

CHAPTER 3 - POLICE, CIVIL DEFENSE, AND FIRE DEPARTMENT

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3.01 VILLAGE MARSHAL ORDINANCE

(Am. June 6, 2006) (Am. December 8, 2020)

**PREAMBLE:**

In December of 2018, the Village Board voted to return to the original Wisconsin State Statute 61.28, Office of the Marshal. The move to go from an Officer in Charge of a Police Department to a Marshal of a Marshal's Office was to embrace community policing in the Village of Ridgeway. The title of Marshal is used to recognize that police are to be a part of the community. The office of the Marshal is granted with the authority over affairs similar to the sheriff of a county with jurisdiction ending at village borders, but with a focus on establishing community ties and working closely with residents of the village to ensure law and order.

**CREATION:**

The Marshal's Office of the Village of Ridgeway shall consist of the Marshal and such other Deputy Marshals as the Board may prescribe from time to time by ordinance or resolution. The Marshal and other Deputy Marshals shall be appointed by an affirmative vote of majority of all members of the Board. The Marshal shall be a certified law enforcement officer in the State of Wisconsin.

All references in any of the Village of Ridgeway Code of Ordinances to "Police", "Police Department", "Police Chief", "Officer in Charge", "Deputy" or "Officer" shall mean the Marshal Office, as amended hereby.

3.02 JURISDICTION, POWER, AND DUTIES OF THE MARSHAL OFFICE

(Cr. June 6, 2006) (Am. December 8, 2020)

The Marshal shall have command of the Marshal's Office of the Village of Ridgeway. They shall have custody, care and control of the property and equipment of the Department.

Additionally, the Village Marshal:

- 1) Shall be responsible for administering a philosophy of community policing and staying informed of current trends and technologies.
- 2) Shall file an inventory of all equipment in the department.
- 3) Shall maintain an inventory of all evidence and property seized by them or their Deputy Marshals
- 4) Shall submit a monthly report to the Village Board or Public Health & Safety Committee of all activities and transactions of the Department during the preceding month.

- 5) Shall be subject to oversight by the Village Board and Public Safety & Health Committee.
- 6) Shall administer the budget and expenses for the Department.
- 7) Shall perform other administrative and managerial duties necessary to operate the Department.
- 8) Shall supervise the other deputy marshals in the Department.
- 9) The above duties shall be in addition to the duties imposed upon the office under Sec. 3.03 of this code.

3.03 GENERAL POWERS OF POLICE OFFICERS.

(Or. Am. June 6, 2006) (Am. December 8, 2020)

The Village Marshal and deputy marshals shall possess the powers, enjoy the privileges, and be subject to the liability conferred upon Marshals and Constables pursuant to Section 61.31(2), Wisconsin Statutes. Every member of the Marshal's Office shall be a certified State of Wisconsin law enforcement officer and enjoy the same authority. It shall be their duty to:

- (1) Know and understand the ordinances of the Village and attend to the enforcement of such ordinances by all lawful means.
- (2) Obey all lawful written orders, directions, policies, and/or approved motions of the Village Board.
- (3) Cause the public peace to be preserved and see that all laws and ordinances of the Village and State are enforced, and upon any violation thereof 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) Shall keep a record of all arrests made by members of the Marshal's Office. Additionally, traffic citations issued, offenses charged, actions taken, complaints filed, and all other law enforcement actions as otherwise required by law.
- (5) Shall have the authority to arrest or cite any persons of the Village found in the act of violating any law or ordinance of the Village, State, or Federal Statute upon their discretion.
- (6) Additionally, they may upon their discretion arrest or cite any citizen aiding or abetting in such violation, and they shall arrest without warrant all persons whom they have reasonable grounds to believe have violated any

law or ordinance and who will not be apprehended unless immediately arrested, shall 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.

- (7) Help prevent crimes, misdemeanors and violation of Village ordinances and protect the health, safety, public peace and order of the Village and its inhabitants.
- (8) 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.
- (9) Assist the Fire Department/First Response in maintaining order at the scene of an emergency, fire, or other rescue operation.
- (10) See that the necessary permits and licenses issued by the proper authority of the State or Village are in the possession of and/or properly displayed by any person engaged in an activity or business within the Village for which such a permit or license is required.
- (11) In situations or on subjects where no policy or direction has been set forth by the Village Board, the Village President may be the person to give directions. Or, in the President's absence, such direction may be given by the Chair of the Public Safety & Health Committee.

#### 3.04 POLICE DISCIPLINE COMMITTEE.

(Cr. June 6, 2006).

(1) Establishment of Police Discipline Committee. In addition to and separate from the Public Safety & Health Committee, there shall be a Police Discipline Committee (PDC) established in the Village. All rules contained in Chapters 1 and 2 of the Village Code apply to the PDC, except where inconsistent with the rules enumerated in this subsection.

(2) Purpose of Police Discipline Committee. The PDC shall serve as a committee that meets the requirements set forth in Wis. Stat. § 61.65(1)(am). The PDC shall review all matters that may result in the suspension, reduction, suspension and reduction, or removal of the Marshal or other deputies that are not probationary. Such matters may be directly referred to the PDC by the Village Board and/or may be referred to the PDC by other Village Committees.

(3) Appointment and Term. The PDC shall consist of three (3) members, none of whom may be an elected official, an appointed Village official, or a Village employee. Appointments shall be made by the Village President subject to confirmation

by the Village Board. Terms shall be for two years. To provide for continuity on the PDC, one committee member shall be appointed for a one-year term, and two committee members will be appointed for two-year terms on staggered years. As each term expires, new members shall be appointed for two-year terms.

(4) Committee Meetings and Reports.

(a) Election and Duties of Chairperson. At its initial meeting the PDC shall elect a Chairperson, who shall serve a one-year term and may be re-elected for additional one-year terms. The Chairperson shall call and preside at all meetings of the PDC and shall see that all actions of the PDC are carried into effect.

(b) Meetings. Meetings of the PDC shall be held on an as-needed basis, or whenever called by the Chairperson of the PDC, called by the Village President, called by majority vote of the Village Board, or upon the written direction of at least two members of the PDC. Once called, the meeting shall be convened as soon thereafter as practicable. The Chairperson shall call the meeting and specify the date, time and location for the meeting.

(c) Notice of Meetings. The person calling the meeting of the PDC shall advise the Village Clerk of the nature of the meeting, the agenda, and the time and location for the meeting. The Village Clerk shall provide notice of the meeting in accordance with Wisconsin's Open Meeting Laws and Village Ordinances.

(d) General Rules and Procedures. The PDC shall develop a review process that is both consistent with Wisconsin Statutes and designed to meet the needs of the particular matter referred to the PDC. General rules and procedures governing the review process may be set forth in writing. Any rules set forth in writing shall be referred to the Village Board for review and shall be effective when adopted by resolution of the Village Board.

(e) Communications with Village Board. The PDC shall keep the Village Board adequately and appropriately apprised of the status of any matters before the PDC.

3.05 VILLAGE PRESIDENT AND TRUSTEES: POLICE POWERS OF

The Village 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.

3.06 CIVILIANS TO ASSIST.

It shall be the duty of any persons in the Village, when called upon by the Marshal or Deputy Marshal to promptly aid and assist them in the execution of their duties as reasonably practicable. Whoever shall neglect or refuse to give such aid or assistance without good reason shall be subject to a penalty as provided by this Code.

3.07 IMPERSONATING POLICE OFFICERS.

Whoever impersonates a peace or police officer with intent to mislead others into believing that the person is actually a peace or police officer is guilty of a Class B misdemeanor under Sec. 946.70 Wis. Stat.

3.08 ASSISTING ESCAPE OF PRISONER.

Whoever does assist in the escape of a prisoner, as defined under Sec. 946.44, Wis. Stats., is guilty of a Class D felony.

3.09 FIRE DEPARTMENT.

(1) The Village Board of the Village of Ridgeway officially recognizes the Ridgeway Volunteer Fire Department which serves the property owners of both the Village of Ridgeway and the Town of Ridgeway and has reciprocal agreements with the adjoining city and village fire departments.

(2) The Village of Ridgeway by action of the Village Board and the Town of Ridgeway by action of its Town Board share equally in providing a fire station for the Ridgeway Volunteer Fire Department and share equally in the costs of operating the Department by providing funds as they are billed by the Department.

3.10 FIRE DEPARTMENT ORGANIZATION.

(1) The Fire Department of the Village and Town of Ridgeway consists of residents of the Village and Town of Ridgeway.

(2) The members of the Department adopt their own by-laws, elect their Fire Chief and elect any other officers as called for in their by-laws.

(3) The Fire Department shall carry its own insurance, including fire and extended coverage, liability, property damage, workmen's compensation, etc.

3.11 FIRE CHIEF.

1) The Fire Chief is elected by members of the Fire Department.

2) Duties and Powers. The Fire Chief shall enforce, or cause to be enforced, all fire prevention ordinances, laws and regulations of the Village, Town and State.

3) Fire Inspector. The Fire Chief may appoint a deputy Fire Inspector who shall perform all duties required of Fire Inspectors by the laws of the State and rules of the State Industrial Commission, particularly Sec. 101.14, Wis. Stat.

3.12 FIRE DEPARTMENT MEMBERS.

The members of the Fire Department may or may not be residents of the Village and Town of Ridgeway. Applications are voted upon by the members of the Department.

3.13 EQUIPMENT AND APPARATUS.

Use as requested by the Village or Town Board of Ridgeway.

**3.14 POLICE POWERS OF THE FIRE DEPARTMENT.**

(1) **Authority at Fires.** The Fire 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 Fire 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. During the progress of any fire, he shall have the power to order the destruction of any property necessary to prevent the further spread of the fire. He shall also 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 Fire Department during the progress of a fire.

(3) **Members of the Fire Department May Enter Adjacent Property.** It shall be lawful for any member of the Fire Department 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. No person shall hinder, resist or obstruct any member of the Fire Department in the discharge of his duty as herein-before 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 such orders.

**3.15 FALSE FIRE ALARMS PROHIBITED.**

Whoever intentionally gives a false alarm to any public officer is guilty of a Class A misdemeanor as provided under Sec. 941.13, Wis. Stat.

**3.16 PENALTIES.**

(Cr. 1986 Ch. 3). (Am. 2020 Ch. 3).

The penalty for violation of any provision of this chapter shall be a penalty as provided by this code, under Chapter 12.