

## **CHAPTER 4**

### **POLICE DEPARTMENT**

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**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 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 pertaining to 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 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; may adopt rules and regulations for the government, discipline, equipment and uniforms of police officers; and shall maintain a personnel file for each member of the Department.

(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 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 law.

**4.04 ALARM SYSTEMS.**

(1) **PERMIT REQUIRED.** No person may install a security alarm system or a local alarm system for any building in the City until a permit therefore has been issued by the Police Chief.

(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 an 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. In addition, the term includes fire alarm systems and alarm systems which monitor temperature, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises.

(b) Security Alarm Business. Any business engaged in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling or servicing alarm systems.

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

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

(3) **APPLICATION PROCEDURE.**

(a) General. Application for a permit shall be submitted to the Police Chief on a form supplied by the Chief, together with the engineering plans of the proposed alarm system and the fee as provided in sub. (4) below:

(b) Security Alarm System. The applicant shall contact the private company which owns the alarm panel located in the Police Station and arrange for hookup to the alarm panel, and shall be responsible for hookup and maintenance charges charged by said private company. The applicant shall also contact the telephone company to arrange for telephone service to implement the security alarm system, and shall be responsible for connection and rental charges charged by said private company. No private residence may be hooked up to the security alarm system control panel at the Police Department.

(4) **PERMIT FEE.** The permit fee shall be set by Council resolution. If there are 2 or more separate systems or a single system with 2 or more functions, a separate fee shall be required for each system or function.

(5) **ISSUANCE OF PERMIT.** Upon approval of the engineering plans of the alarm system by the Police Chief and completion of the application requirements by the applicant, the Chief shall grant and issue the permit.

(6) **OPERATIONAL REQUIREMENTS.**

(a) Duty to Maintain Alarm System. The permittee shall be responsible for maintaining 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. The permittee shall be responsible for responding in case the alarm is activated for the purpose of providing access to the building for police officers and resetting the alarm. Under no circumstances shall a member of the Police Department reset an alarm.

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

(7) Repealed 3-11-03

(8) REVOCATION OF MONITOR ALARM PERMIT.

(a) Grounds For Revocation.

1. The application for a permit contains a statement of material fact which is false.

2. The permittee has repeatedly failed to comply with the provisions of this section.

3. The alarm system of the permittee repeatedly actuates false alarms.

(b) Procedure.

1. The Chief of Police shall file a complaint with the Safety and Ordinance Committee stating the grounds for revocation.

2. The Committee shall set a time to hear the matter.

3. The Committee shall cause notice of the hearing, together with a copy of the complaint, to be served on the permittee at least 7 days before the hearing.

4. The Committee shall hear the matter and render a decision, in writing, giving the reasons therefor.

5. In the event the permit is revoked, the Committee shall order the disconnection of the alarm system.

(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 any penalty as provided in Sec. 25.04 of this Code.

**4.05 DISPOSAL OF ABANDONED PROPERTY .**

(1) DEFINITION. As used in this section, the term "abandoned property" means any personal property which has been abandoned or has remained unclaimed for a period of 30 days after the taking of possession of the property by the City, or anything which is left on property belonging to the City under circumstances and for such a time that it appears that the owner does not have any plan to claim it.

(2) EXCLUSIONS. The provisions of this section do not apply to cash; to abandoned motor vehicles, for which procedure established by statute shall be followed; or to any deposit or trust fund placed in the custody of the City or of any City officer. The provisions of this section shall not apply to any evidence obtained by any means for use in court, which evidence came under the possession of the Police Department; such property, if not claimed by the owner, shall be disposed of in the manner provided by State law.

(3) POSSESSION AND SALE OF ABANDONED PROPERTY. Any abandoned property, except for the exclusions provided in sub. (2) above, found in or on any street, alley, park, City building or other public property shall be handled as provided in this section. The following procedure shall be followed:

(a) If the property is of no value or of nominal value, it shall be disposed of in the manner provided for disposal of trash and garbage.

(b) If the property appears to have value, the Police Department shall be in charge of the sale of said property. The property shall be advertised for sale and shall be disposed of in a sale open to the public. Said sale shall be done in accordance with persons buying said property on a first come-first served basis by any citizen buying the property by offering the asking price which has been established by the Police Department. All receipts from the sale, after deducting the necessary expense of keeping the property and conducting the sale, shall be paid into the City Treasury.