



CITY OF WAUKESHA

Administration

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Committee: Ordinance and License Committee	Date: 10/8/2018
Common Council Item Number: Click here to enter text.	Date: Click here to enter a date.
Submitted By: Assistant City Attorney Anne M. Iselin	City Administrator Approval: Kevin Lahner, City Administrator - Pending
Finance Department Review: Rich Abbott, Finance Director RA	City Attorney's Office Review: Brian Running, City Attorney BER
Subject: Review and act on proposed amendment to Waukesha Municipal Ordinance 25.08(2)(b)	

Details:

The proposed amendment of Waukesha Municipal Ordinance 25.08(2)(b) would authorize a Civilian Community Service Officer (also known as a CSO) to issue citations for violations of Waukesha Municipal Ordinance 11.09(2)(b)6 (the ordinance which prohibits persons from smoking on City owned property which is posted as no smoking by the City Administrator or his or her designee).

The current ordinance already allows Community Service Officers to issue citations for a number of minor ordinance violations. This amendment would add one more citation to that list. It mainly concerns the continuing problem at the gazebo at Bank Street and the Fox River where numerous individuals have been gathering, smoking and drinking. These individuals have left refuse strewn about the gazebo, benches and surrounding park area. The City Administrator has designated this area as a no smoking area. However, unless the Council authorizes Community Service Officers to issue citations for such violations, the Police Department would be required to have certified law enforcement officers patrol this area and issue citations when he or she could be dealing with more serious issues. This amendment therefore addresses the Waukesha Police Department's manpower issue in light of the foregoing problem.

The other proposed amendments remove the CSO's authority to issue citations for Panhandling. The Common Council is in the process of repealing the Panhandling ordinance due to a recent federal case holding a similar restriction to be unconstitutional. Finally, the remaining changes to 25.08(2) merely specify the specific subsections of each ordinance which may be issued by a CSO.

Options & Alternatives:

The Council may determine it does not wish to allow CSOs to issue citations for smoking violations but would rather have certified law enforcement officers patrol the City's no smoking areas and be responsible for issuing such citations.



Financial Remarks: Given the fact that a CSO is paid less than \$20.00 per hour and the starting salary for a patrol officer is almost \$30.00 per hour, one can assume it would be in the City's financial interest to assign a CSO to issue citations for minor violations (such as citations for smoking violations) and thus free up trained patrol officers to investigate criminal activity which cannot be accomplished by a CSO.

Executive Recommendation:

Recommend approval of the proposed amendment to Waukesha Municipal Ordinance Sec. 25.08(2)(b) Form of Citations, Authority to Issue.