

CHAPTER 4
POLICE DEPARTMENT

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4.01 POLICE DEPARTMENT PERSONNEL

1) ENUMERATED

- (a) The Police Department shall consist of the Chief of Police and such police officers as the Town Board may prescribe.

2) WAGES; COLLECTION OF FEES

- (a) The Chief and the police officers shall receive wages fixed by the Town 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 officers thereof shall be deposited with the Town Treasurer not less than monthly.

Established April 17, 2001

4.02 CHIEF OF POLICE, POWERS AND DUTIES

1) POWERS

- (a) 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) ORDERS OF THE TOWN BOARD

- (a) The Chief of Police shall obey all lawful written orders of the Town Board.

3) DUTIES

- (a) The Chief of Police shall cause the public peace to be preserved and see that all laws and ordinances of the Town and the State are enforced, and, whenever any violation thereof shall come to his/her knowledge, he/she 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) ADMINISTRATIVE DUTIES

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- (a) The Chief of Police shall exercise supervisory control over all the personnel of the Department, and may adopt, subject to the approval of the Town Board, rules and regulations for the government, discipline, equipment and uniforms of police officers.

5) DEPARTMENTAL EQUIPMENT

- (a) The Chief of Police shall be solely responsible for the care and condition of the equipment used by the Department.

6) RECORDS

- (a) The Chief of Police shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the Department and any other records the Town Board may request.

Established April 17, 2001

4.03 POLICE OFFICERS

1) GENERAL POWERS AND DUTIES

- (a) Each officer of the Department shall possess the powers conferred on marshals and constables by law and shall preserve the public peace and enforce the laws and ordinances of the State and the Town, subject to orders, rules and regulations of the Chief and the Town Board.

2) POWER OF ARREST

- (a) The Chief of Police and any police officer shall arrest all persons in the Town found in the act of violating any law or ordinance of the Town or State or aiding or abetting in such violation, and they may arrest without warrant all persons whom they have reasonable grounds to believe have violated a law or ordinance, may 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. The Chief of Police or any police officer having custody of a person arrested may release such person without

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requiring him to appear before a judge upon receipt from such person of a bond in an amount not to exceed the maximum penalty for the violation of which the person was arrested, with sufficient sureties, or his/her personal bond or recognizance for his/her appearance in the court having jurisdiction of the offense. If the person so arrested and released fails to appear, personally or by attorney or agent, before the court at the time fixed for hearing of his/her case, the bond or money deposited, may be declared forfeited by the court and the amount which the court shall determine to be an adequate penalty, plus costs, or, if the person has signed a recognizance for his/her appearance, the court may issue a warrant for such person to be brought immediately before the court to answer the charge against him.

Established April 17, 2001

4.04 POLICE AND FIRE COMMISSION

1) ESTABLISHMENT

- (a) The Town of Delavan Police and Fire Commission is hereby established pursuant to Sections 60.57, 60.56 and 62.13, Wisconsin Statutes.

2) MEMBERSHIP

- (a) The Town of Delavan Police and Fire Commission shall consist of five (5) citizens who are either Town electors or owners of real property within the Town. No member of the Police and Fire Commission may be a Town employee or an elected or appointed official of the Town. No more than three (3) members of the Commission may be members of the same political party.

3) QUORUM

- (a) Three (3) members of the Commission shall constitute a quorum.

4) TERM OF OFFICE

- (a) The Town Chair shall appoint, with the approval of the Town Board, the membership of the Commission. Such appointments shall be made annually, initially, with one (1) appointment for five (5) years, one (1) for

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four (4) years, one (1) for three (3) years, one (1) for two (2) years and one (1) for one (1) year. Thereafter, all appointments shall be for a term of five (5) years provided; however, the terms shall expire on the date of the Annual Town Meeting, the first term expiring in 1988.

5) OFFICERS

- (a) The members of the Commission shall meet within thirty (30) days of the entire Commission taking its oath of office for the election of officers. Thereafter, there shall be a meeting within thirty (30) days of the Annual Town Meeting for the election of officers. Officers' terms shall be no longer than one (1) year provided, however, officers may be re-elected if they are re-appointed or their term has not yet expired. There shall be elected a Chair to preside over meetings, a Vice-Chair to act in the stead of the Chair, and a Secretary.

6) MEETINGS

- (a) Meetings shall be upon notice required by law, but not less than annually, or as otherwise required by law. All meetings shall have a record kept of its proceedings.

7) POWERS

- (a) The Commission shall have those powers and duties enumerated in Sections 62.13, 60.57 and 60.56, Wisconsin Statutes.

8) COMPENSATION

- (a) The Town Board shall determine the rate of pay, if any, for the entire membership.

Established April 17, 2001, Ordinance 370 2.20.18

4.05 PENALTY

- 1) Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.

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