

**SHEBOYGAN COUNTY ORDINANCE NO. 01 (2013/14)**

Re: **Creating Alternate Procedures for Parking Violators**

**WHEREAS**, under the current version of the Uniform State Deposit Schedule, if a Sheboygan County law enforcement officer wrote a uniform traffic citation to a person for violating a state parking law which has been adopted as a County Ordinance violation, the offender would be subject to a forfeiture of between \$144.50 and \$264.50, depending on the nature of the parking violation, and

**WHEREAS**, because of the high forfeiture potential for such offenses, law enforcement officers have been reluctant to write parking citations and, as a consequence, parking regulations may be under-enforced, and

**WHEREAS**, it is appropriate to implement an alternative procedure for the enforcement of parking regulations which has a forfeiture level more appropriate for the violation;

**NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. **Alternate Procedures for Parking Violators.** Sections 34.10 and 34.11 of the Sheboygan County Code of Ordinances are hereby amended to read as follows (redlining indicates additions; strikeouts indicate deletions) (only those sections or portions of Sections affected appear):

- 34.10(1)(a) Any person who shall have violated any of the Sections of this Chapter or the restrictions applicable to the roads set forth as Section 21.08 or to the locations subject to Chapter 62.00 at the Sheboygan County Memorial Airport or to the parks and recreational facilities at Sections 24.05(15) or 24.05(20) and 24.06(7) may be subject to a written warning notice of a parking violation, an administrative parking citation or a judicial parking citation ~~issued by the Sheriff's Department~~, and/or have the vehicle towed away at the owner's expense if the vehicle remains in violation for more than twenty-four (24) hours as determined by the Sheriff's Department (in conjunction with the Sheboygan County Building Services Department as to the parking areas referred to in Section 34.09).
- (b) General parking offenses include but are not limited to parking without a permit and parking in a prohibited parking location.
- (c) General parking violations shall have a ~~forfeiture~~ ~~an~~ administrative assessment of Ten Dollars (\$10.00) which must be paid or contested within ten (10) days from the date of issuance of the citation. Failure to pay or contest the citation within ten (10) days shall result in an additional ~~penalty~~ ~~administrative assessment~~ of Fifteen Dollars (\$15.00) for a total forfeiture of Twenty-five Dollars (\$25.00). Violators shall have an additional ten (10) days to make the payment of the Twenty-five Dollar (\$25.00) forfeiture or to contest the violation. Failure to make payment or to contest the citation shall ~~may~~ result in the issuance of a Uniform Traffic Citation in the amount of Twenty-five Dollars (\$25.00) plus the cost of prosecution.

#### 34.11 PROCEDURES.

- (1) Election by Issuing Official. The person enforcing of non-moving parking violation may elect to issue an administrative citation or a judicial citation. The administrative citation shall be issued on a form prepared by the Sheriff. By the payment of the prescribed administrative assessment or an administrative parking citation for the violation, the recipient consents to the allegation but no record of conviction is created.
- ~~(4)~~(2) Administrative Citation. Upon receipt of an administrative parking citation from the Sheboygan County Sheriff's Department ~~as set forth in this Chapter~~ or by such County employees as may be designated by the Sheriff to enforce non-moving violations related to County facilities under their supervision or administration, the person may:
  - ~~(a) Stipulate guilt~~Consent to the allegation within the time set forth on the administrative parking citation and deliver in person or mail the administrative parking citation together with the ~~forfeiture payment~~administrative assessment payable to the Sheboygan County Treasurer at the Sheboygan County Law Enforcement Center; or
  - (c) If the person seeks an administrative review, the Building Services Director or ~~designee~~such other designee of the Sheriff shall, within ten (10) days of the receipt of the Administrative Review Request, obtain and review the reports from the Sheriff's Department or other issuing employee and shall evaluate the report and the information provided on the Administrative Review Report and shall either vacate the citation or confirm the citation. Within fifteen (15) days of receipt of the Administrative Review Request, the ~~Director or designee~~designated reviewer shall notify the Sheriff or other Department issuing employee and the person of the decision. If the citation is confirmed, the person shall have ten (10) days to pay the ~~citation~~administrative assessment.
- ~~(2)~~(3) Judicial Citation.
  - (a) Judicial citations may be issued where the person ignores the administrative citation procedures in Subparagraph ~~(4)~~(2), above, refuses to pay the ~~forfeiture~~administrative assessment in Subparagraph (1); or where the person continues to challenge the

administrative citation issued in Subparagraph (1)(2); or in lieu of an administrative citation at the option of the issuing officer.

Section 2. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 16th day of April, 2013.

**LAW COMMITTEE**

Thomas V. Epping  
Thomas V. Epping, Chairperson

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Michael J. Vandersteen, Vice-Chairperson

Mark S. Winkel  
Mark S. Winkel, Secretary

Vernon Koch  
Vernon Koch

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Michael S. Ogea

Opposed to Introduction:  
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ENACTED 05.21.2013

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