



Legislation Text

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Fiscal Note

The proposed ordinance change explicitly grants Court Services personnel authority to issue and be named in parking complaints. This has been the practice since approximately 2006. There is no fiscal impact from the change.

Title

Amending Section 1.08(5) of the Madison General Ordinances to grant Court Services personnel authority to issue and be named in parking complaints.

Body

DRAFTER'S ANALYSIS: This proposal amends Sec. 1.08, MGO, to permit Court Services personnel to issue and be named in complaints to enforce Chapter 12 violations, which include all parking ordinance violations. Previously, commissioned Madison Police Department officers issued and were named in parking complaints on behalf of the City. In approximately 2006, the City created the Department of Court Services and civilians took over this role with respect to parking complaints.

Wis. Stat. § 800.02(2) generally sets forth the requirements to be contained within a parking complaint. Wis. Stat. § 800.02(2)(b) (parking violations shall follow the citation and complaint form specified in par.(ag)). Wis. Stat. § 800.02(2) provides that a parking “complaint shall contain the name of a law enforcement officer, attorney representing the municipality, or, if applicable, a conservation warden.” However, the Common Council may authorize additional municipal officials “to issue and be named in . . . complaints with respect to ordinances which are directly related to the official responsibilities of the officials.” *Id.* The Common Council must grant authority to other municipal officials by ordinance or resolution. *Id.*

To date, City staff have been unable to identify an ordinance or resolution granting authority to Court Services personnel to issue and be named in parking complaints. As such, the purpose of this proposal is to explicitly grant such authority to these municipal officials, as the parking ordinances directly relate to the official responsibilities of Court Services personnel.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (5) entitled “Issuance of Parking Complaints” of Section 1.08 entitled “Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is created to read as follows:

“(5) Issuance of Parking Complaints. Court Services personnel, within the Records Department of the Madison Police Department, may issue and be named in complaints for enforcement of any ordinance under Chapter 12.”

2. The title of Section 1.08 entitled “Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended to read as follows:

“1.08 ISSUANCE OF CITATIONS AND COMPLAINTS FOR VIOLATIONS OF CERTAIN ORDINANCES AND PROVIDING A SCHEDULE OF CASH DEPOSITS.”

3. Subsections (5) through (8) of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances are hereby renumbered to Subsections (6) through (9), respectively.