

Chapter 3

POLICE, CIVIL DEFENSE AND FIRE DEPARTMENT

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3.01 PERSONNEL

The Police Department of the Village of Ferryville shall consist of the Chief of Police and such other police officers as the Village Board may prescribe from time to time by ordinance or resolution.

3.02 APPOINTMENT AND REMOVAL

Police officers, other than the Chief, shall be selected by the Chief subject to approval of the Village Board. The Chief shall have full authority to demote, suspend temporarily or remove from the force any officer of the Department, subject to the right of such officer to appeal to the Village Board for reinstatement.

3.03 GENERAL POWERS OF POLICE OFFICERS

The Chief of Police and all policemen of the Village shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law on Village marshals and constables. Every member of the Police Department shall have full power and authority and it shall be his duty to:

- (1) Arrest all persons in the Village engaged in any disturbance of the peace or violating any law or ordinance of the State or Village or aiding or abetting in such violation and take all such persons in charge and confine them and within a reasonable time bring them before the court with proper jurisdiction to be dealt with according to law.

- (2) Familiarize himself/herself with the ordinances of the Village and attend to the enforcement of such ordinances by all lawful means.
- (3) Help prevent crimes, misdemeanors and violations of Village ordinances and protect the health, safety, public peace and order of the Village and its inhabitants.
- (4) Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals and defective or dangerous streets and sidewalks to the Director of Public Works.
- (5) Assist the Fire Department in maintaining order at the scene of a fire.
- (6) See that the necessary permits and licenses issued by the proper authority of the State or 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.

3.04 CHIEF OF POLICE

- (1) Appointment. See s. 2.03 of this code.
- (2) Duties. In addition to the duties imposed upon him by s 3.03, the Chief of Police shall have the following duties:
 - (a) He/she shall keep in his office a record of all arrests made by members of the Department, traffic tickets issued, the dates, hours and places thereof, names of persons arrested, arresting officers, offenses charged, actions taken and results.
- (3) Powers. The Chief shall have command of the police force of the Village of Ferryville and shall have custody, care and control of the property and equipment of the Department.

3.05 CIVILIANS TO ASSIST

It shall be the duty of all persons in the Village, when called upon by any police officer or peace officer, to 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 a penalty as provide in s. 13.04 of this code.

3.06 OBEDIENCE TO OFFICERS

See s. 9.09 to this code.

3.07 ASSISTING ESCAPE OF PRISONER

No person shall assist any person in the custody of any police or peace officer to escape or attempt to escape from such custody.

3.08 PERSONATING POLICE OFFICERS

No person shall personate a policeman or peace officer within the Village of Ferryville.

3.09 SPECIAL PEACE OFFICERS

The Village President and Trustee shall have and exercise the powers of peace officers and may summarily suppress any riotous or disorderly conduct in the streets or public places of the Village.

3.10 CIVIL DEFENSE

(1) Definition. Civil defense shall mean the preparation for and the carrying out of all emergency functions other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile action or by fire, flood or other natural causes.

(2) Civil Defense Director.

(a) Appointment. See s. 2.06 of this code.

(b) Duties and Powers. The Director shall be the executive head of the Village civil defense organization and shall have direct responsibility for the organization, administration and operation of the organization, subject to the direction and control of the Village President and the Village Board. In addition to such powers and responsibilities as may be imposed on him from time to time by the Village Board, he/she shall have the authority and it shall be his/her duty to:

- (1) Coordinate all activities for civil defense within the Village.
- (2) Maintain liaison and cooperate with civil defense agencies and organizations of other political subdivisions and of the State and Federal government.
- (3) Participate in county and State civil defense activities upon request.
- (4) Prepare a comprehensive general plan for the civil defense of the Village and present such plan to the Village Board for approval.
- (5) Subject to the approval of the Village Board, enter into mutual aid agreements with other political subdivisions and file copies of any such agreements with the State Director of Civil Defense.
- (6) Upon the declaration of an emergency, issue all necessary proclamations as to the existence of such state or emergency and such disaster warnings or alerts as shall be required in the civil defense plan.

- (3) Utilization of Existing Services and Facilities. In preparing and executing the civil defense plan, the Director shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the Village to the maximum extent practicable. When the Village Board has approved the plan, it shall be the duty of all municipal agencies and departments of the Village to perform the duties and functions assigned by the approved plan.
- (4) Declaration of Emergencies. The civil defense organization shall take action in accordance with the civil defense plan only after the declaration of an emergency and issuance of official disaster warnings. Declaration of emergency shall be made by the Governor, the Village Board, and the Village President or, in his absence, by the Director. Such state of emergency shall continue until terminated by the issuing authority, provided that any declaration not issued by the Governor may be terminated by the Village Board.
- (5) Emergency Regulations. Whenever necessary to meet a civil defense emergency for which adequate regulations have not been adopted by the Village Board, the Village President and, in his/her absence, the Director of Civil Defense, may proclaim, promulgate and enforce order, rules and regulations relating to the conduct of persons and the use of property which are necessary to protect the public peace, health and safety, and preserve lives and property, and to insure cooperation in civil defend activities. Such proclamations shall be posted in 3 public places and may be rescinded by resolution of the Village Board.
- (6) Obstruction of Defense Organization: Penalty. No Person shall willfully obstruct, hinder or delay any member of the civil defense organization is the enforcement of any order, rule, regulation or plan issued pursuant to this section or violate any order, rule, regulation or plan issued pursuant to the authority contained in this section. Any person who shall violate any provision of this section shall upon conviction thereof be subject to a penalty as provided in s. 13.04 of this code.

3.11 FIRE CHIEF – FIRST RESPONDER PRESIDENT

- (1) Appointment and Qualifications. See s. 2.04 of this code.
- (2) Duties and Powers. The Chief shall have general supervision of the Fire Department personnel, apparatus, and equipment, subject to the ordinances of the Village and the bylaws of the Department. The First Responder President shall have general supervision of the First Responder Department personnel and equipment subject to the ordinances of the Village and the bylaws of the Department. He/she may demote or expel any officer or member of their respective departments for neglect or refusal to perform departmental duties, subject to the right of any member demoted or expelled to appeal to the Village Board. He/she shall enforce or cause to be enforced all fire and first responder ordinances, laws, and regulations of the Village and the State.

- (3) To Act as Fire Inspector. The Fire Chief as Fire Inspector of the Village of Ferryville 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 s. 101.14 of the Wis. Stats.

3.12 FIREFIGHTER – FIRST RESPONDER

- (1) Applications. Applications for membership in the Department for fire fighters shall be filed with the Fire Chief. Applications for membership in the Department for a first responder shall be filed with the President of the First Responders. The Chief, or President, will determine or cause to be determined that any and all training, required by law, is completed by applicants.
- (2) Department Membership. The Fire Chief and the President of the First Responders shall present the name of all newly appointed fire fighters or first responders to the Village Board for confirmation.
- (3) Active membership in the department will be afforded to all members who remain in good standing and are physically able to perform the duties of their position.

3.13 EQUIPMENT AND APPARATUS.

No apparatus shall be used for any purpose except for firefighting within the Village limits, or in training therefore, except pursuant to an agreement approved by the Village Board after the Chief has given his/her recommendations on such use. With the approval of the Chief such apparatus may be used for emergency purposes other than fire fighting within the Village. A written report of such uses shall be made quarterly to the Village Board.

- (1) Exceptions.
 - (a) The fire trucks maybe used weekly during the summer months for water used to clean the bathrooms at Sugar Creek Park and our Boat Landing. Also, from time to time the pumper truck is used to supply water for flushing lift stations, flushing culverts, and cleaning streets.
 - (b) The Ferryville Fire Department has an agreement to work with DeSoto Fire Department and this requires that equipment go outside the Village. The agreement is for training and actual fire fighting assistance.

3.14 POLICE POWER OF DEPARTMENT

- (1) Authority at Fires. The Chief and his assistants or officers in command are hereby vested with full and complete police authority at fires and may cause the arrest of any person failing to give the right of way to the Fire Department responding to a fire call.

- (2) Removal of Property. 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 spread of fire or protect adjoining property, and during the progress of any fire he/she 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 impede the work of the Department during the progress of a fire.
- (3) Firemen May Enter Adjacent Property. It shall be lawful for any fireman acting under the direction of the Fire Chief or any officer in command to enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire and no person shall hinder, resist or obstruct any fireman in the discharge of his/her duty as hereinbefore provided.
- (4) Duty of Bystanders to Assist. Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer shall have the power to cause the arrest of any person refusing to obey said orders.

3.15 FALSE FIRE ALARM PROHIBITED

Sec. 9.08 of this code.

3.16 PENALTIES.

The penalty for violation of any provision of this chapter shall be a penalty as provided in s. 13.04 of this code.

3.17 MUNICIPAL COURT

(1)

- (a) Municipal Court Created. Pursuant to the authority granted by Chapter 755 of the Wis. Stats., there is hereby created and established a Municipal Court to be designated "Municipal Court for the Village of Ferryville, Crawford County, Wisconsin", said court to become operative and function on January 1, 2004.
- (b) Jurisdiction. The Municipal Court shall have jurisdiction over incidents occurring as provided in Article VII, 14 of the Wisconsin Constitution. 755.045, and 755.05, Wis. Stats., and as otherwise provided by State Law. In addition, it shall have exclusive jurisdiction over actions in which the municipality seeks to impose forfeitures for violations of municipal ordinances, resolutions, and by laws.

The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under 755.045 (2), 66.122 and 66.123, Wis. Stats.

The Municipal Court has jurisdiction over juvenile offenders when it enacts an ordinance under the authority of 938.17 (2) (cm) Wis. Stats.

(c) Municipal Judge.

- (1) Qualifications. There is hereby created the office of Municipal Judge of the Municipal Court of the Village of Ferryville, Crawford County, Wisconsin. The Municipal Judge shall be an adult resident of the Village of Ferryville, Crawford County, Wisconsin.
- (2) Oath and Bond. The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in 757.02(1), Wis. Stats., and file such oath with the Clerk of Circuit Court for Crawford County, Wisconsin. At the same time, the Judge shall execute and file an indemnity bond with the Clerk of the Village of Ferryville, Crawford County, Wisconsin, and the Clerk of Circuit Court for Crawford County, Wisconsin, in an amount of \$100,000.00. The Judge shall not act until the oath and bond have been filed as required by 19.01(4) (c), Wis. Stats., and the requirements of 755.03, Wis. Stats., have been complied with.
- (3) Salary. The Municipal Judge shall receive a salary as determined by the Village Board of the Village of Ferryville, Crawford County, Wisconsin, which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during his/her term for which he/she has not executed and filed the official bond and oath. The salary may be increased by the Village Board of the Village of Ferryville, Crawford County, Wisconsin, before the start of the second or subsequent year of service of the term of the Judge, but shall not be decreased during a term.
- (4) Election Term. The Municipal Judge shall be elected at large for a term of four (4) years at the spring election held commencing in 2006, and each four (4) years thereafter and shall take office on May 1 following the election.

Midterm vacancies in the office shall be filled by special election to be held not less than fifty-five (55) days or more than seventy (70) days after the order of the Village Board of the Village of Ferryville, Crawford County, Wisconsin.

Any Vacancy occurring to the office of the Municipal Judge shall be filled pursuant to state law.

- (d) Municipal Court.
 - (1) Hours. The Municipal Court for the Village of Ferryville, Crawford County, Wisconsin, shall be open as determined by order of the Municipal Judge.
 - (2) Employees. The Municipal Judge shall in writing appoint such clerks and deputy clerks as are authorized by Village Board of the Village of Ferryville, Crawford County, Wisconsin. Their salaries shall be fixed by the said Village Board.
 - (3) Location. The Municipal Judge shall keep his/her office and hold court in an adequate facility provided by the municipal governing body. However, the Municipal Judge may issue process and perform ministerial functions at any place in the county.
- (e) Collection of Forfeitures and Costs. The Municipal Court shall collect all forfeitures, penalty assessments, fees and taxable cost in any action or proceeding and shall pay over such monies to the Village Treasurer of the Village of Ferryville, Crawford County, Wisconsin, within seven (7) days of collection. At such time, the Municipal Court shall report to the Treasurer the title, nature of offenses, and total amount of judgments imposed in actions and proceedings in which such monies were collected.
- (f) Contempt of Court. The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may punish for contempt as provided in 800.12, Wis. Stats. , and may impose a forfeiture therefore not to exceed Fifty (\$50.00) Dollars or upon nonpayment of the forfeiture, penalty assessment under 165.87 , Wis. Stats., and jail assessment under 302.46, Wis. Stats., a jail sentence not to exceed seven (7) days.
- (g) Stipulations and Deposits.
 - (1) Deposits for Ordinance Violations. The Municipal Judge shall establish and submit to the Village Board of the Village of Ferryville, Crawford County, Wisconsin, for approval in accordance with 800.03(3), Wis. Stats., schedule for deposits for violations of Village ordinances, resolutions and bylaws.
 - (2) Deposits for Traffic and Boating Violations. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chapter 23 and 345, Wis. Stats., shall apply to stipulations

and deposits for violations of traffic regulations enacted in accordance with 345.27, Wis. Stats., and boating regulations enacted in accordance with 30.77, Wis. Stats.

- (3) Stipulations and Deposits in Lieu of Court Appearances. Persons cited for violations of Village of Ferryville, Crawford County, ordinances, resolution, or bylaws or violations of traffic or boating regulations for which a deposit has been established, shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in 800.03, 800.04 and 800.09, Wis. Stats.