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5.01 CIVIL SERVICE. (Am. #42-2001)

- (1) ESTABLISHMENT. There is hereby established a County Civil Service Commission for the Sheriff's Department which shall have such duties, functions and authority as provided under §§59.26, 59.52(8) and Ch. 63, Wis. Stats.
- (2) COMPOSITION AND APPOINTMENT. The Civil Service Commission shall consist of 5 members appointed by the County Board Chairperson, subject to confirmation by the County Board. The term of office for each member of the Commission shall be 5 years, from the first day of January next following such appointment, and until a successor is appointed and qualifies. In the month of November of each year immediately preceding the expiration of the term of office of any such commissioner, the County Board shall elect one member of such Commission to hold office for a term of 5 years from the first day of January next succeeding their appointment and until a successor is elected and qualifies.
- (3) QUALIFICATION. Each member of the Commission shall be a legal resident of Oneida County. Appointments shall be made on the basis of recognized and demonstrated interest in, and knowledge of, the problems of civil service. No person holding any elective or appointive public office in the government of Oneida County shall be appointed a member of the Commission.
- (4) OATH REQUIRED. Each appointed member of the Commission shall take and file the official oath.
- (5) COMPENSATION. The members of the Commission shall receive compensation at the rate established by the County Board from time to time for services actually rendered in conducting the authorized business of such Commission, plus mileage at the prevailing County rate when such services are rendered.
- (6) ORGANIZATION. The Commission shall promptly organize and shall elect a chairperson and a secretary, each to serve one year from the date of election or until a successor has been elected. The secretary shall cause the minutes of the Commission's proceedings to be fully transcribed and to be preserved in a proper record book. All meetings of the Commission shall be at the call of the chairperson, or upon written request of any 2 members directing the secretary to hold such meetings. Three Commissioners shall constitute a quorum. The Commission may make such rules and regulations as may be required for the ordinary conduct of its business.
- (7) COUNTY BOARD ASSISTANCE. The County Board shall provide offices, furniture, stationery, lights, heat, telephone and other necessary supplies and conveniences to enable the Commission to perform its duties.
- (8) RULES AND REGULATIONS. The rules and regulations of the Commission shall be such rules approved by the County Board by Resolution #89, October 12, 1973, and any amendments thereto, all of which are incorporated by reference in this chapter as if fully set forth herein.
- (9) DUTIES. The Civil Service Commission shall:
 - (a) Prepare and publish such rules and regulations to carry out its duties under this chapter to secure the best service for the County. Such rules and regulations shall be submitted to the County Board for its approval.

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- (b) Receive applications and conduct examinations of candidates for protective service designated positions in the Sheriff's Department of Oneida County with such frequency necessary to maintain an eligible list sufficient to meet the needs of the Department.

5.02 CANDIDATES FOR DEPUTY SHERIFF. (Am. #42-2001)

- (1) APPLICATION. Every candidate for the position of Deputy Sheriff of Oneida County shall file a written application with the Sheriff's Department upon forms provided by the Sheriff's Department. Such forms shall be designed by the Commission.
- (2) QUALIFICATIONS. No candidate shall be eligible to apply for or be appointed to the position of Deputy Sheriff unless:
 - (a) The candidate is a citizen of the United States and has been a resident of the State of Wisconsin for at least one year preceding the date of the examination;
 - (b) The candidate shall possess a valid Wisconsin driver's license or such other valid operator's permit recognized by the Wisconsin department of transportation as authorizing operation of a motor vehicle in Wisconsin prior to the completion of the preparatory training course. The results of a check of the issuing agency's motor vehicle files shall constitute evidence of driver's status.
 - (c) The candidate shall have attained a minimum age of 18 years. A birth or naturalization certificate shall serve as evidence of candidate's date of birth.
 - (d) The candidate shall not have been convicted of any federal felony or of any offense which if committed in Wisconsin could be punished as a felony unless the candidate has been granted an absolute and unconditional pardon.
 - (e) The candidate shall possess a Wisconsin high school diploma or a diploma issued by an out of state high school accredited by an appropriate agency of the state or shall have passed the general education development diploma test or any other test recommended by the Wisconsin department of public instruction as indicating high school diploma level.
 - (f) A candidate for employment as a law enforcement officer shall possess either a 2-year associate degree from a Wisconsin technical college system district or its accredited equivalent from another state or a minimum of 60 fully accredited college level credits.

5.03 EXAMINATIONS. (Am. #42-2001)

- (1) WRITTEN AND ORAL EXAMINATION REQUIRED. The Commission shall conduct competitive examinations, written and oral, for the candidates for Deputy Sheriff and for promotions within the Sheriff's Department. The Commission may require candidates to take the written examination given by the division of merit recruitment and selection in the department of employment relations.
- (2) BASIS. The basis of the examination shall be within the determination of the Commission. The weights, if any, to be given to previous experience, training, written or demonstration test, oral test and the other phases or elements of the examination to which the candidate may be subjected shall be provided for in advance by the rules of the Commission. The names of those persons passing the examination shall be placed on an eligible list in the order of their final grades in the examination.
- (3) NOTICE OF EXAMINATION. Notice of the date, time and place for conducting such examination shall be published in a newspaper of County-wide circulation at least twice prior to the date set for such examination.
- (4) WHEN CONDUCTED. Such examination shall be offered with such frequency necessary to maintain an eligible list sufficient to meet the needs of the Department.
- (5) BACKGROUND INVESTIGATION. A background investigation shall be conducted by or on behalf of the Commission. The Commission shall certify in a document subscribed and sworn to by the affiant

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that a reasonably appropriate background investigation has been conducted, what persons or agency conducted the investigation and where written results of the investigation are maintained on file.

- (6) **DISQUALIFICATIONS.** Consistent with the Americans With Disabilities Act, the Wisconsin Fair Employment Act and other applicable state and federal law, the Commission may refuse to examine a candidate or, after examination, to certify a candidate as eligible who:
- (a) Is found to lack any of the established essential requirements for the position for which the candidate applies.
 - (b) Suffers from any physical, emotional or mental condition which might adversely affect performance of duties as a law enforcement officer that cannot be reasonably accommodated.
 - (c) Is addicted to the habitual use of intoxicating beverages to excess, or to the use of morphine, cocaine or other deleterious drugs.
 - (d) Has been guilty of a crime or of infamous or disgraceful or immoral conduct.
 - (e) Has been guilty of a dishonest or cruel act.
 - (f) Has been dismissed for good cause from public service.
 - (g) Has used or attempted to use any personal or political influence to further the candidate's eligibility or appointment.
 - (h) Has intentionally made a false statement in any material fact.
 - (i) Has practiced or attempted to practice any deception or fraud in his application or examination or in securing his eligibility or appointment.
 - (j) Is found to be deficient in personal qualifications requisite for the position for which the candidate applies.
- (7) **PROMOTION EXAMINATION.** The Commission shall conduct all examinations for promotions into protective service designated positions. Such examinations and qualifications shall conform to the schedule of subjects and weights for each position as shall be set by the Commission for each examination at the time of advertising. The Commission may require candidates to take a written examination given by the division of merit recruitment and selection in the department of employment relations.

5.04 APPOINTMENTS. (Am. #42-2001)

- (1) **SHERIFF'S RESPONSIBILITY.** The County Sheriff shall make appointments to the position of Deputy Sheriff, whenever a vacancy occurs. Each appointment shall be made from the list of candidates who are certified as eligible by the Commission. The Commission shall certify to the Sheriff the names of 3 persons standing highest on that list, from which the Sheriff shall make a selection. If more than one vacancy is to be filled, the Commission shall certify to the Sheriff one additional name from that list for each additional vacancy.
- (2) **TIME OF APPOINTMENT.** In case of a vacancy, such appointment shall be made after the receipt of the certified list from the Commission.
- (3) **ADDITIONAL EXAMINATIONS REQUIRED.** As a condition of any employment offer made to a candidate the sheriff shall require the candidate to undergo a physical examination, psychological examination and preemployment drug test to determine that the candidate is free from any physical, emotional or mental condition which might adversely affect performance of duties as a law enforcement officer that cannot be reasonably accommodated.
- (a) The applicant shall complete a personal medical history, a copy of which is to be submitted to the examining physician.

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- (b) The examination shall be by a Wisconsin licensed physician who shall provide a written report on the results of the examination.
- (c) The candidate shall also undergo a psychological examination performed by a licensed psychologist or psychiatrist who shall provide a written report on the results of the examination.
- (d) The candidate shall submit to a drug test as provided in Wis. Adm. Code § LES ch. 2.02.
- (4) BOND. The Sheriff, in appointing deputies under this chapter, may require a uniform bond of not less than \$1,000.00 nor more than \$5,000.00, the premium on such bond to be paid by the County.
- (5) CHARACTER INVESTIGATION. As a condition of any employment offer made to a candidate the sheriff shall conduct a character investigation.
 - (a) The candidate shall be of good character as determined from a written report containing the results of the following:
 - 1. The fingerprinting of the candidate and with a search of local, state and national fingerprint records.
 - 2. Such other investigation as may be deemed necessary to provide a basis of judgment on the candidate's loyalty to the United States or to detect conditions which adversely affect performance of one's duty as a law enforcement officer.
- (6) PROBATIONARY PERIOD. All deputies under this chapter shall be on probation during the first 12 months next succeeding their appointment. Such probationary employees may be discharged by the Sheriff and the Civil Service Commission acting jointly at any time before the termination of such probationary period.
- (7) RESIDENCY. Every appointee to the position of Deputy Sheriff shall reside in Oneida County or within 40 miles of the Oneida County Courthouse, or shall establish such residence within 90 days of such appointment. If such appointee should at any time reside elsewhere thereafter, the appointee shall be deemed to have resigned from the position of Deputy Sheriff.
- (8) DISMISSAL OR SUSPENSION. Deputy Sheriffs shall hold office on good behavior and efficiency and shall not be dismissed from office or suspended except as provided hereunder.

5.05 *SUSPENSION, DISMISSAL OR OTHER DISCIPLINARY ACTION. (Am. #42-2001)*

- (1) WRITTEN COMPLAINT. Whenever the Sheriff, Chief Deputy or a majority of the members of the Commission believe that a deputy has acted so as to show himself or herself to be incompetent to perform his or her duties or to have merited suspension, demotion or dismissal, a report in writing shall be made to the Grievance Committee setting forth specifically the complaint.
- (2) GROUNDS FOR DISCIPLINARY ACTION. Any member of the County Sheriff's Department may be suspended, demoted or dismissed in accordance with §59.26(8)(b), Wis. Stats., when charged with any of the following offenses:
 - (a) Commission of a crime under any law.
 - (b) Intoxication or unauthorized drinking intoxicants on active duty.
 - (c) Insubordination.
 - (d) Willful neglect of duty.
 - (e) Willful neglect of or disobedience to any order or department rule.
 - (f) Absence from duty without leave.
 - (g) Conduct unbecoming an officer or detrimental to the service.
 - (h) General inefficiency and incompetency.

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- (i) Communicating information on criminal or civil investigations outside the department without permission.
 - (j) Making a false official statement or entry in official records.
 - (k) Willful maltreatment of a prisoner.
 - (l) Sleeping while on active duty.
 - (m) Uncleanliness in person or dress on active duty.
 - (n) Destructive criticism of departmental orders to the outside public.
 - (o) Refusing to give identification when requested.
 - (p) Failure to report any member known to be engaged in criminal activities.
 - (q) Misuse or unauthorized use of departmental equipment.
 - (r) Any other act or omission contrary to good order and discipline, or constituting a violation of any of the provisions of the rules and regulations of the Department.
- (3) LIMITED SUSPENSION. For any degree of misconduct by a Deputy Sheriff which the Sheriff believes not serious enough to warrant the filing of formal charges as provided in subsection (1), the Sheriff may discipline by suspending such Deputy Sheriff without pay for a period not to exceed 10 days. In such cases, the Deputy Sheriff may request in writing a formal hearing by the Grievance Committee. If timely appeal is made, the Sheriff may file written charges with the Grievance Committee as provided in subsection (1).

5.06 GENERAL PROVISIONS. (Am. #42-2001)

- (1) POLITICAL ACTIVITIES RESTRICTED. No person holding the position of Deputy Sheriff under this chapter shall, during the hours when on duty or otherwise acting in an official capacity, engage in any form of political activity. Any violation of this subsection shall be adequate grounds for disciplinary action.
- (2) SALARY AND NUMBER OF APPOINTMENTS. The County Board shall fix from time to time the number of Deputy Sheriffs to be appointed and the salaries to be paid, but the number of Deputy Sheriffs shall not be less than required by §59.26(1)(a) and (b), Wis. Stats.
- (3) REDUCTION OF PERSONNEL. If the County Board determines at any time that the personnel of the Sheriff's Department is too large and that a reduction in the number of Deputy Sheriffs is necessary, Deputy Sheriffs shall be dismissed to bring about such reduction. Such Deputy Sheriffs so dismissed shall be those individuals with the least seniority with respect to service and shall be reappointed without examination if the personnel is increased or if any vacancy occurs within 2 years after their dismissal, provided they meet the physical requirements of the Civil Service Commission.
- (4) TEMPORARY APPOINTMENTS.
 - (a) When need exists for the filling of a position in the civil service for a period of not to exceed 6 months' duration, a temporary appointment shall be made for such period from the proper eligible list or as provided in §63.05(3)[, Wis. Stats]. Such temporary appointment may be extended once for not to exceed 6 months by resolution of the county board after receipt by it of a recommendation for such extension from the civil service commission. The acceptance or refusal by an eligible of a temporary appointment shall not affect that person's standing on the eligible register for permanent employment nor shall the period of service of any temporary appointment be counted as a part of the probationary service required after appointment to a permanent position.
 - (b) This subsection shall apply to a position created on a temporary basis or to a temporary appointment to a position created on a permanent basis.

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- (5) DEPARTMENT RULES. The Sheriff, the Chief Deputy and the Civil Service Commission shall jointly prepare Department rules for the general administration and efficient operation of the Sheriff's Department and shall submit such rules to the County Board for its approval. Upon approval, such rules shall be the Department rules, and the Deputy Sheriffs shall be required to conduct themselves in accord with such rules.
- (6) LEAVE OF ABSENCE. Any full-time Deputy Sheriff volunteering or inducted into the armed forces of the United States shall be considered on leave of absence and shall retain all seniority rights and rank accumulated at the time of induction into service, provided such Deputy Sheriff returns to work within 90 days from the date of honorable discharge from the military service and satisfactorily evidences physical fitness to perform the duties of Deputy Sheriff.
- (7) REPEAL. The County Board may repeal this chapter at any time in conformity with §59.21(8)(d), Wis. Stats.

5.07 STANDARDS OF EFFICIENCY; ANNUAL REVIEW. (Am. #42-2001)

- (1) ESTABLISHMENT.
 - (a) *Standards.* The Commission shall devise and introduce a standard of efficiency for all deputy sheriffs. Such standard shall note the quantity and quality of service which ought fairly to be expected, the manner in which service should be rendered and the regularity and punctuality of attendance and other regulations which should be observed in the performance of such service.
 - (b) *Records.* Records of efficiency of all deputy sheriffs shall be maintained by the Commission. This record shall consist of markings derived from the periodic reports of superior officers. These reports shall be reviewed by the Commission on an annual basis.
 - (c) *Regulations.* The Commission shall from time to time, by written order recorded in its minutes, adopt regulations prescribing subjects, items or factors upon which the efficiency markings reported by superior officers shall be based and shall provide schedules of merits and demerits applying to such subjects, items or factors, together with weights assigned to each subject, item or factor. The subjects, items or factors prescribed shall be based upon the duties of the deputy sheriff and shall be uniform for all deputy sheriffs, and shall be such as will indicate fairly the quantity and quality of service rendered and the manner in which it was rendered, and the weights assigned shall be such as will represent fairly the relative value of such subjects, items or factors.
 - (d) *Reports.* Reports shall be obtained at such times as the Commission in its discretion shall direct from the superior officers. Reports shall contain markings of the efficiency of all deputy sheriffs under the respective supervision of such superior officers. Such markings shall be made in accordance with the regulations of the Commission, and may be verified by the Commission.
 - (e) *Investigations.* Nothing in this section shall interfere with the right of the Commission to investigate and enter such markings as it may deem proper for the efficiency of any deputy sheriffs, or of the efficiency of all deputy sheriffs, or of the conduct of the County Sheriff. As a result of such investigation, the Commission may enter markings for the efficiency of the deputy sheriffs involved, or may recommend action by superior officers or by the Sheriff or Chief Deputy.
 - (f) *Right of inspection.* Records, reports and markings of efficiency of Deputy Sheriffs shall be open at all times to the inspection of the Commission and the efficiency records maintained by the Commission shall be open to the Sheriff, Chief Deputy and the superior officers of the department. All reports and records of efficiency shall be open for inspection at all reasonable hours to the Deputy Sheriffs to whom they apply.
- (2) MINIMUM RATING. A Deputy Sheriff's failure to maintain at all times an efficiency rating of 70 percent shall be sufficient evidence for dismissal on grounds of incompetency and inefficiency.

5.08 LEAVES FOR CANDIDATES FOR POLITICAL OFFICE. (Am. #42-2001)

If a deputy sheriff is the Sheriff elect, his or her tenure as a deputy sheriff shall terminate upon his or her executing and filing the official bond and oath as Sheriff, unless the deputy request in writing from the Sheriff a leave of absence for the period the deputy hold the office of Sheriff. The Sheriff shall grant such request. Such Deputy shall be reinstated as Deputy Sheriff upon completion of his or her duties as Sheriff and the time spent as Sheriff shall count as tenure as though such deputy had not been on such leave of absence; provided the tenure as Sheriff is not terminated for reasons of conduct unbecoming an officer or for improperly performing his or her duties as an officer of the law. If his or her tenure in the office of Sheriff is terminated for such reasons, he or she shall be granted a hearing in the manner provided by §59.26(8)(b), Wis. Stats., and he or she shall not be reinstated as a deputy sheriff unless so ordered after such hearing.

5.09 CHIEF DEPUTY. (Am. #42-2001)

- (1) **APPOINTMENT.** Selection of the Chief Deputy shall be made on the basis of competitive examination, and the Chief Deputy shall be given civil service status the same as any other deputy. The Chief Deputy shall be appointed by the Sheriff in the same manner as any deputy sheriff subject to the qualifications and physical examinations of a new deputy as provided in this chapter, and shall be subject to all the provisions of this chapter which are not inconsistent with the provisions of this section.
- (2) **APPLICATION.** Candidates for the office of Chief Deputy shall file an application in writing with the Sheriff's Department on forms to be furnished thereby. Such forms shall be provided by the Civil Service Commission.
- (3) **QUALIFICATIONS.** The qualifications for the office of Chief Deputy shall be determined by the Civil Service Commission.
- (4) **DUTIES.** The Chief Deputy shall perform those duties set forth in the rules and regulations adopted by the Civil Service Commission. The office of Chief Deputy is intended to provide, within the limitations of existing law and the Constitution, a continuity in law enforcement as it relates to the Sheriff's Department, to provide any incoming Sheriff a working organization and to relieve the Sheriff of many details in connection with the responsibilities of that office. All general policy decisions and direction shall still ultimately come from the Sheriff, but the Chief Deputy shall furnish the necessary leadership and administration on a continuing basis so as to eliminate morale problems and provide a more efficient operation of the Department.
- (5) **EXAMINATION.** Candidates for the position of Chief Deputy shall be given examinations by the Civil Service Commission pursuant to this chapter.
- (6) **APPOINTMENT.** The Chief Deputy appointed in conformity with this section shall hold office in the same manner as any other deputy.
- (7) **ADMINISTRATIVE DUTIES.** The Chief Deputy shall outrank all other personnel of the Sheriff's Department except the Sheriff. In addition to performing the duties of a deputy Sheriff, they shall be the head administrative officer under the Sheriff.
- (8) **TENURE.** The tenure of the Chief Deputy shall be subject to all the provisions of this chapter.
- (9) **SALARY.** The salary of the Chief Deputy and Lieutenants shall be set by the County Board upon recommendation of the Personnel Committee.

5.10 RULES AND REGULATIONS.

The official rules and regulations of the Oneida County Sheriff's Department shall be such rules prepared by the Civil Service Commission and approved by the County Board.

5.15 PENALTY.

Any person who violates any provision of this chapter shall be subject to a penalty as provided in §25.04 of this General Code.

5.20 ENHANCED EMERGENCY 9-1-1 TELEPHONE SYSTEM. (Cr. #74-2003; Am. #78-2008)

- (1) **AUTHORITY.** This ordinance is enacted under the authority of Wis. Stat. §146.70.
- (2) **PURPOSE.** This ordinance is enacted for the purpose of creating an enhanced emergency telephone system which can be accessed from telephones located in Oneida County by dialing the numbers 9-1-1.
- (3) **ADMINISTRATION.** This ordinance shall be administered by the Oneida County Sheriff's Department through its Enhanced Emergency 9-1-1 Communications Center.
- (4) **PLAN OF OPERATION.** There is hereby created in Oneida County an Enhanced 9-1-1 emergency telephone system with public safety answering points (PSAP) located in Rhinelander and Minocqua. The system shall be partially funded through a surcharge on the telephone bills of the users of said system as permitted as Wis. Stat. §146.70(3). The service supplier shall provide the essential components of such system, including arrangements with other telecommunications utilities to allow the system to be functional throughout Oneida County.
- (5) **EMERGENCY NETWORK AND UNIVERSAL NUMBER SERVICE; INSTALLATION OF EQUIPMENT.** The service supplier shall install and maintain an E 9-1-1 emergency telephone system and provide a universal central office number 9-1-1 for use by the County's PSAP in protecting the safety and property of the general public. The system shall operate so that when the number 9-1-1 is dialed it will provide the following E 9-1-1 system features to all access lines described in subsection (7).
 - a. Automatic number identification (ANI).
 - b. Automatic location identification (ALI).
- (6) **APPLICATION OF TARIFF.** The service supplier's provision of the services contemplated herein shall be governed by its tariff.
- (7) **EXCHANGE AREAS COVERED BY E 9-1-1 OPERATIONAL PLAN.** The E 9-1-1 system established herein shall be provided to all telephone users in Oneida County served by any telephone exchange.
- (8) **SYSTEM COSTS; ASSESSED AGAINST USERS.** The service supplier shall bill its customers within the County in amounts sufficient to recover its nonrecurring and recurring charges, as provided for in Wis. Stat. §146.70(3), and in the manner allowed by Public Service Commission rules, regulations and tariffs. For purposes of determining the charges to be so billed, the service supplier is hereby authorized to assess the following charges against telephone lines located in Oneida County.
 - a. *Nonrecurring Charges.* Total nonrecurring charges of \$35,664.91 shall be recovered by the service supplier over a period of 36 months at the rate of \$0.32 per month per telephone line.
 - b. *Recurring Charges.* In addition to nonrecurring charges, recurring charges of \$9,406.42 per month shall be recovered by the service supplier at the rate of \$0.29 per month per telephone line or at such other rate as may be authorized from time to time by the Public Service Commission.
- (9) **USER RATES; SUBJECT TO CHANGE.** The service supplier shall review access line counts 60 days before cutover and annually thereafter. This count shall be provided to the county. The access line count shall be used as the basis for adjusting the monthly user rate. The service supplier shall timely notify the County, in writing, whenever any change is pending to its tariff, whether initiated by the service supplier, the Public Service Commission or any other person.

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- (10) **USER CHARGES; SELECTIVE ROUTING.** Telephone utility costs for selective routing, whether for equipment or recurring expenses, shall not be included in any user charge authorized under this ordinance unless agreed to between the telephone utility, the municipality and the County.
- (11) **REGULATED USE.** No person shall:
- a. Use the Enhanced Emergency 9-1-1 telephone system for regular business or non-emergency calls.
 - b. Intentionally dial the number 9-1-1 to report an emergency knowing that the fact or situation reported does not exist.
- (12) **PENALTY.** Any person violating any provision of subsection (11) above shall be subject to a penalty as provided in Section 25.04 of the Oneida County General Code.

5.25 DISPOSITION OF DUTY WEAPON UPON RETIREMENT. (Cr. #19-2005)

- (1) Any Sheriff or Deputy Sheriff who resigns from service to the county, provided that service is not terminated for reasons of conduct unbecoming of an officer or for improperly performing his or her duties as an officer of law, may request to purchase their assigned duty pistol. The Law Enforcement and Judiciary Committee may authorize the sale and the sale price shall be the current market value as determined by an independent appraiser.
- (2) Any Sheriff or full-time Deputy Sheriff who retires with a minimum of twenty (20) years of continuous service with Oneida County may be allowed to retain their assigned duty pistol with the approval of the Law Enforcement and Judicial Committee.
- (3) This section shall not be considered part of the Oneida County Civil Service Ordinance.