

## **CHAPTER 9-POLICE**

### **CITY OF FENNIMORE**

*(Repealed and recreated 10/14/2013-Ord. #289) (Amended 12/12/16-Ord#2016-9) (Amended 4/10/17-Ord# 2017-5)(Amended 7/24/17-Ord# 2017-10)*

- 9.01 Hiring of Police Officers**
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#### **9.01 HIRING OF POLICE OFFICERS** *(recreated 4/10/17, Ord #2017-5)*

- (1) The Mayor appoints all police officers, including the chief, subject to confirmation by the Common Council.
- (2) The Personnel & Administrative Committee and current City Officers may assist the Mayor in the appointment process, including conducting interviews of potential candidates.

#### **9.02 OPERATION OF THE POLICE DEPARTMENT** *(amended 12/12/16, Ord #2016-9)*

(1) Chief of Police to Exercise Control. The Chief of Police shall have full control and direction of all law enforcement activities within the City subject to the approval of the Mayor as provided by the Wisconsin Statutes.

(2) Authority of Mayor. The Chief of Police and the Chief's subordinates shall not receive any instructions, directions or orders from anyone except the Mayor or the Common Council. The members of the Common Council are prohibited from individually issuing any orders, directions or instructions to the Chief of Police or his or her subordinates. In all respects the Chief of Police shall be solely responsible to the Mayor who may have the advice and services of the Common Council. The same provision shall prohibit the City Attorney from giving any directions or orders to the Chief of Police or his or her subordinates except that he or she shall give them such legal advice as shall be requested that he or she render to them at the request of the Chief of Police, the Mayor, or President of the Common Council.

**9.03 SUSPENSIONS, REDUCTIONS AND REMOVALS** *(amended 12/12/16, Ord #2016-9)*

The Common Council elects to neither establish a board of police and fire commissioners pursuant to Wis. Stat. sec. 62.13(1) nor a citizen’s committee under Wis. Stat. Sec. 66.13(6m)(a). In the event charges are filed against a non-probationary police officer in the City of Fennimore in accordance with the provisions of 62.13(5), the Common Council shall, within 3 business days of receipt of such charges, pursuant to the provisions of Wis. Stat. Sec. 62.13(6m)(b), appoint a person who is not an elected or appointed official of the city and who is not employed by the city to act in place of such board or committee under Wis. Stat. Sec. 62.13(5). Said individual shall have all the powers and duties of the board under Wis. Stat. Sec. 62.13(5) and shall be compensated at a rate to be established by the Common Council from time to time. Pending appointment of an examiner under this section on an as needed basis, charges against subordinate police officers shall be filed with the Chief of Police and charges against the Chief of Police shall be filed with the Mayor or, in the event the Mayor is unavailable, with the President of the Common Council. All probationary officers are subject to removal by the Common Council at its pleasure.

**9.04 DUTIES OF CHIEF OF POLICE**

The Chief of Police shall have command of the Police Force of the City under the direction of the Mayor. It shall be the Chief’s duty to obey all lawful written orders of the Mayor of the Common Council. The Chief shall see that all laws, rules, regulations, ordinances, resolutions and orders of every kind applicable within the City are enforced.

**9.05 POLICE POWERS**

All police shall have power and authority and shall perform such duties as are prescribed by state and federal law, all ordinances of the City and orders, rules and regulations lawfully prescribed by the Mayor or Council. The Chief and each police officer shall possess the powers, enjoy the privileges, and be subject to the liabilities conferred and imposed by law.

**9.06 POWER OF ARREST**

The Chief of Police and any other officer vested with police power shall have full power to arrest, employ such force as may be necessary for the purpose, and may call upon any bystander to assist in the execution of his or her duty.

**9.07 SEARCH AND SEIZURE**

The police officers of the City shall have full right to search and seizure to the extent permitted under laws of the State of Wisconsin and by the laws of the United States.

**9.08 POLICE DAY OF REST**

Pursuant to s. 62.13(7m), Wis. Stats., there is hereby provided, and the Chief shall assign to each policeman in the service, one full rest day of 24 consecutive hours during each 192 hours except in cases of positive necessity by some sudden and serious emergency which, in the judgment of the Chief, demands that such day of rest not be given at that time. Arrangements shall be made so that each full rest day may be had as such times as will not impair the efficiency of the department.

## **9.09 POLICE HOURS**

The working day and work week for police officers shall be as established in and/or consistent with the City's collective bargaining agreement.

## **9.10 DEPARTMENT POLICY** *(Recreated July 24, 2017, Ord. #2017-10)*

The Police Chief shall maintain a policy manual for the Police Department which is consistent with state laws and current law enforcement best practices and professional standards.

## **9.11 UNIFORM CITATION**

(1) Traffic Offenses. Citations issued for traffic ordinance violations shall conform to the requirements of Wis. Stat. sec. 345.11 and Trans 114, Wis. Admin. Code.

(2) Election to Use Citation Method. Pursuant to 66.0113, Wis. Stats., the City of Fennimore hereby elects to use the citation method of enforcement of ordinances, including ordinances for which a statutory counterpart exists.

(3) Citation. Other than citations for traffic offenses, the form of the citation shall contain the following:

- (a) The name and address of the alleged violator.
- (b) Factual allegations describing the alleged violation.
- (c) The time and place of the offense.
- (d) The section of the ordinance violated.
- (e) A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
- (f) The time at which the alleged violator may appear in court.
- (g) A statement which in essence informs the alleged violator:
  - 1. That a cash deposit based on the schedule established in this Code

may be made which shall be delivered or mailed to the Clerk of Circuit Court for Grant County, Wisconsin, or, in the case of parking tickets, the Chief of Police within the time stated on the citation.

2. That if such a deposit is made, no appearance in court is necessary unless the alleged violator is subsequently summoned.

3. That if a cash deposit is made and the alleged violator does not appear in court, he or she will be deemed to have entered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under chapter 814 of the Wisconsin Statutes not to exceed the amount of the deposit, or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.

4. That if no cash deposit is made and the alleged violator does not appear in court, at the time specified, the court may issue a summons or warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment, or an action may be commenced by the City to collect the forfeiture plus costs, fees and surcharges imposed under chapter 814 of the Wisconsin Statutes.

5. That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by a state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the violator into court to determine if restitution shall be ordered.

(h) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under (7) above has been read. Such statement shall be sent or brought with the cash deposit.

(i) Such other information as the City deems necessary.

(4) Schedule of Deposits.

(a) Section 25.04 of this Code establishes a schedule of cash deposits for use with citations issued under this Chapter except where the amount of the deposit is otherwise expressly provided in this Code.

(b) Deposits shall be made in cash, money order, or check to the Clerk of Court for Grant County or, in the case of parking tickets, to the Chief of Police who shall provide a receipt thereof.

(5) Issuance of Citation.

(a) Any law enforcement officer may issue citations authorized under this ordinance.

(b) City officials.

(1) The following City officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities: Building Inspector, Chief of Police and all subordinate police officers, Fire Chief, Weed Commissioner and Zoning Administrator.

(2) Such city officials may delegate their authority to issue citations to their subordinates.

(6) Procedure. S. 66.0113(3), Wis. Stats., relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

(7) Other Remedies. The Common Council is not precluded by this section from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance or law by any other enforcement method to enforce any ordinance, regulation or order.

25.04 PENALTY PROVISIONS AND SCHEDULE OF DEPOSITS

(1) The following schedule establishes the amount of cash deposits for use with citations issued under this Chapter except where the amount of the deposit is otherwise expressly provided in this Code.

**PENALTIES FOR CODE VIOLATIONS**

(Add all court costs and surcharges to amounts listed)

<u>DESCRIPTION</u>	<u>FIRST OFFENSE WITHIN 12 MONTHS</u>	<u>SECOND AND OFFENSE SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
Any offense for which the specified forfeiture is not less than \$1.00 and not more than \$50.00	\$20.00	\$40.00

Any offense for which the specified forfeiture is at least \$1.00 and not more than \$200.00	\$75.00	\$150.00
Any offense for which the specified forfeiture is at least \$1.00 and not more than \$500.00	\$200.00	\$375.00
Any offense for which the specified forfeiture is at least \$501.00	\$501.00	maximum permitted

(2) Penalty For Minors. In the event proceedings are commenced against children aged 16 or older for violations of ch. 10 of this code, or children 14 years of age or older for other violations of this code, except ch. 10, the provisions of ss. 48.17(2), 48.237, 48.37, 48.343 and 48.344, Wis. Stats., shall be applicable.

(3) Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(4) Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the City, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.