

City of Waukesha, Wisconsin

Ordinance No. 2020 - _____

**An Ordinance Creating Section 11.45 of the Waukesha Municipal Code,
Regarding Violations of State Department of Health Services Emergency Order #12**

Whereas the State of Wisconsin and the City of Waukesha have declared a state of emergency in response to the increasing coronavirus pandemic; and

Whereas the Wisconsin Department of Health Services has issued Emergency Order #12, Safer at Home Order, which generally orders all persons in the State of Wisconsin to remain at home, with certain stated exemptions; and

Whereas Emergency Order #12 provides that local law enforcement officials may enforce the Order; and

Whereas the Waukesha County District Attorney has issued a memo, dated March 17, 2020, advising law enforcement officers not to issue criminal citations for violation of Emergency Order #12 and instead simply to disband crowds; and

Whereas the City of Waukesha Police Department has determined that the procedure recommended by the District Attorney may be insufficient to address all situations that Waukesha Police Department officers may encounter, and that enforcement of Emergency Order #12 by issuance of municipal citations may be required; and

Whereas the Mayor determined that it is necessary and expedient for the health, safety, protection, and welfare of the citizens of Waukesha that City of Waukesha Police officers have the authority to issue municipal citations for violations of Emergency Order #12, and that there be a municipal penalty for such violations; and

Whereas on March 27, 2020, the Mayor signed an Emergency Order creating Waukesha Municipal Code §11.45, making violations of Emergency Order #12 a municipal offense and prescribing a forfeiture of \$100 plus costs and fees for such violations; and

Whereas the Common Council finds that it is necessary and expedient for the health, safety, protection, and welfare of the citizens of Waukesha that City of Waukesha Police officers have the authority to issue municipal citations for violations of Emergency Order #12, and that there be a municipal penalty for such violations;

Now, therefore, the Common Council of the City of Waukesha do ordain as follows: Pursuant to Wisconsin Statutes §323.14(4)(a) and (b) the creation of Waukesha Municipal Code §11.45 by

the Mayor's March 27, 2020 Emergency Order is hereby ratified and approved in all respects, with §11.45 to read in its entirety as follows:

11.45 Violation of Safer at Home Order. Violation of Wisconsin Department of Health Services Emergency Order #12, Safer at Home Order, dated March 24, 2020, and any extension or amendment thereof, or successor order thereto, is prohibited in the City of Waukesha. The Safer at Home Order is incorporated by reference as if fully set forth herein. Violators shall be subject to a penalty of \$100, plus the maximum municipal court fees provided in Wis. Stat. §814.65(1) and all other applicable fees, surcharges and costs provided for in Wis. Stat. Chapter 814.

All ordinances, or portions of ordinances, inconsistent with this ordinance are hereby repealed.

This Ordinance shall be effective the day after its publication.

Passed the 9th day of April, 2020.

Shawn N. Reilly, Mayor

Attest: Gina L. Kozlik, City Clerk