

Chapter 16 - Police

16.01 CHIEF OF POLICE

The Chief of Police shall be appointed pursuant to s. 2.02(1) of this code. He shall hold office for an indefinite term.

16.02 SUBORDINATE POLICE OFFICER

There shall be such subordinate and part-time subordinate police officers as the Village Board shall see fit to appoint.

16.03 OPERATION OF POLICE DEPARTMENT

(1) Chief Of Police to Exercise Control. The Chief of Police shall have full control and direction of all law enforcement activities within the Village, subject to the approval and direction of the Village President.

(2) Authority of Village Officers. The Chief of Police and his subordinates shall follow all directions and policy set forth by the Village Board. In situations or on subjects where no policy or direction has been set forth by the Village Board, the Village President shall be the person to give directions to the Chief of Police and his subordinates, or, in his absence, such directions may be given by the Chairman of the Police and Fire Committee of the Village Board.

16.04 DUTIES OF CHIEF OF POLICE

The Chief of Police shall have command of the police force of the Village under the direction of the Village officials as set forth in s. 16.03(2) of this Chapter. It shall be his duty to obey all lawful written orders of the Village Board. He shall see that all laws, rules, regulations, ordinances, resolutions and orders of every kind applicable within the Village of Deerfield are enforced.

16.05 POLICE POWERS

All police shall have power and authority and shall perform such duties as are prescribed by statutes of the state and federal governments, all ordinances of the Village and orders, rules and regulations lawfully prescribed by the President of the 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 marshalls which shall include the service of all writs and papers addressed to constables; they shall arrest with or without process and with reasonable diligence, take before a proper court every person found in the Village engaged in any disturbance of the peace or

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violation of any law of the state or ordinance of the Village. They shall collect the same fees allowed constables for similar services. It shall be their duty to familiarize themselves with the provisions of the ordinances and all rules and regulations relating to the police and govern themselves accordingly.

They shall see that all laws, rules, regulations, ordinances, resolutions, and orders of every kind applicable within the Village are enforced.

16.06 POWER OF ARREST

The Chief of Police and any other officers vested with police powers shall have full power to arrest, employ such force as may be necessary for the purpose and may call upon any bystander to assist in the execution of his duty. No person shall assist or aid any person resisting arrest or resisting any such officer in the execution of his duty, nor refuse to aid such officer when called upon.

16.07 SEARCH AND SEIZURE

The police officers of the Village of Deerfield shall have full right to search and seizure to the extent permitted under the laws of the State of Wisconsin and by the laws of the United States.

16.08 RULES OF CONDUCT

The Village Board of the Village of Deerfield shall be empowered to adopt a set of rules for the operation of the Police Department in the Village which, when adopted by said Village Board, shall become the official rules of conduct which shall govern the operation of the Police Department.

16.09 UNIFORM CITATION

(1) Election to Use Citation Method Pursuant to s. 66.119, Wis. Stats., the Village of Deerfield hereby elects to use the citation method of enforcement of ordinances other than those for which a statutory counterpart exist.

(2) The Citation.

(a) The citation shall contain the following:

1. The name and address of the alleged violator.
2. Factual allegations describing the alleged violation.

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3. The time and place of the offense.
4. The section of the ordinance violated.
5. A designation of the offense in such manner as can readily be understood by a person making reasonable effort to do so.
6. The time at which the alleged violator may appear in court.
7. A statement which in essence informs the alleged violator:
 - a. That a cash deposit based on the schedule established in this Chapter may be made which shall be delivered or mailed to the Village Clerk or the Chief of Police prior to the scheduled court appearance.
 - b. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
 - c. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, or, if the court does not accept the plea of no contest, summons will be issued commanding him to appear in court to answer the complaint.
 - d. 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.
8. 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 7 above has been read. Such statement shall be sent or brought with the cash deposit.
9. Such other information as the Village deems necessary.
 - a. The form of the citation used by the Village may be in the following form:

(Attach sample of Wisconsin Uniform Municipal Citation,
Form MOS 1-- Section 66.119, Wis. Stats.)

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(3) Schedule of Deposits.

(a) There follows after this section, a schedule "A", which is a schedule of cash deposits established for use with citation issued under this Chapter.

(b) Deposits shall be made in cash, money order or certified check to the Village Clerk or Chief of Police who shall provide a receipt therefor.

(4) Issuance of Citation.

(a) Law Enforcement Officers. Any law enforcement officer may issue citations authorized under this ordinance.

(b) Village Officials. The following village officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities:

1. Building Inspector
2. Plumbing Inspector
3. Electrical Inspector
4. Health Officer
5. Forester

Such Village Official may delegate their authority to issue citations to their subordinate.

(5) Procedure. Section 66.119(3), Wis. Stats., relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

(6) Other Remedies. The Village board is not precluded by this section from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

The issuance of a citation hereunder shall not preclude the Village or any authority officer from proceeding under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation or order.

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SCHEDULE "A"
Schedule of Deposits

The following shall be the schedule of cash deposits established pursuant to Section 16.09(3)(a) of this Chapter.

| <u>Code Section</u> | <u>Cash Deposit</u> |
|----------------------------------------------------------------------|--------------------------------------------------|
| 18.01(1) | \$25.00 |
| 18.01(3) | \$10.00 |
| 18.01(5) | \$50.00 |
| 18.02(1) | First offense \$50.00 Second offense \$100.00 |
| 18.02(3) | \$20.00 |
| 18.02(4) | \$100.00 |
| 18.02(5) | \$100.00 |
| 18.02(6) | \$20.00 |
| 18.02(8) | \$30.00 |
| 18.03(1) | \$50.00 |
| 18.04 | \$50.00 |
| All other provisions of Chapter 18 not specifically enumerated above | \$20.00 |