



**ORDINANCE 558
VILLAGE OF ELKHART LAKE
SHEBOYGAN COUNTY, WISCONSIN**

REVISING CHAPTER 4 POLICE DEPARTMENT ORDINANCE

WHEREAS, in reviewing the Village Ordinance Book the Board of Trustees of the Village of Elkhart Lake has decided that Chapter 4 regarding the Police Department needs to be revised, and

NOW THEREFORE, BE IT RESOLVED, that Board of Trustees of the Village of Elkhart Lake after having three readings on the ordinance and in accordance with Wisconsin State Statutes and Municipal Code does hereby ordain as follows:

- 1) That Chapter 4 be hereby revised to read as follows:

**CHAPTER IV
POLICE DEPARTMENT**

4.01 **ORGANIZATION OF THE POLICE DEPARTMENT.**

(1) **PERSONNEL.** The Police Department shall consist of the Chief of Police and such police officers as the Village Board may prescribe by ordinance or resolution. Officers shall serve orientation periods as prescribed by the Chief, and during that time an officer may be laid off or terminated, with or without cause, and without recourse.

(2) **SALARY AND COLLECTION OF FEES.** The Chief and the police officers shall receive a salary as fixed by the Board 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 officer thereof shall be deposited with the Clerk-Treasurer not less than weekly.

(3) **TENURE OF CHIEF OF POLICE, POLICE OFFICERS.** The Chief of Police shall be appointed by the Village Board. The Chief may be removed at any time for cause by a majority vote of the members of the Village Board. Other members of the Police Department shall hold office subject to the power of the Police Chief and the Police Review Commission. The Chief of Police has the power to suspend a subordinate for just cause, but the suspension must be reported to the Chair of the Protection of Person and Property Committee; subordinates can then appeal the suspension and request a hearing by Police Review Commission, The Police Review Commission can suspend or remove any officers at its pleasure, subject to appeal to the Village Board.

4.02 POLICE REVIEW COMMISSION. There is created a 3-person Police Review Commission, who shall be appointed by the Village President and confirmed by the Village Board. Such positions shall have such duties as are provided under the provisions of Section 61.65(1)(am), Stats., to provide a fair review of any suspension, reduction, suspension and reduction, or removal of any police chief or other law enforcement officer of the Village. The three-members of the Police Review Commission shall be appointed when needed.

4.03 POWERS AND DUTIES OF CHIEF OF POLICE.

- (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 by the President and Village Board.
- (3) He shall cause the public peace to be preserved and see that all laws and ordinances of the Village 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 or offenders.
- (4) He shall exercise supervisory control over all the personnel of his Department, and may adopt, subject to the approval of the Village Board, rules, and regulations for the government, discipline, equipment, and uniforms of police officers.
- (5) He shall be solely responsible for the care and condition of the equipment used by his Department.
- (6) He shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions, and dispositions of the Department.

4.04 GENERAL POWERS AND DUTIES OF POLICE OFFICERS. Each officer of the Department shall possess the powers conferred on marshals and constables by law, shall preserve the public peace, and enforce the laws and ordinances of the State and Village, subject to the orders, rules, and regulations of the Chief, the President, and the Village Board.

4.05 POWER OF ARREST. The Chief of Police and any police officer may arrest any person(s) in the Village found in the act of violating any law or ordinance of the Village or State or aiding or abetting in such violation. They may arrest without warrant all persons whom they have reasonable grounds to believe have violated any law or ordinance and who will be apprehended unless immediately arrested. Any officer may take any arrested person(s) in their charge and confine him or her, and may within a reasonable time bring such person before the court having jurisdiction thereof to be dealt with according to the law.

4.06 NEGLECT OF DUTY. Any member of the Police Department who neglects or refuses to enforce the laws of the State of Wisconsin or the Ordinances of the Village, or rules made by proper authority, or who is convicted of a job-related crime, shall be subject to discipline, or expulsion, by action taken by the Village Board.

4.07 SPECIAL PEACE OFFICERS. The President and each Trustee shall be officers of the peace and may suppress in a summary manner any riotous or disorderly conduct in the streets or public places of the Village.

4.08 ASSISTANCE BY CIVILIANS. All persons in the Village, at the request of any police or peace officers shall promptly aid and assist such officer in the execution of his duties.

4.09 ASSISTING ESCAPE OF PRISONERS. No person shall assist any person in the custody of any police or peace officer to escape or attempt to escape from such custody.

4.10 PENALTY. Any person who shall violate any provision of this Chapter shall be subject to penalty as provided in Sec. 20.04 of this Code.

BE IT FURTHER RESOLVED, that this ordinance will become effective upon its publication and posting.

Attest:

Approved and Adopted this
17th of October, 2011

Alan S. Rudnick, President

Jeanette L. Moioffer, Clerk

Steven Kapellen, Trustee