

CHAPTER 4
POLICE DEPARTMENT

	<u>PAGE NO.</u>
<u>4.01 Police Department</u>	4-1
<u>4.02 Chief of Police, Powers and Duties</u>	4-1
<u>4.03 Police Officers</u>	4-2
<u>4.04 Alarm Systems</u>	4-2
<u>4.05 Adult School Crossing Guards</u>	4-4

4.01 POLICE DEPARTMENT.

(1) COMPOSITION. The Police Department shall consist of the Chief of Police and such number of subordinates as the Council shall from time to time deem necessary.

(2) APPOINTMENT; TERMS. Pursuant to §62.13, Wis. Stats., the Police and Fire Commission shall appoint the Chief of Police who shall hold office during good behavior subject to suspension or removal by the Commission for cause. The Chief of Police shall appoint subordinates, subject to approval by the Commission. Such appointments shall be made by promotion when this can be done with advantage; otherwise, from an eligible list provided by examination and approval by the Commission and kept on file with the City Clerk.

(3) REGULATIONS. Members of the Department shall be governed by the rules and regulations adopted by the Police Chief, resolutions and ordinances adopted by the Council, and the Wisconsin Statutes.

(4) DISCIPLINARY ACTIONS. Disciplinary actions regarding the Chief and other members of the Department shall be governed by §62.13(5), Wis. Stats.

4.02 CHIEF OF POLICE, POWERS AND DUTIES.

(1) The Chief of Police shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon marshals and constables.

(2) He shall obey all lawful written orders of the Mayor and the Council.

(3) He shall cause the public peace to be preserved and see that all laws and ordinances of the City and State are enforced, and whenever any violation thereof shall come to his knowledge, he shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender.

(4) He shall exercise supervisory control over all personnel of the Department and may adopt rules and regulations for the government, discipline, equipment and uniforms of police officers.

(5) He shall be responsible for the total operation of the Police Department and the care and condition of the equipment used by the Department.

(6) He shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the Department.

4.03 POLICE OFFICERS.

(1) **GENERAL POWERS AND DUTIES.** Each officer of the Department shall possess the powers conferred on marshals and constables by law, shall preserve the public peace and shall enforce the laws and ordinances of the State and City subject to the orders, rules and regulations of the Chief.

(2) **POWER OF ARREST.** The Chief of Police and any police officer shall arrest all persons in the City found in the act of violating any law or ordinance of the City or State or aiding or abetting in such violation, and they shall arrest without warrant all persons whom they have reasonable grounds to believe have violated any law or ordinance and who will not be apprehended unless immediately arrested, shall take all arrested persons in charge and confine them, and shall within a reasonable time bring such persons before the court having jurisdiction thereof to be dealt with according to the law.

4.04 ALARM SYSTEMS

(1) (Repealed Ord. #2498 – 10/6/03)

(2) **DEFINITIONS.** For the purpose of this section, the terms used shall be defined as follows:

(a) **Security Alarm System.** Any device designed for the detection of any unauthorized entry on the premises, an unlawful act, or any emergency that alerts the Police Department of its commission or occurrence and, when actuated, gives a signal, either visual or audible, or both, and transmits or causes to be transmitted a signal.

(b) **Local Alarm.** A system that gives a signal, either visual or audible, or both, on the exterior or interior portion of the property, but does not leave that structure to a central control receiving location.

(c) **False Alarm.** A signal from an alarm system that alerts the Police Department that results in an emergency response from the Department when a situation of emergency does not exist.

(d) **Private Residence.** Any structure, including multifamily housing, that is primarily used as a dwelling.

(e) **Commercial Building.** Any structure which primary use is not as a dwelling, nor more than 50% of the floor space used as a dwelling.

(f) **Owner** (Cr. Ord. #2498 – 10/6/03). The owner of the property or premises where a security alarm system is installed. However, where the premises protected by the security alarm system is leased or rented property, then the Owner shall be the lessee or property owner having control or ownership of the security alarm system

(3) (Repealed Ord. #2498 – 10/6/03)

(4) (Repealed Ord. #2498 – 10/6/03)

(5) (Repealed Ord. #2498 – 10/6/03)

(6) OPERATIONAL REQUIREMENTS (Am. Ord. #2017 – 12/21/90, Am. Ord. #2498 – 10/6/03).

(a) Duty to Maintain Alarm System. The owner shall maintain the alarm system in proper working order. All security alarm systems shall be equipped with batteries in working order.

(b) Duty to Respond to Alarm. (Am. Ord. #2498 – 10/6/03). The permittee or a representative of the permittee shall be available at all times and shall respond in case the alarm is activated for the purpose of providing access to the building for police officers and resetting the alarm. The permittee or representative shall be at the building for such purpose as soon as reasonably possible and, in all events, within one hour.

(c) Time Delay and Shut-off. All security alarm systems shall be equipped with a 20-second time delay in case the alarm is accidentally tripped. All local alarms shall be equipped with a 15-minute automatic shut-off or some other secure means of turning off the alarm.

(d) Resetting Alarm. Under no circumstances shall a member of the Police Department reset an alarm.

(e) Duty to Provide Information. (Cr. Ord. #2498 – 10/6/03). The owner shall provide the following information to the Police Department:

1. Owner's name, address and phone number.
2. Alarm company's name, address and phone number.
3. If different than the owner, the name, address and phone number of the person designated by the owner to respond to alarms and false alarms.

(7) FALSE ALARMS. (Am. Ord. #2161 – 5/23/94; Am. Ord. #2498 – 10/6/03; Am Ord. #2597 – 9/11/06).

(a) Special Charges. After the alarm system has been installed for 30 days, the owner shall be subject to a special charge of \$100 for each false alarm except the first 2 false alarms in any calendar year. Any such special charge may be waived by the Police Chief or his designee if the owner shows that the false alarm was the result of circumstances beyond the owner's control and the alarm company's control.

(b) Collection of Special Charges. (Am. Ord. #2498 – 10/6/03). Special charges for false alarms, as provided in par. (a) above, shall be billed to the owner and, if not timely paid, shall be placed on the tax roll pursuant to the provisions of §66.0627, Wis. Stats.

(8) (Am. Ord. #2017 – 12/21/90; Repealed Ord. #2498 – 10/6/03).

(9) AUTOMATIC DIALING ALARM SYSTEMS REGULATED. No person shall install any device that, when activated, automatically dials the Police Department and repeatedly gives a recorded message. Automatic systems utilizing a private monitoring system are permitted.

(10) MOTOR VEHICLE ALARMS. This section shall not apply to audible alarms affixed to motor vehicles.

(11) LIMITATION OF LIABILITY. The City shall not be liable for any defects in any alarm system or the central board, or any transmission malfunctions or delays.

(12) PENALTY. Any person who violates any provision of this section shall be subject to a penalty as provided in sec. 25.04 of this Code.

4.05 ADULT SCHOOL CROSSING GUARDS. (Cr. Ord. #1829).

(1) AUTHORIZATION. The Chief of Police shall employ and release from employment, on behalf of the City, as many adult persons as needed to act as school crossing guards and alternates therefor. Such employment is determined to be a governmental function.

(2) GENERAL DUTIES. School crossing guards shall:

(a) Assist school children in the immediate vicinity of schools to cross intersections safely.

(b) Influence and encourage school children to refrain from crossing public streets except at regular crossings.

(c) Direct school children not to cross streets at such times when the presence of traffic renders such crossing unsafe.

(d) Maintain an orderly movement of pedestrian and vehicular traffic consistent with the safety of the children attending school in the City.

(3) CONDITIONS OF EMPLOYMENT. All school crossing guards shall be employed subject to the following conditions:

POLICE DEPARTMENT 4.05 (3) (a)

(a) They shall have no police powers and are specifically determined not to be police officers or policemen within the meaning of §62.13, Wis. Stats., as may be amended from time to time.

(b) They may have hours of employment as shall be determined by the Chief of Police; however, in no event shall any such person be hired for, or actually work, more than 595 hours in any one year. The Chief of Police shall also determine their specific duties insofar as the same are not inconsistent with the general rules provided by this section.

(c) They shall receive such compensation as the Council shall, from time to time, direct.

(d) The Chief of Police shall have the authority to assign school crossing guards to such localities as shall be best suited to afford protection to those persons attending school in the City.

(e) While on duty, they shall wear insignia or uniforms which designate them as school crossing guards, and shall use signs or signals to direct traffic to stop at school crossings. Said insignia or uniforms and signs or signals shall be furnished by the Police Department for use while on duty and returned to the Police Department upon termination of employment.

(f) To be eligible for appointment as an adult school crossing guard, such person shall not be less than 18 years of age, and a resident of the City.