitled, Issuance of Worthless Checks; and

WHEREAS, the Chief of Police for the Village of Oconomowoc Lake recommends to the Village Board that they adopt the following ordinance.

NOW, THEREFORE, the Village Board of the Village of Oconomowoc Lake, Waukesha County, State of Wisconsin, DOES ORDAIN AS FOLLOWS:

SECTION 1. STATE OFFENSES ADOPTED.

Except as otherwise specifically provided in this Code, the current and future statutory provisions in Chapters 939 through 948, Sections 48.983, 86.06, 86.192, 134.66, 161.47 and 161.571 through 161.577, Wisconsin Statutes, describing and defining regulation against the peace and good order of the State, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a term of imprisonment, are adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any current or future statute incorporated herein by reference is required or prohibited by this Code. Any future amendments, revisions or modifications of the current or future statutes incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of peace and good order of the State.

SECTION 2: PENALTIES.

A. Any person over the age of seventeen (17) years violating the provisions of all previously adopted ordinances shall be subject to a forfeiture of not less than \$10.00 nor more than \$500.00 plus allowable statutory costs per each offense. Failure to pay any forfeiture hereunder shall subject any violator over the age of

seventeen (17) years to be sentenced to the County Jail and/or revocation or suspension of driving privileges.

B. Any person between the ages of twelve (12) and seventeen (17) years shall be subject to a forfeiture of not less than \$10.00 or more than \$500.00 plus allowable statutory costs per each offense, or referred to the proper authorities as provided in Chapter 48, Wisconsin Statutes. Failure to pay any forfeiture hereunder shall subject any violator to the provisions of Section 48.17(2), Wisconsin Statutes.

C. Any person under the age of twelve (12) years shall be referred to the proper authorities, as provided in Chapter 48, Wisconsin Statutes.

SECTION 3: ENFORCEMENT. This ordinance shall be enforced in accordance with the provisions of Section 66.12 and Chapter 799 of the Wisconsin Statutes.

SECTION 4: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 5: EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This ordinance passed this 20 day of February, 1995.

BY THE VILLAGE BOARD OF THE
VILLAGE OF OCONOMOWOC LAKE:

William F. Roberts
William F. Roberts, President

ATTEST:

Cheryl Wierdsma
Cheryl Wierdsma, Clerk

Published or posted on the 22 day of February, 1995.

STATE OF WISCONSIN)
COUNTY OF WAUKESHA)

AFFIDAVIT OF POSTING
ORD 138 State Offenses

The undersigned, being first duly sworn, on oath deposes and states that on Feb 22, 1995 at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village.

to-wit:

- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the northern corner of the junction of West Beach Road and the private drive (South Beach Road) leading into the Borisch, Fischer, Lowry, et al properties.

Robert M. ...

Subscribed and sworn to before me

this 22nd day of February, 1995

Cheryl A. Weidman
Notary Public, Waukesha County, Wisconsin
My commission expires: 11-19-95