

## WAUPACA COUNTY CODE OF ORDINANCES

### Chapter 28

#### 911 Emergency Telephone and Communication System in Waupaca County

- 28.01** Waupaca County has set up an enhanced 911 system.
- 28.02** The Law Enforcement Committee shall be the responsible agency for the ultimate control of the enhanced 911 system and shall be the E911 Governing Board which had been established.
- 28.03** State law specifically, Sec. 146.70, Wis. Stats., provides that a County by Ordinance may levy a charge to be collected by the telephone company through its regular billing system on all service users in Waupaca County to finance the cost related to the establishment of the enhanced 911 system when the system meets with the Statutory requirements under Sec.146, Wis. Stats.
- 28.04** Ameritech, the provider telephone service in Waupaca County has projected the monthly costs to the individual service user would be 24 cents, but in no instance exceeding \$1.00 per access line per month as limited by Sec.146.70(3)8(b), Wis. Stats.
- 28.05** Waupaca County owns or leases and has rights to six tower sites and all frequencies associated with those tower sites.
- 28.06** The Waupaca County Law Enforcement Committee is designated as the responsible agency for the ultimate coordination of the enhanced 911 system; with the Waupaca County Sheriff serving as the coordinator of the functions involving the enhanced 911 telephone system.
- 28.07** Waupaca County authorizes execution of a contract with Ameritech in order to establish a 911 emergency telephone system.
- A.** Dispatch procedures, frequencies and towers, and any requests for Fire and/or Ambulance Service shall be dispatched through the Waupaca County Communications Center. This is to include any and all non-emergency requests as well as informational pages. Other agencies with dispatch capabilities for Fire or Ambulance shall only be used in a back-up situation as requested by the Waupaca County Sheriff's Communications Center. Any agency requesting to use tower sites or frequencies must be granted written approval by the Law Enforcement Committee.
- 28.08** The Waupaca County Board of Supervisors shall implement an ordinance enabling the telephone utility companies in Waupaca County to charge a user fee to establish and finance the enhanced 911 emergency system. For that purpose the County of Waupaca does hereby ordain and create Ordinance No. 28 establishing the following:

Adopted February 16, 1993

Amended June 17, 1997, May 18, 1999, January 20, 2004

**A. Enhanced 911 System**

There is hereby established an enhanced 911 telephone system to be operated and maintained by Waupaca County Sheriff's Department in accordance with the plan and contract submitted to the telephone utilities involved in its operation and/or the Wisconsin Public Service Commission pursuant to Sec. 146.70, Wis. Stats.

**B. Cost Assessment**

All telephone service users in Waupaca County which have access to an enhanced 911 telephone system be required to pay the cost of said system as authorized by Sec.146.70(3), Wis. Stats., and to be determined by the telephone utility companies serving such users in Waupaca County.

**C. Cost Levy and Collection**

All telephone utility companies serving Waupaca County shall bill the service users for all of the costs referred to in Sec. 30.04 and Sec. 146.70, Wis. Stats., and as approved by Wisconsin Public Service Commission and as part of the regular billing to those service users. The actual user service fee shall be 24 cents, but in no instance exceed \$1.00 per access line per month. All revenues collected from the user service charge shall be applied to the actual authorized costs incurred in the installation and maintenance of the enhanced 911 telephone system.

**28.09** Inasmuch as effective operation of the 911 system for Waupaca County is necessary and essential to the public welfare and safety of the citizens within Waupaca County, the Waupaca County Board of Supervisors does hereby establish the Waupaca County Law Enforcement Committee be designated as the responsible agency for the ultimate coordination of the enhanced 911 telephone system. All other phone numbers which have been established for Fire or Ambulance dispatch purposes prior to the enhanced 911 telephone system shall be vacated in accordance with Sec. 146.70, Wis. Stats.

**A.** Upon any request for a copy of any 911 call or transmission, the Sheriff shall be authorized to charge the actual, necessary and direct cost of locating and copying the information requested and shipping the same to the requester. This cost shall be reviewed on an annual basis by the Law Enforcement Committee. If the costs exceed fifty dollars (\$50.00), the costs must be prepaid prior to the requested information being supplied.

**28.10** In order to ensure effective 911 service and protection of the public safety and welfare, the use of the 911 numerical codes or advertising of 911 emergency response services or communication services for emergency purposes by persons not authorized by the Law Enforcement Committee are considered contrary to public safety and considered illegal under this County ordinance.

Adopted February 16, 1993

Amended June 17, 1997, May 18, 1999, January 20, 2004

**A. Penalties**

1. Violations of Sec. 28.10 will result in the Waupaca County Sheriff's Department or Corporation Counsel issuing a citation to the individual or entity involved in the violation.
2. Cash deposits for violation of Sec. 28.10 shall consist of the sum of Two Hundred and 00/100 Dollars (\$200.00) per offense (plus court cost).
3. Each day of continued violation constitutes a separate citable offense violation.

**B. Any person who is issued a citation for violating this Ordinance shall, upon conviction of such violation, be subject to a penalty which shall be as follows:**

1. **First Offense Penalty:** Any person who is cited for a violation of this County ordinance shall, upon conviction thereof, forfeit not less than Two hundred and 00/100 Dollars (\$200.00) nor more than Five Hundred and 00/100 Dollars (\$500.00) together with the costs of such prosecution and in default of such payment shall be imprisoned in the County Jail until such forfeiture and costs are paid, for a period not to exceed ninety (90) days.
2. **Second or Subsequent Offenses:** Penalty for person previously cited for a violation of this Ordinance and previously convicted for a violation within one (1) year shall, upon conviction thereof, forfeit not less than Four Hundred and 00/100 Dollars (\$400.00) nor more than One Thousand and 00/100 Dollars (\$1,000.00) for such offense together with costs; in default of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, for a period not to exceed six (6) months.

**28.11** As and of part of enforcement of the violation of Sec. 28.10, the Circuit Court may, at the request of the Law Enforcement Committee, issue an injunction prohibiting defendant's activities involving the use of the numerical 911 in private communication systems or advertising emergency services not approved by the Law Enforcement Committee.

**28.12** This Ordinance will become effective and enforceable immediately upon adoption by the Waupaca County Board.

Adopted February 16, 1993

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