

CHAPTER 3

POLICE DEPARTMENT AND REGULATIONS

3.01 **ORGANIZATION OF THE POLICE DEPARTMENT.**

(1) OFFICERS. The Police Department of the City of New Holstein shall consist of a Chief of Police and such other officers and number of patrolmen as shall be determined and prescribed from time to time by the Common Council.

(2) APPOINTMENT. The Chief of Police shall be appointed by the Police and Fire Commission pursuant to section 62.13(3), Wisconsin statutes. Subordinates shall be appointed by the Chief subject to the approval of the Police and Fire Commission pursuant to section 62.13(4), Wisconsin statutes.

3.02 **CHIEF OF POLICE.**

(1) GENERAL DUTIES. The Chief of Police shall have command of the Police Department of the City under the direction of the Mayor and Common Council. He shall have general administration and control of the Department and shall be responsible for the Department's government, efficiency and general good conduct. He shall perform all duties prescribed to him by the laws of the state and the ordinances of the City, and he shall obey all lawful written orders of the Mayor or Common Council.

(2) TO KEEP THE PEACE. The Chief of Police shall cause the public peace to be preserved and shall arrest with or without process and with reasonable diligence take before the proper court every person found in the City in a state of intoxication or engaged in any disturbance of the peace or violating any law of the state or ordinance of the City. He shall make a diligent effort to know and recognize as many persons as possible in the City and shall make a record of all suspicious persons of bad character and note their movements, habits, associates and the premises they enter or frequent. The Chief shall cooperate with other law enforcement officers in the arrest or apprehension of persons charged with crime.

(3) SPECIAL POLICEMEN. Whenever any emergency may warrant, the Chief, with the approval of the Mayor or Common Council, may appoint as many additional police officers as the Mayor or Council shall authorize to properly police the City and enforce the ordinances of the City and the laws of the state. Such police officers shall be known as special police officers and shall continue in the employ of the City only during the existence of the emergency or until discharged by the Mayor or Common Council.

(4) RECORDS AND REPORTS.

(a) The Chief of Police shall make and file in the office of the City Clerk a daily report of all arrests made, the dates thereof, the names of the persons arrested, the action taken under each arrest and the results. He also shall file a monthly report with the Clerk of the hours he served on active duty during the preceding month; and shall keep such additional records and give such other information as the Mayor or Council may direct from time to time.

(b) **Accident Reports.** The Chief of Police or any police officer while on duty shall investigate all motor vehicle accidents occurring within the City and promptly make and file accident reports of each accident, setting forth therein the names and addresses of the persons involved, the names and addresses of witnesses and all other pertinent data as to the nature, cause and circumstances of the accident.

(5) **EQUIPMENT AND COMPENSATION.** The procurement and use of equipment and supplies required by the Chief of Police in the operation of the Police Department, including his uniform, an automobile for police work, weapons, etc., shall be as prescribed by the Mayor or Common Council from time to time.

The compensation to be paid the Chief and police officers for their services, the hours of active duty, rest days, vacation periods and other involvements of his employment, shall be such as may be determined by the Common Council from time to time.

(6) **DISCIPLINARY ACTIONS.** Disciplinary actions against the Chief of Police shall be taken by the Police and Fire Commission, and against subordinates shall be taken by the Chief, subject to appeal to the Commission, all pursuant to section 62.13(5), Wisconsin statutes.

3.03 **ALDERMEN TO HAVE POLICE POWERS.** Every alderman of the City shall have the powers of a City policeman, without any extra compensation or claims of extra compensation therefore.

3.04 **DUTIES OF CITIZENS.**

(1) **TO ASSIST POLICE.** No person, without reasonable excuse shall refuse or fail to aid the Chief of Police or any police officer in the performance of his duties when called upon to do so by the Chief or police officer.

(2) **RESISTANCE TO POLICE.** No person shall resist or in any way interfere with the Chief of Police or any police officer in the discharge of his duty, or shall hinder or prevent him from discharging his duty as such officer; and no person shall in any manner assist any person in custody of the Chief or police officer to escape or to attempt to escape from such custody of the Chief or police officer to escape or to attempt to escape from such custody, or shall rescue or attempt to rescue any such person.

3.05 **ALARM DEVICES PROHIBITED.**

- (1) No person shall use, cause, or permit to be used, any automatic dialing device or attachment to a telephone or television cable that automatically selects, sends, or dials a public telephone trunk line of the Police Department or Fire Department emergency communication centers and then reproduces a prerecorded message or signal to report any unlawful act or other deemed emergency.
- (2) **SECTION I.** No person or entity shall give or send cause to be given or sent in any manner any alarm or unlawful entry which he knows to be false.

SECTION II. Violations of Section I shall be punishable as follows:

- (a) A person or entity violating Section I on the first or second occasion of a violation within a calendar year shall, as a penalty, be required to correct or fix the malfunction in a system which caused the false alarm to be given and give the substantiation of the remediation to the Fire Chief for the City of New Holstein and/or to the Police Chief for the City of New Holstein.
- (b) The third and subsequent offense during the calendar year shall carry a penalty of remediating the malfunction as required in paragraph (a) above and in addition therefore shall require a forfeiture to the City of New Holstein. However, the Fire Chief or Officer in Charge at the time of violation shall have discretion in determining the necessity of the issuance of a citation.

Notwithstanding the above, any person or entity which intentionally causes a malfunction of an existing system or personally gives a false alarm, shall be subject to the penalty provisions of paragraph (b) above at the discretion of the Fire Chief or the Officer in Charge at the time of violation.(Cr. #293)

3.06 **PENALTY.** Any person who shall violate Section 3.04 and Section 3.05 of the Municipal Code shall be subject to a penalty as provided in Section 20.04 of this Code.

3.07 **UNIFORM DEPOSIT AND BAIL SCHEDULE.**

- (1) The 1992 State of Wisconsin Revised Uniform State Traffic Deposit Schedule and Alcohol Beverages, Harassment Safety, Tobacco, U.W. Rule, and Drug Paraphernalia Violations Deposit Schedule and Uniform Misdemeanor Bail Schedule and Trespass to Land Deposit Schedule is hereby adopted and by reference made a part of this Code as if fully set forth herein. Any future amendments, revisions, or modifications of the schedule incorporated herein are intended to be made part of this Code.
- (2) All citations issued for offenses listed in the above mentioned schedule shall be at the total amount set forth in that schedule. (Cr. # 289)

3.08 JUVENILES

(1) Except as otherwise specifically provided in this Code, the statutory provisions of Chapter 938 and specifically Chapter 938.343, 938.344 and 938.355(6)(d)(2), Wisconsin Statutes, describing and defining disposition of juvenile cases and cases wherein juveniles have been adjudged to have violated a civil law or an ordinance, including disposition regarding intoxicating liquor, beer, and drug violations, or in the instance of a juvenile adjudged to be in need of protective services, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Code.

Any future amendment, revisions, or modifications of the statutes incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of disposition of juvenile cases.

(2) **Penalty.** Any person convicted of violating any provisions of this ordinance shall pay forfeiture in accordance with the Uniform Deposit Schedule established by the Municipal Judge of the City of New Holstein.(Cr. #374)

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