

ORDINANCE NO. 2011-76

ORDINANCE BY THE HEALTH AND HUMAN DEVELOPMENT COMMITTEE AMENDING SECTIONS 5-3 AND 5-4 OF THE RACINE COUNTY CODE OF ORDINANCES RELATING TO SCHEDULE OF DEPOSITS AND CITATIONS AND CREATING SECTION 11-24 OF THE RACINE COUNTY CODE OF ORDINANCES RELATING TO PROHIBITING FRAUD IN PUBLIC ASSISTANCE AND HOUSING ACCOMMODATIONS CASES

To the Honorable Members of the Racine County Board of Supervisors:

The Racine County Board of Supervisors do ordain as follows:

Part 1

Section 5-3(a) of the Racine County Code of Ordinances relating to Schedule of deposits is hereby amended by adding to the schedule of deposits:

11-24	Prohibiting fraud in public assistance and housing accommodations cases	\$100.00 – fraud of less than \$500.00 \$250.00 – fraud between \$500.00 - \$1,000.00 \$500.00 – fraud over \$1,000.00
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Part 2

Section 5-4 (b) of the Racine County Code of Ordinances relating to the issuance of citations; enforcement is hereby amended to read as follows:

(b) In addition to law enforcement officers, the following officials of the county are hereby authorized to issue citations for those provisions of this Code or ordinances specified below. Such officials may delegate this authority to designated employees:

<i>Offense</i>	<i>Enforcement officer</i>
Violation of provisions in chapter 16, article IV	Director of public works, administrator of Ridgewood Health Care Center
Violation of provisions in chapter 14	Public works director
Violation of provision in chapters 12.5 and 18--20	Zoning administrator
Violation of section 11-20	School attendance officer appointed Pursuant to W.S.A., § 118.16(1)(b)
<u>Violation of section 11-24</u>	<u>Human services department director</u>

Part 3

Section 11-24 of the Racine County Code of Ordinances relating to "prohibiting fraud in public assistance and housing accommodations cases" is hereby created to read as follows:

5 **Sec. 11-24. Prohibiting fraud in public assistance and housing accommodations cases.**
6

7 (a) Definitions.
8

- 9 (1) False Representation(s) include failing to report change of income,
10 assets, household members, employment, or other relevant
11 circumstance.
12
13 (2) Public Assistance as used in this ordinance includes Medical Assistance,
14 Child and Spousal Support Services, Child Care Benefits, Wisconsin
15 Home Energy Assistance Program and subprograms, the Food Share
16 Program and Wisconsin Works Program and subprograms under Ch. 49,
17 Wis. Stats.
18
19 (3) Housing or Dwelling Accommodations as used in this ordinance includes
20 assistance obtained through the Housing Assistance programs under s.
21 66.1205, Wis. Stat.
22
23 (4) The term “person” used in this ordinance includes all partnerships,
24 associations, corporations, as well as an individual.
25

26 (b) Fraud with Respect to Public Assistance and Low Income Housing –
27

- 28 (1) No person shall secure or assist in securing public assistance under Ch.
29 49, Wis. Stats. or assistance in dwelling accommodations under Wis.
30 Stat. Sec. 66.1205 by making false representations.
31
32 (2) Any person receiving public assistance under Ch. 49, Wis. Stats. or
33 assistance for dwelling accommodations under Wis. Stat. Sec. 66.1205,
34 who has been notified by the authority of the obligation to report a change
35 in income, assets, household members, employment or other relevant
36 circumstances, shall notify the authority of the change within 10 days.
37

38 (c) No person shall do any act designed to interfere with the proper administration of
39 a public assistance program or dwelling accommodation program.
40

41 (d) No person may accept any supplies or articles issued to another person as public
42 assistance in exchange for or in payment for anything not authorized by the program of
43 assistance. No person may purchase any supplies or articles knowing it to have been issued to
44 another person as public assistance.
45

46 (e) No person who accepts public assistance may tender any alcoholic beverages,
47 cigarettes or anything else not authorized by the program of assistance.
48

49 (f) No person or dependent may sell or exchange supplies or articles issued to that
50 person or dependent as public assistance nor may that person or dependent person use or
51 dispose of such supplies or articles in any other way than as authorized.
52

53 (g) Any person who makes any statement in a written application for aid under
54 Chapter 49 or Chapter 66 of the Wisconsin Statutes, shall be considered to have made an

5 admission as to the existence, correctness and validity of any facts stated which shall be taken
6 as prima facie evidence against the party making it in any complaint, information or indictment,
7 and in any action or proceeding brought for enforcement of any provision of this ordinance.
8

9 (h) Penalties. Any person who violates any provision of this ordinance shall upon
10 conviction, be subject to a forfeiture not to exceed \$1,000 together with costs of prosecution and
11 penalty assessments; and in default of payment of such forfeiture and costs shall be subject to
12 imprisonment in the County jail until such forfeiture and costs are paid. Any person charged
13 with a violation of this section may pay the amount enumerated in section 5-3(a) at the Racine
14 County Clerk of Court's Office in lieu of a court appearance.
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16 (i) Enforcement. The provisions of this chapter shall be enforced by the sheriff's
17 office and the human services director. The use of citations, as described in chapter 5, is
18 hereby authorized.
19

20 Respectfully submitted,

21 1st Reading _____

**HEALTH AND HUMAN DEVELOPMENT
COMMITTEE**

22
23
24 2nd Reading _____

Pamela Zenner-Richards, Chairman

25
26 BOARD ACTION
27 Adopted _____
28 For _____
29 Against _____
30 Absent _____

Gaynell Dyess, Vice-Chairman

Robert N. Miller, Secretary

31
32 VOTE REQUIRED: Majority

33
34 Prepared by:
35 Corporation Counsel

Gilbert Bakke

36
37 _____
David J. Cooke

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39 _____
Jeff Halbach

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44 The foregoing legislation adopted by the County Board of Supervisors of
45 Racine County, Wisconsin, is hereby:

46 Approved: _____

47 Vetoed: _____

48
49 Date: _____,
50

51 _____
52 James A. Ladwig, County Executive
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