

Chapter 40

DEPARTMENTS

[HISTORY: Adopted by the Village Board of the Village of Hustisford as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 76.

Disposal of property — See Ch. 81

Records — See Ch. 87.

ARTICLE I

Police Department

[Adopted 3-28-1994 as Title 5, Ch. 1 of the 1994 Code]

§ 40-1. Organization.

The Village of Hustisford Police Department shall consist of a Chief of Police and such other officers, assistants and patrolmen as from time to time may be appointed by the Village Board pursuant to the provisions of the Wisconsin Statutes.

§ 40-2. Reports and records.

- A. Monthly reports. The Chief of Police shall give a monthly general report to the Village Board of all activities of the Department during the preceding month.
- B. Police records. There shall be kept by the Department a suitable record in which shall be entered the name of every person arrested in the Village, the name of the person making the arrest, the date and cause of the arrest, the court from which the warrant was issued, the disposition made of the case, the amount of fine and costs paid and to whom paid, bond posted, and all complaints in full.

§ 40-3. General powers of police officers.

Every member of the Police Department shall:

- A. Familiarize himself with the ordinances of the Village and the statutes and attend to the enforcement of such ordinances by all lawful means.
- B. Help prevent crimes, misdemeanors and violations of Village ordinances and protect the health, safety, public peace and order of the Village and its inhabitants.
- C. Report all street and sidewalk obstructions, unlighted streetlamps, unlawful street signs or signals, and defective or dangerous streets and sidewalks to the appropriate person or organization responsible for their repair or service.
- D. Maintain order at the scene of a fire or any other fire response within the Village.

- E. See that the necessary permits and licenses issued by the state or the Village are in the possession of or properly displayed by any person engaged in an activity or business within the Village for which such permit or license is required and that the terms of such permits or licenses are complied with.
- F. Perform such other lawful duties as ordered by the Chief of Police or his authorized representative.

§ 40-4. Chief of Police.

- A. Duties. In addition to the duties imposed upon him elsewhere in this Code, the Chief of Police shall:
 - (1) Have command of the Police Department on administrative matters, subject to the direction of the Village Board.
 - (2) Cause to be maintained accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, summons, incidents, and calls for police service and provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. He shall submit or cause to be submitted to the various agencies such reports and summaries as are required by state statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.
 - (3) Submit such reports and comply with such administrative procedures as may be prescribed by the Village Board relative to fiscal and administrative matters.
 - (4) Submit such reports and/or information and comply with such policies as may be prescribed by the Village Board.
 - (5) Have control of the assignment, hours of duty, and transfer of all members of the Department, subject to direction of the Village Board.¹
 - (6) Plan, organize, staff, direct, and control all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the Wisconsin Statutes and the ordinances of the Village as are within its jurisdiction. He shall supervise the preparation and presentation of annual reports and budgets for the Police Department. He shall be required to certify to the correctness of all bills incurred by the Department.
 - (7) Strive to maintain suitable, productive relationships with other Village departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. He shall cooperate and exchange information with other Village departments in matters relating to their various functions.

¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (8) Plan and execute programs designed to prevent and repress crime, apprehend and prosecute offenders, recover property, and regulate noncriminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.
- B. Custody of Department equipment. The Chief of Police shall be the custodian of all Village property, equipment and supplies under the control of, or used by, the Police Department and shall be responsible for the care, maintenance, safeguarding and accurate records of such property, equipment, and supplies.
- C. Custody of Department property. The Chief of Police shall be the custodian of all property and shall be responsible for the safekeeping, lawful disposition and accurate record of the same. He shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

§ 40-5. Rules and policies.

The Chief of Police shall establish and promulgate rules of conduct, directives and policies and procedures and prescribe such duties for individual members as he may deem necessary for the effective and efficient command and operation of the Department, provided that no such rules of conduct, directives, policies and procedures, duties or assignments shall be in conflict with the statutes, ordinances and approved Village personnel rules and regulations.

§ 40-6. Personnel records and performance evaluations.

The Chief of Police shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the Department. He shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. He shall keep himself adequately informed of the activities of the Department and be assured that the duties of his subordinates are properly discharged. He shall formulate procedures for recognizing outstanding performance by Department members, for investigating complaints of misconduct by any Department member and for taking appropriate disciplinary action subject to the provisions of the applicable statutes, rules of the Department and the jurisdiction of the Village Board.

§ 40-7. Training.

The Chief of Police is responsible for the training of all members of the Department. He shall cause adequate and progressive programs of training to be organized and conducted to prepare Department members in the knowledge, procedures, and techniques of their duties and responsibilities. He will ensure that, within budgetary limitations, members of the Department attend training courses, seminars, and conferences necessary to maintain and improve their job skills and professional knowledge. He shall encourage Department members to further their education in law enforcement through study, special courses, college attendance, extension programs, and independent readings.

§ 40-8. Civilians to assist.

All persons in the Village, when called upon by any police officer or peace officer, shall promptly aid and assist him in the execution of his duties, and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided in Chapter 1, § 1-3, of this Code.

§ 40-9. Suspension or removal of officers.

- A. Pursuant to § 62.13(6m), Wis. Stats., the Village may not suspend, reduce, suspend and reduce or remove the Police Chief or any other law enforcement officer who is not probationary unless the Village follows the procedure under § 62.13(5), Wis. Stats. To act under this subsection in place of the Board of Police and Fire Commissioners under § 62.13(1) through (6), Wis. Stats., the Village may do either of the following:
- (1) Establish a committee of not fewer than three members, none of whom may be an elected or appointed official of the Village or be employed by the Village. The Village shall pay each member for the member's cost of serving on the committee.
 - (2) Send a written request for a hearing examiner to the Division of Hearings and Appeals under § 15.103(1), Wis. Stats. The Village shall reimburse the state for the state's costs under this subsection.
- B. The provisions of this section, required by § 61.65(1)(am), Wis. Stats., first apply to law enforcement officers when such officers are subject to a collective bargaining agreement which is in conflict with the statutory requirements, but which is still in effect on April 9, 1986, only after the expiration date of such agreement.

ARTICLE II

Fire Department

[Adopted 3-28-1994 as §§ 5-2-1 and 5-2-3 of the 1994 Code]

§ 40-10. Department recognized.

The Hustisford Fire Department is officially recognized as the Fire Department serving the Village of Hustisford, and the duties of fire fighting and fire prevention in the Village are delegated to such Department. The Hustisford Fire Department shall be responsible for the program of fire defense for the citizens and property within the Village of Hustisford.

§ 40-11. Appropriations.

The Village Board shall appropriate funds for Fire Department operations and for such apparatus and equipment for the use of the Fire Department as the Board may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.

§ 40-12. Fire defense program.

- A. The primary objective of the fire defense program is to serve all citizens, without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires and explosions.
- B. The second objective of the fire defense program is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of industries and businesses.
- C. The third objective of the fire defense program is to protect the property of all citizens against the effects of fire and explosions. All property deserves equal protection regardless of location or monetary value.

§ 40-13. Organization.

The Hustisford Fire Department shall be organized and governed pursuant to its bylaws.

§ 40-14. Police authority at fires.

- A. The Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
- B. The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the Department, shall be permitted to come.
- C. The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire.

§ 40-15. Inspections.

- A. The Fire Chief, or his designee, shall be the Fire Inspector of the Village of Hustisford and shall have the power to appoint one or more Deputy Fire Inspectors and shall perform all duties required of Fire Inspectors by the laws of the state and rules of the Department of Commerce, particularly § 101.14, Wis. Stats.
- B. While acting as Fire Inspector pursuant to § 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Hustisford at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code, he may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire

hazards and the prevention of fires are being violated² or that a fire hazard exists which should be eliminated, it shall be his duty to give such directions for the abatement of such conditions as he shall deem necessary and if such directions are not complied with to report such noncompliance to the Village Board for further action.

- C. The Chief of the Fire Department is required, by himself or by officers or members of the Fire Department designated by him as Fire Inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of any law or ordinance relating to fire hazards or to the prevention of fires. Such inspections shall be made at least once in six months in all of the territory served by the Fire Department and not less than once in three months in such territory as the Village Board has designated or thereafter designates as within the Village or as a congested district subject to conflagration, and more often as the Chief of the Fire Department orders. Each six-month period shall begin on January 1 and July 1, and each three-month period on January 1, April 1, July 1 and October 1 of each year.
- D. Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Commerce. A copy of such reports shall be filed with the Fire Chief.

2. Editor's Note: See Ch. 176, Fire Prevention.