

CHAPTER 5

POLICE DEPARTMENT

- 5.01 Police Department
- 5.02 Chief of Police, Powers and Duties
- 5.03 Police Powers
- 5.04 Who May Arrest
- 5.05 Search and Seizure
- 5.06 Police to Inspect Taverns
- 5.07 Fires and Assemblages
- 5.08 Residency Requirements
- 5.09 Arrests, Persons Called to Assist
- 5.10 Interfering With or Resisting Police Officer
- 5.11 Police Not to Give Bail
- 5.12 Penalty
- 5.13 Municipal Citations

5.01 POLICE DEPARTMENT.

(1) COMPOSITION. The Police Department shall consist of the Chief of Police and such number of subordinates as the Village Board shall from time to time deem necessary.

(2) REGULATIONS. Members of the Department shall be governed by the rules, regulations and ordinances adopted by the Village Board and the Wisconsin Statutes.

5.02 CHIEF OF POLICE.

(1) APPOINTMENT. See sec. 1.02(2) of this code.

(2) POWERS AND DUTIES.

(a) Supervision. The Chief of Police shall have command of the Police force. He shall see that all laws, rules, regulations, ordinances, resolutions and orders of every kind applicable within the Village set forth by the Wisconsin Statutes and the Village Board are enforced.

(b) Arrest. The Chief of Police shall cause to be arrested all persons who shall be found violating any ordinances or regulations of the Village and all persons chargeable with offenses punishable by the laws of the State and bring such persons before the proper tribunal.

(c) Police Record. The Chief of Police shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and the disposition of each case handled by the Department. The Chief shall also keep a record of the accomplishments and performances of each police officer.

(d) Annual Report. The Chief of Police shall, following the end of each calendar year, submit to the Village Board a written report on all activities and transactions of the Department during the year.

(e) (Rep. Ord. #122)

(f) Deposit of Fees. All license fee deposits and traffic violation bonds collected by the Department shall be deposited with the Clerk-Treasurer during the next working day.

5.03 POLICE POWERS. All police shall have such powers and shall perform such duties as are prescribed by State and federal law, all ordinances of the Village and orders, rules and regulations, lawfully prescribed by the Village President or Village Board. The Chief and each policeman shall possess the powers, enjoy the privileges, and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables, shall arrest with or without process and with reasonable diligence take before the proper court every person in the Village engaged in any disturbance of the peace or violating any law of the State or ordinance of the Village. They shall collect the same fees allowed to constables for similar services. It shall be their duty to familiarize themselves with provisions of the ordinances and all rules and regulations relating to the police and govern themselves accordingly.

5.04 WHO MAY ARREST. The Village President, Village Trustees, Chief of Police and members of the Police Department, with or without, process or complaint, may arrest, retain and confine in such place as may be provided by the Village Board until a trial can be had before

a proper court, any and all persons violating the ordinances or regulations of the Village, and any persons who shall be detected in the act of offending against any of the provisions of the laws of the State of Wisconsin.

5.05 SEARCH AND SEIZURE. The police officers of the Village may search and seize with respect to violation of Village ordinances under the same restrictions and rules governing search and seizure with respect to offenses against the State Statutes.

5.06 POLICE TO INSPECT TAVERNS. The Chief of Police shall see that each place in the Village licensed to deal in fermented malt beverages or intoxicating liquor is periodically visited and inspected by a police officer, and that a record of all violations, complaints or unfavorable conditions is made at the police station.

5.07 FIRES AND ASSEMBLAGES. The Chief of Police or any other officer directed by him shall attend all fires and tumultuous assemblages to direct traffic, to save and protect property and to disperse mobs and arrest such persons as he may find disturbing the peace or aiding or abetting others in so doing.

5.08 RESIDENCY REQUIREMENTS. Within 6 months of his appointment, every police officer shall reside, and continue to reside, within the Village limits. This requirement is waived under extenuating circumstances.

5.09 ARRESTS, PERSONS CALLED TO ASSIST. All persons in the Village, when called upon by any police officer, shall promptly aid and assist such officer in the execution of his duties. Failure or neglect to give such assistance shall be and constitute a violation of this section.

5.10 INTERFERING WITH OR RESISTING POLICE OFFICER. Any person in the Village who shall willfully resist or in any way interfere with any police officer or member of the Police Department in the discharge of his duty or shall hinder or prevent him from discharging his duty as such officer or member, or shall offer or endeavor so to do, and whoever shall, in any manner, assist any person in custody, shall be subject to the penalty provided in 5.12 of this chapter.

5.11 POLICE NOT TO GIVE BAIL. The Chief of Police, or other police officer shall in no case give bail for any person under arrest.

5.12 PENALTY. Any person who violates any provision of this chapter or any order, rule or regulation made hereunder shall be subject to the penalty set forth in the VILLAGE OF BELMONT SCHEDULE OF PENALTIES which is part of the Village Ordinances or such other penalty or amount as the Court or Village shall deem appropriate in accordance with Section 20.04.

5.13 MUNICIPAL CITATIONS.

(1) Violations of ordinances of the Village of Belmont shall be enforced by the issuance of a Municipal Citation.

(2) The municipal Citation shall contain the following information:

(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 code violation.

(e) A designation of the offense in such a 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 upon the deposit schedule established by the Village Board as part of this section may be made and which, if made shall be delivered or mailed to the Police Department, 222 S. Mound Ave., Belmont, Wi. 53510 prior to the time of the scheduled appearance.

2. That if a deposit is made no appearance in court is necessary unless he or she 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 or, if the court does not accept the plea of no contest, a summons will be issued commanding him or her 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, an action may be commenced to collect the forfeiture or the alleged violator may be found in default and judgement may be rendered against him or her for the amount of the forfeiture set forth.

(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 subsection (2)(g) above has been read. Such statement shall be sent or brought with the cash deposit, and

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

(3) The Village Board hereby adopts for use the Wisconsin Uniform Municipal Citation, Form MOS 1, consisting of a three-part citation, a sample of which is on file in the office of the Clerk and which is adopted by reference as though fully set forth herein.

(4) The schedule of cash deposits for use with citations issued under this section shall be as adopted by the Village Board from time to time and such schedule shall be on file in the office of the Chief of Police and in the office of the Village Clerk. There is hereby adopted by reference as though fully set forth herein a schedule of deposits, a copy of which is attached hereto and made a part hereof. Deposits shall be in cash, money order or check to the Village Clerk or an authorized employee of the Belmont Police Department, who shall provide a receipt therefor.

(5) The following persons are hereby authorized to issue citations under this section: Any law enforcement officer employed by the Village of Belmont.

(6) Section 66.229(3), Wisconsin Statutes, is hereby adopted and incorporated herein by reference.

POLICE DEPARTMENT

(7) This section does not preclude the Village Board from adopting any other ordinance or providing for the enforcement of any law or ordinance relating to the same or other matter. The issuance of a citation hereunder shall not preclude the Village of Belmont or any authorized officer thereof from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.