

Chapter 70

LAW ENFORCEMENT¹

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¹ ***Cross references:** Administration, ch. 2; civil emergencies, ch. 30; courts, ch. 34; emergency services, ch. 42; offenses and miscellaneous provisions, ch. 82; traffic and vehicles, ch. 122.

ARTICLE I. IN GENERAL

Secs. 70-1--70-30. Reserved.

ARTICLE II. POLICE DEPARTMENT

DIVISION 1. GENERALLY

Sec. 70-31. Personnel; appointment of chief of police and police officers.

The police department shall consist of the chief of police appointed by the police commission and such subordinate police officers the chief of police shall appoint subject to approval by the police commission.

(Code 1986, § 4.01(1); Ord. No. 2001-8, § 1, 12-11-2001)

Sec. 70-32. Compensation of chief and police officers; disposition of fees and deposits.

The chief and the police officers shall receive a salary as fixed by the city council and shall not be entitled to any other compensation. All fees, bail deposits and other special remuneration or funds collected or received by the department or any officers thereof shall be deposited with the clerk-treasurer not less than monthly.

(Code 1986, § 4.01(2))

Sec. 70-33. Tenure of chief of police and police officers.

(a) The tenure of the chief of police shall be during good behavior, subject to suspension or removal by the police commission for cause according to the procedures in § 62.13(3), Wis. Stats., as amended from time to time.

(b) The tenure of subordinate police officers shall be during good behavior, subject to discipline, suspension, reduction, and/or removal according to § 62.13(5), Wis. Stats., as amended from time to time.

(Code 1986, § 4.01(3); Ord. No. 2001-8, § 2, 12-11-2001)

Sec. 70-34. Powers and duties of police officers.

(a) *General powers and duties.* Each officer of the police 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, the mayor and the council.

(b) *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.

(Code 1986, § 4.03)

Sec. 70-35. Fee for Responses to False Alarms.

If the police department responds to a burglary alarm or fire alarm at a property and investigation reveals there has been no break in or fire, the owner of the property shall pay a fee to the city for the police department's response, except that there shall be no fee charged for the first two false alarms at each property each calendar year. The Common Council by resolution shall establish and from time to time may amend the amount of the fee, which shall be set forth in appendix A. Revenue from this fee shall be an unrestricted General Fund resource.

(Ord. 2004-4)

Secs. 70-36--70-50. Reserved.

DIVISION 2. CHIEF²

Sec. 70-51. Powers and duties.

(a) The chief of police shall exercise the powers and duties of city chiefs of police and other powers and duties as provided from time to time by the city council.

(b) 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.

(c) The chief of police shall obey all lawful written orders of the mayor and council.

(d) The chief of police 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.

(e) The chief of police shall exercise supervisory control over all the personnel of his department and may adopt, subject to the approval of the council, rules and regulations for the government, discipline, equipment and uniforms of police officers.

(f) The chief of police shall be solely responsible for the care and condition of the equipment used by his department.

(g) The chief of police shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the department.

(Code 1986, § 4.02(2); Ord. No. 2001-8, § 3, 12-11-01)

² Cross references: Officers and employees, Section 2-91 et seq.

Secs. 70-52--70-70. Reserved.

ARTICLE III. POLICE COMMISSION

DIVISION 1. GENERALLY

Sec. 70-71. Enabling legislation.

As required by and pursuant to § 62.13, Wis. Stats., the common council creates a police commission for the City of Evansville.

(Ord. No. 2001-8, § 4, 12-11-2001)

Sec. 70-72. Creation.

The police commission shall consist of five citizens who are residents of the city, three of whom shall constitute a quorum. The mayor shall annually, on the third Tuesday in April, appoint in writing, to be filed with the secretary of the commission, one member for a five year term. Terms shall be staggered, with one member's term expiring each year, and shall expire on the third Tuesday in April of the appropriate year. All appointments shall be subject to confirmation by the common council. No appointment shall be made which will result in more than three members of the commission belonging to the same political party.

(Ord. No. 2001-8, § 4, 12-11-2001, Ord. 2006-18)

Sec. 70-73. Powers and duties.

The police commission shall perform such duties as are prescribed in § 62.13, Wis. Stats., excepting the optional powers prescribed in § 62.13(6), Wis. Stats.

(Ord. No. 2001-8, § 4, 12-11-2001)

Sec. 70-74. Rules and procedures.

The police commission shall keep a record of its proceedings, and shall adopt rules and procedures to carry out its duties.

(Ord. No. 2001-8, § 4, 12-11-2001)

Sec. 70-75. Vacancies.

Should a vacancy occur due to resignation, death, or removal of a member of the police commission, the mayor shall appoint, subject to confirmation by the common council, a successor who shall serve out the term of the predecessor.

(Ord. No. 2001-8, § 4, 12-11-2001)

Sec. 70-76. Compensation.

The members of the commission shall receive such compensation and reimbursement of expenses as the common council shall determine by motion from time to time, provided, however, no additional compensation shall be paid to a member of the commission who is at the time an elected official of the city.

(Ord. No. 2001-8, § 4, 12-11-2001)