CHAPTER 4

LAW ENFORCEMENT

Section Number	**Title**	***Ordinance Number***	***Date of Ordinance***
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		2011-01	*03/01/11*
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4.01 POLICE DEPARTMENT PERSONNEL.

(1) ENUMERATED. The Village Police Chief shall head the Police Department. The Police Department shall also include such police officers as the Village Board may prescribe by ordinance or resolution. The police officers shall be appointed by the Village Police Chief subject to approval by the Board of Police Commissioners.

(2) SALARY; COLLECTION OF FEES. The Village Police Chief and the police officers shall receive a salary fixed by the Village 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 Clerk of Municipal Court.

(3) TENURE OF VILLAGE POLICE CHIEF AND POLICE OFFICERS. The Village Police Chief and non-probationary police officers maybe suspended, reduced in rank, suspended and reduced in rank, or removed at any time only for just cause under § 62.13(5), Wis. Stats. Probationary police officers may have their employment terminated during a probationary period with or without cause and they shall not be entitled to a hearing or review of such termination.

4.02 VILLAGE POLICE CHIEF: DUTIES AND POWERS.

(1) The Village Police Chief shall have general supervision of and be responsible for the personnel and general efficiency of the Police Department.

(2) The Village Police Chief shall obey all lawful written orders of the President or Village Board.

(3) The Village Police Chief shall cause the public peace to be preserved and ensure that all laws and ordinances of the Village and State are enforced; and whenever any violation thereof comes to his knowledge, he shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender.

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

(5) The Village Police Chief shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the Department. Such records shall be open to public inspection at times set by the Department, shall be the property of the Village and shall be turned over by the Village Police Chief to his successor in office.

(6) The Village Police Chief shall devote his entire on-duty time to his official duties.

(7) The Village Police Chief shall keep an accurate and complete record of all fees, bail deposits and any other special remuneration or funds received by the Department.

4.03 POLICE OFFICERS: DUTIES AND POWERS.

Each police 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 Village subject to the orders, rules and regulations of the Village Police Chief, the President and the Village Board.

4.04 POWER OF ARREST.

Village police officers shall arrest any person in the Village found in the act of violating any law of the state or ordinance of the Village; shall arrest without warrant any person whom they have reasonable grounds to believe has violated any law or ordinance and who will not be apprehended unless immediately arrested; shall take any arrested person in charge and confine such person; and shall, within a reasonable time, bring such person before the court having jurisdiction thereof to be dealt with according to law.

4.05 PRESIDENT'S AND TRUSTEES' POLICE POWERS.

The President and trustees 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.

4.06 LAW ENFORCEMENT STANDARDS BOARD PROGRAM.

(1) ELECTION TO PARTICIPATE. The Village hereby elects to participate in the recruit qualifications and training program of the Wisconsin Law Enforcement Standards Board.

(2) PROBATIONARY AND TEMPORARY OFFICERS TO MEE RECRUIT QUALIFICATIONS. Before an individual may commence employment on a probationary or temporary basis as a law enforcement officer, that individual shall have met the recruit qualifications set by the Wisconsin Law Enforcement Standards Board.

(3) PERMANENT OFFICERS TO COMPLETE RECRUIT TRAINING COURSES.

(a) Before an individual may commence employment on a part or full-time permanent basis as a law enforcement officer, that individual shall have been certified by the Board as having met the recruit qualifications and as having successfully completed the preparatory training standards and as having successfully completed the preparatory training course required under the Board's recruitment training standards.

(b) Recruit training shall be successfully completed by the trainee within the probationary period. Under justifiable circumstances, this period may be extended, but the total period during which a person may serve as a law enforcement officer on a probationary or temporary basis without successfully completing a preparatory training course approved by the Wisconsin Law Enforcement Standards Board shall not exceed two years.

4.07 POLICE ALARM SYSTEMS.

(1) PURPOSE. The purpose of this section is to establish regulations, standards and controls relating to the type, use and installation of police alarm devices, whether such alarm devices are monitored by the Police Department, a private alarm company or any other person, and to establish a Police Department Central Alarm Station and policies and procedures for the development and use of a central monitoring station.

(2) DEFINITIONS.

(a) False alarm as used in this section shall mean a signal from an alarm system resulting in a response by the Police Department when an emergency situation did not exist.

(b) Police alarm as used in this section shall mean a device which, when actuated by a criminal act or other emergency requiring police response, transmits a signal to a central alarm system or directly to the Police Department, or produces an audible or visible signal designed to notify persons within audible or visual range of the signal.

(3) PROHIBITION. No person shall sell, use or cause to be used any telephone or electronic device or attachment that automatically selects a telephone truck or the Police Department and produces any prerecorded message to report a burglary or other emergency.

(4) POLICE DEPARTMENT CENTRAL ALARM STATION. A central alarm station shall be maintained in the Village Municipal Building at such location as the Village Police Chief may designate.

(5) LIMITATIONS. The Village Police Chief shall determine the number and type of alarm owners and alarm lessees which may be connected to the police central alarm station. No person shall cause to be connected to the police central alarm station a private alarm system unless such proposed connection receives prior approval in writing by the Village Police Chief. Any person denied permission to connect to the alarm system may appeal by filing a written notice to the Village Clerk/Treasurer within 10 days of the date of denial. Such appeal shall be heard by the Village Board within 30 days thereafter. The determination of the Village Board shall be final.

(6) ALARMS REQUIRED. The Village Police Chief shall give priority for connection to the police central alarm system to those persons required by state or federal law or regulation to maintain a police alarm system on their premises; and specifically, shall give priority to financial institutions such as banks, savings and loan associations, government buildings and private businesses dealing in firearms.

(7) ALARM REQUIREMENTS. All persons whose application for connection to the police central alarm station is approved by the Village Police Chief shall comply with the following conditions:

(a) Pay all cost of installation and connection to the police central alarm station.

(b) Pay an annual monitoring fee of $150 to the Village.

(c) Use alarm equipment that meets minimum Underwriters Laboratory alarm device standards.

(d) Pay all costs of disconnection or termination of service whether such disconnection or termination is initiated by the Village Police Chief or the alarm user.

(e) Perform testing of the alarm system in accordance with rules and procedures promulgated by the Village Police Chief or his designee.

(f) Pay all expenses of termination and reconnection whenever the location of the police central alarm system is changed.

(g) Sign an agreement holding the Village and the Police Department harmless for any and all damages or losses resulting directly or indirectly from an alarm connection terminating at the Police Department.

(h) Each person connected to the central alarm system in accordance with this section shall cause such system to be periodically inspected and maintained in accordance with the manufacturer's recommendations.

(i) For various reasons, false alarms for alarm systems frequently occur. Each false alarm requires response by public safety personnel, involves unnecessary expense to the Village, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the Village. Such false alarms constitute a public nuisance and must be abated. Persons connected to central alarm systems in accordance with this section shall pay to the Village a charge for false alarms responded to by a Village police officer according to the following schedule for each calendar year for each premises connected:

1.	First two false alarms	No charge
2.	Third false alarm	$50.00
3.	Fourth and subsequent false alarms	$100.00

(j) Paragraph (i) above is intended to impose strict liability on the person responsible for alarm connection to the police central alarm station and applies regardless of the cause of the false alarm.

(8) AUDIBLE OR VISUAL ALARM SYSTEM. Any person who maintains an audible or visual alarm system on his premises shall be subject to the provisions of par. (7)(i) under the same conditions as central alarm systems.

(9) DISCONNECTIONS AND APPEALS. Failure to comply with any provision of this section or repeated false alarms shall be cause for an alarm system to be disconnected from the Police Department upon 30 days' prior written notice by the Village Police Chief. Such disconnection shall be made at the alarm holder's expense. An order of disconnection may be appealed by filing a written notice of appeal with the Village Clerk/Treasurer within 10 days of the date of the order. Such appeal shall be heard by the Village Board within 30 days of the date of filing the appeal. The Village Board may affirm, reverse or modify the order of the Village Police Chief. The determination of the Village Board shall be final. An appeal which is timely filed suspends the disconnection until the Village Board renders its decision. The Village Clerk/Treasurer shall give

written notice of the time and place of the hearing to the appellant not later than 24 hours prior to the hearing. The Village Police Chief may, at his discretion, require the immediate disconnection of any alarm system connected to the police central alarm station if technical failure or defects of the system result in a continual or sporadic alarm.

(10) INTENTIONAL FALSE ALARM. No person shall intentionally cause the activation of a police alarm device knowing that no crime or emergency exists.

(11) AUDIBLE POLICE ALARMS. No person shall sell, use or install a police alarm which upon activation emits a sound the same as or similar to emergency vehicle sirens or civil defense sirens.

(12) PRIVATE ALARM SYSTEMS. Persons with alarm units that are connected to private alarm companies, including those private alarm companies engaged in the business of monitoring burglary alarm systems, shall pay to the Village the false alarm charge prescribed in par. (7)(i) for false alarms responded to by a Village police officer. The amount of such false alarm charges shall be based on the number of such police responses to each such business, commercial or residential premises.

(13) PRIVATE ALARM COMPANIES. Any person owning, leasing or operating a private alarm system programmed to a central office shall also maintain a maintenance system during the hours that such system is in operation and shall upon request of the Police Department dispatch a company representative to the location of any alarm transmitted so that such representative arrives within one hour of such request. Each premises containing an alarm shall be considered a separate entity for purposes of this section. When reporting an alarm, the caller shall first identify the private alarm company which monitors the alarm. Private alarm companies shall provide the Village Police Chief with a telephone number at which the maintenance service may be contacted at any time.

(14) APPEARANCE AT SITE OF ALARM. At the request of the Police Department, any person owning or leasing the premises on which an alarm is located shall dispatch a representative or appear in person at the location of any alarm transmitted so that such person or representative arrives within one hour of such request.

(15) PENALTIES. Any person convicted of a violation of this section may be required to forfeit not less than $50 nor more than $500 for each such violation. Any person may, in lieu of a court appearance, forfeit the amount set by the Municipal Judge.

4.08 MOTOR VEHICLE RECOVERY AND TOWING.

PURPOSE AND FINDINGS.

The Village Board finds that there arises, from time to time, a reasonable police need to recover and tow motor vehicles. Such needs include, but are not limited to:

(1) An unattended-to vehicle illegally parked or otherwise illegally obstructing traffic;

(2) An unattended-to vehicle at the scene of an accident when the driver is physically or mentally incapable of deciding upon steps to be taken to deal with his property, as in the case of an intoxicated, mentally incapacitated or seriously injured driver;

(3) A vehicle that has been stolen or used in the commission of a crime when its retention as evidence is necessary;

(4) An abandoned vehicle or nuisance vehicle;

(5) A vehicle so mechanically defective as to be a menace to others using the public highway;

(6) A vehicle impoundable pursuant to ordinance or statute which provides therefore, as in the case of forfeiture.

The public convenience and necessity requires that the Sturtevant Police Department obtain recovery and towing services for such vehicles from companies which have equipment and facilities which are sufficient to ensure the public convenience and safety. Such requirements dictate the necessity of licensing such companies to perform certain services at the request of the Sturtevant Police Department.

DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Assignment means a call from the village to a licensee requesting the performance of recovery and/or towing services.

Class A wrecker means a wrecker unit with an accepted commercially manufactured wrecker apparatus, single- or twin-boom, equipped with a mechanical or hydraulic power supply and dual rear wheel units and has a minimum gross vehicle weight (GVW) of 10,000 pounds, having a minimum unit rating of four-ton capacity as rated by the manufacturer. The wrecker apparatus shall be attached to the motor vehicle truck chassis

in conformance with wrecker apparatus recommendations for truck chassis gross vehicle weight not less than 10,000 pounds GVW. The wrecker unit shall be considered as a whole for compliance with this definition and no exception shall be allowed.

Class B wrecker means a wrecker unit, single- or twin-boom, with an accepted commercially manufactured wrecker apparatus having a minimum unit rating of a 16-ton capacity as rated by the manufacturer, has a GVW of 20,000 pounds, has either air brakes or auxiliary air supply which is ready and available for use in the recovery or towing of motor vehicles which have an air brake system, and is equipped with a mechanical or hydraulic power supply and dual rear wheel units. The wrecker apparatus shall be attached to the motor vehicle truck chassis in conformance with wrecker apparatus recommendations of truck chassis gross vehicle weight not less than 20,000 pounds GVW. The wrecker unit shall be considered as a whole for compliance with this definition and no exception shall be allowed, except as otherwise provided herein.

Commercial manufacturer specifications means the apparatus or equipment ratings established for the apparatus or equipment in question by the commercial manufacturer as accepted by the Sturtevant Police Department for conformance with this article. Commercial manufacturer rating for chassis GVW shall be determined by the commercial manufacturer. Commercial wrecker manufacturer recommendations shall be considered for wrecker unit compliance as a whole.

Flatbed truck means a hydraulic fill rollback bed truck, commercially manufactured and rated by the manufacturer to have a minimum winch capacity of not less than four tons by direct pull with accepted manufacturer rating. The rollback flatbed shall be attached to a truck chassis in conformance with the manufacturer's recommendations with a chassis manufacturer rating of not less than 10,000 pounds GVW and a minimum bed length of 19 feet. The unit shall be capable of and rated for a bed payload minimum of 7,000 pounds as commercially manufactured and rated. The flatbed unit shall be considered as a whole for compliance with this definition and no exception shall be allowed except as otherwise provided herein.

Licensee means a towing company which has been issued a license to perform recovery and towing services pursuant to this article.

No-tow means the response of a licensee to a specified place pursuant to the Sturtevant Police Department's request where the owner has removed the vehicle in question before the tow truck reaches the scene or when, before the vehicle is connected to the tow truck and is in motion, the owner arrives and takes possession of his vehicle.

Storage facility means a fenced-in, lighted, locked yard or secure indoor storage with a minimum capacity of 50 vehicles, with at least that capacity exclusively available as a place to temporarily keep vehicles towed hereunder. The facility shall conform to all

building and zoning requirements and shall be owned or exclusively leased by the licensee for such purposes.

Towing company means any person, firm, partnership, corporation, or association engaged in the business of the recovery and towing of motor vehicles on a full-time basis.

Wheel lift means an accepted commercially manufactured apparatus designed for the towing and recovery of motor vehicles by the towed unit's wheels/suspension. The wheel lift apparatus shall have a minimum manufacturer lift rating of 3,000 pounds while fully extended. The wheel lift apparatus shall be attached in conformance with manufacturer's recommendations for chassis mounting on a truck chassis having a manufacturer's rating of at least 10,000 pounds GVW. The wheel lift shall be considered as an integral part of the wrecker apparatus considered as a whole for compliance with this definition and no exception shall be allowed.

LICENSE--REQUIRED; TERM; FEE.

(a) No towing company shall recover or tow vehicles pursuant to a reasonable police need within the village for or at the request of the Sturtevant Police Department without first having obtained a license under this article. The acceptance of a license shall constitute a declaration and agreement by the licensee to perform licensed activities subject to the terms and conditions of this article. The acceptance of a license constitutes a commitment of the licensee to perform recovery towing services hereunder on each and every occasion requested and shall not be construed as a means to or authorizing of the business or practice of a licensee referring assignments to another licensee or towing company, except as herein provided.

(b) All licenses issued under this article shall expire on June 30 of each year. The license fee shall be as established by the village board, paid at the time of application. The license fee shall not be prorated.

LICENSE--APPLICATION; INVESTIGATION; INSPECTIONS.

(a) Application for a license shall be made to the village clerk upon forms provided by the village clerk's office. Upon receipt of an application, the village clerk shall refer the application to the Chief of Police or his designee for investigation and inspection. If the investigation and inspection under subsection (b) below, show that the applicant meets all conditions of licensing, the Chief of Police shall approve the application and forward it to the Administration Personnel/ Policy Legal Committee. If the police investigation and such inspection show that the applicant has not met the conditions of licensing, the applicant shall be so informed by the Chief of Police or his designee. If the applicant fails to meet the

requirements of this chapter within 60 days after notice of failure to comply, the Chief of Police or designee shall forward the application to the Administration Personnel/ Policy Legal Committee with a recommendation of denial. The committee shall recommend to the Village Board the granting or denial of license based on the inspection findings.

(b) Upon receipt of an application for a license hereunder, the Chief of Police shall direct that an investigation be performed to determine whether the applicant's documentation, vehicles, equipment, facilities and personnel comply with this article.

LICENSE--CONDITIONS.

As a condition to the granting of a license under this article, the applicant shall show evidence of the following and shall comply with the following conditions:

(1) Ownership or exclusive lease of the following vehicles, which shall be registered, licensed, insured, and maintained in a safe and serviceable condition at all times that the license hereunder is in effect, except during reasonable and expeditious repairs, not to exceed 30 days:

a. One flatbed truck and two class A wreckers, equipped with wheel lifts.

b. One class B wrecker, single- or twin-boom, which has either air brakes or an auxiliary air supply which is ready and available for use in the recovery or towing of motor vehicles which have an air brake system, and which is equipped with a mechanical or hydraulic power supply and dual rear wheel units.

(2) Exclusive use by ownership or written lease of a place of business with a storage facility at a single location within the Village of Sturtevant or within ten miles of the village limits in which the licensee is the sole licensee under this article operating the premises. The place of business shall contain the licensee's telephone, two-way radio, and other equipment and personnel reasonably necessary for the licensee to perform its obligations under this article.

(3) An executed agreement holding the village harmless from all losses, claims or damages to vehicles and vehicle contents resulting from the licensee's negligence, including but not limited to the recovery, towing and storage of vehicles.

(4) Certificates of insurance providing a minimum of ten days' written notice to the village before any such policy is amended or cancelled, including the

temporary or permanent removal of any covered vehicle from such policy. The certificate shall show statutory worker's compensation for employees, insurance on the vehicles required for issuance of the license written in comprehensive form, providing at least minimum limits of general liability and motor vehicle liability insurance for bodily injury and property damage, as required by the state for obtaining carrier authority. Such certificate shall show protection of the village and the licensee against all claims arising from injuries to persons or damage to property of others arising out of any act or omission of the licensee or its agents relative to performance of work for which the license is granted.

(5) An inspection certificate for each tow vehicle used in licensee's business from a qualified motor vehicle repair business which is legally engaged in such business in the state, certifying that the vehicle has been inspected on the date indicated and that it complies with all applicable requirements of Wis. Stats. ch. 347 and trans code 305, Wisconsin Administrative Code. The repair business representative responsible for conducting inspections under this subsection may be required by the Chief of Police or his designee to successfully complete a written examination to demonstrate his/her applicable knowledge of the authorities indicated.

(6) A current licensed carrier authority from the state, a copy of which shall be carried in each required vehicle at all times.

(7) Tow trucks and equipment used in the towing operation shall be maintained in a safe condition which is adequate to perform towing services in a safe, reasonable and workmanlike manner.

(8) Equipment to be present on each tow truck required under this article shall include dollies on class A wreckers, and all wreckers shall have brooms, shovels, one four- foot pry bar, fire extinguishers, J-hooks, T-hooks, snatch blocks with a minimum rating equal to the optional equipment made available by the manufacturer of the wrecker unit, two skotch blocks, one light bar for the towed vehicle, and at least 100 feet of cable on each winch, 50 feet for each flatbed, with a capacity of at least the tonnage rating required for the wrecker in question.

(9) The storage facility shall be open to the public for the recovery of vehicles and personal property from 8:00 a.m. to 5:00 p.m., Mondays through Fridays, except legal holidays, and during such times the licensee shall have at least one employee on duty at the facility who has the authority to release such vehicles and property. The licensee shall, between the hours of 8:00 a.m. and 12:00 noon Saturdays, excepting legal holidays, have at least one employee available to the public by answering service who will release vehicles and/or personal property. There shall be no fee charged for the Saturday service during the indicated hours.

(10) The licensee, prior to towing a vehicle from the scene of an accident, shall remove from the street all broken glass and other matter that may be in the street as a result of the accident.

(11) The vehicles required under this article shall be equipped with two-way radios with a range of at least 15 miles and the licensee shall maintain a compatible base radio at its place of business so that dispatches can be made via radio during regular business hours.

(12) The licensee shall not use any vehicle required under this article as a vehicle required to be available for service outside the county under license or contract.

(13) The licensee shall provide to the village, upon request, the appropriate commercial/regular driver's license number for each employee who operates a wrecker for the licensee.

(14) The licensee shall have a sufficient number of employees to operate all equipment required under this article at any time.

PROCEDURE.

(a) Requests for towing service made by the Sturtevant Police Department shall be on a rotation basis from a list containing the names of all towing companies licensed under this article. Assignments shall be deemed waived by *non-response* or *non- acceptance*, and the name of such carrier shall be placed at the end of the list. In the event of *non-acceptance* or *non-response*, the towing company shall provide the Chief of Police or his designee with the factual basis for such *non-action*. The police department shall maintain records of *non-acceptance* or *non-response*, including the factual basis therefore, and shall, upon request, forward such information to the Village Board and to each licensee with respect to its information.

(b) If the owner of a vehicle to be towed makes a specific request for a named towing service, the police officer at the scene shall so inform the dispatcher and the owner's request shall be complied with, if reasonably possible. If the persons involved in an accident are incapacitated or otherwise unavailable or unknown, the police officer at the scene shall assume the authority and use the list for towing service. If the licensee, which responds to the scene, requires assistance to complete the towing or recovery operation, the licensee may call whom they choose upon notification to the police officer at the scene.

(c) Upon notification by the Sturtevant Police Department, the licensee shall immediately send a tow truck to the designated scene, and the licensee shall remove disabled vehicles, and abandoned vehicles affecting traffic, stolen vehicles, vehicles held for evidence, or prisoners' vehicles, wrecked vehicles will be towed to the licensee's storage facility. If directed by a police officer, a licensee shall tow a vehicle to a different storage location as directed.

(d) Prompt and efficient service shall be provided by each licensee. Unless emergency conditions dictate otherwise, "prompt service" means arrival of the wrecker within 30 minutes following the request therefore, except as provided in the *Availability for service* section. Failure to provide prompt and efficient service shall be cause for review and suspension or revocation of the license.

(e) Upon proof of ownership of a towed vehicle, a licensee shall provide to the owner any personal property contained in the vehicle, with the exception of components of the vehicle, such as license plates, tires, wheels, batteries, and radios, pending payment of the towing and storage charges. Upon written request by the licensee, the police department shall provide the licensee with the name and address of the last known registered owner of a vehicle towed under this article and the name of any lien holder which the police department has knowledge of. No provision of this article is intended to modify the requirements of Wis. Stats. §§ 349.13(5), 779.415 or 779.48(2).

AVAILABILITY FOR SERVICES.

(a) The licensee shall furnish services on a 24-hour-a-day basis each day of the year. To ensure availability for services, the licensee shall have a single designated phone number through which the Sturtevant Police Department can request service at any time. During regular business hours, the licensee shall answer the designated phone number at its place of business required under **License Conditions**. The licensee may use an answering service for calls during other than regular business hours, but shall not use an answering machine.

(b) Dispatch services for the Sturtevant Police Department will, if possible, inform the licensee of the make, model and year of the vehicle(s) to be towed at the time of requested service. The licensee shall charge only for equipment reasonably necessary for performance of the services rendered. The Police Chief or his designee shall make final determinations on appeals of licensees from compensation granted hereunder.

4.09 BOARD OF POLICE COMMISSIONERS.

(a) **Creation.** There is hereby created a Board of Police Commissioners of the Village of Sturtevant.

(b) **Definitions.** For purposes of this section, "Board" shall mean the Village of Sturtevant Board of Police Commissioners.

(c) **Membership.** The Board shall be organized in the same manner as prescribed in Wis. Stat. Sec. 62.13(1). The Board shall consist of five (5) citizens, three (3) of whom shall constitute a quorum. Residency within the Village is not a requirement to serve as a member of the Board. The President of the Village of Sturtevant, subject to confirmation by the Village Board, shall annually, between the last Monday of April and the first Monday of May, appoint in writing to be filed with the Secretary of the Board, one (1) member for a term of five (5) years. The initial appointment shall be of the required five (5) members, each for varying terms from one (1) to five (5) years. Terms shall commence on the first Monday in May; provided, however, the initial appointments shall commence upon appointment and qualification. No appointment shall be made which will result in more than three (3) members of the Board belonging to the same political party.

(d) **Organization.** The Board shall annually select a president and a secretary from among its members. The president shall preside over meetings and hearings of the Board, to see that proper notices of all meetings and hearings are given, and to issue subpoenas to compel the attendance of witnesses. The secretary, subject to the direction of the Board, shall send out all notices required by law, ordinance or the Board, keep a record of all of the proceedings of the Board, and preserve evidence received at any hearing of the Board.

(e) **Powers and Duties**. The Board shall perform such powers and duties as are prescribed in Wis. Stat. Secs. 62.13(2) to (5) and (7) to (12), to the extent that the provisions apply to second and third class cities and shall:

(1) Have the following powers:

a. Appoint the Chief of Police, and establish the selection process and qualifications for the position.

b. Approve appointments of subordinates made by the Police Chief.

c. Establish the qualifications, selection process and eligibility list for entry-level positions (police officers). For the establishment of such list, the Board shall adopt and may repeal or modify rules calculated to secure the best service in the departments.

d. Establish the qualifications, selection process and eligibility list for other than entry level positions in the Police Department only when said positions are not filled by promotion. The Police Chief shall make the determination as to when promotion of subordinates can or cannot be done with advantage from within the Police Department

and whether qualified individuals are eligible for promotion. If such an eligibility list is required, the Board shall adopt, and may repeal or modify, rules calculated to secure the best service in the department.

e. Hear an appeal from a subordinate who has been suspended by the Police Chief and who requests a hearing.

f. Hear charges filed against the Chief or charges filed by the Chief against a subordinate. The Board may also hear charges filed by a member of the Board, the Board as a body or any aggrieved person, and determine whether there is just cause to sustain the charges, applying the criteria set forth in Wis. Stat. Section 62.13(5)(em). If the charges are sustained, the Board shall be authorized to impose only one of the following four penalties: suspension, reduction in rank, suspension and reduction in rank, or removal. Before the Board or a member of the Board is going to file charges, the Board may appoint a member to conduct an investigation which may lead to the filing of charges.

g. Make rules for the administration of the disciplinary appeal review process.

(2) Shall not have the following powers:

a. Organize and supervise the Police Department or prescribe rules and regulations for its control and management.

b. Contract for and purchase any necessary apparatus and supplies for the use of the department under its supervision.

c. Audit bills, claims or expenses of the Police Department before the same are paid by the Village Treasurer.

d. Determine when promotion of subordinates can or cannot be done with advantage, from within the department.

e. Establish an Affirmative Action Program.

f. Issue or remove oral or written reprimands or other forms of discipline not listed in subsection (1)(f) above.

j. Order any Village department or employee to conduct an investigation into any alleged impropriety, although the Board may request such an investigation.

(f) **Records**. The Board shall keep a record of its proceedings and provide a copy of each record to the Village Clerk. The Village Clerk shall be the legal custodian of records.

(g) **Rules and Regulations**. The Board shall also adopt rules and regulations necessary to carry out its duties in compliance with the provisions of Wis. Stat. Section 62.13.