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CHAPTER 3

**POLICE AND EMERGENCY GOVERNMENT
MANAGEMENT** *[Revised 8/5/98]*

**3.01 GENERAL POWERS OF POLICE
OFFICERS** *[Amended 12/08/97, 3/8/10]*

- (1) The Town Board of Supervisors, pursuant to WI Stats. 60.56(1)(a)(1) and 60.57(1)(a), has established a Police Department and Police and Fire Commission and has adopted by reference all of the provisions of WI Stats. 62.13(2) to (5) and (7) (12).
- (2) The Police and Fire Commission shall have the power and authority prescribed under Section 62.13(2) WI Stats. as applicable to Towns. Excluded is the provision of WI Stats. 62.13(6) (Optional Powers of Board). This ordinance does not grant to the Board of Police and Fire Commissioners powers greater than bestowed upon it statutorily.
- (3) The Police and Fire Commission shall appoint a person in charge of the Police Department hereinafter referred to as Chief of Police.
- (4) The Chief of Police shall appoint subordinates subject to approval of the Board of Police and Fire Commissioners.
- (5) All sworn Police Department employees, prior to assuming their positions, shall take and subsequently abide by an oath of office to enforce the laws and uphold the constitution of the United States, the State of Wisconsin and Municipal Code of the Town of Menasha. *[Revised 6/20/99]*
- (6) The Chief of Police shall have command of the police force of the Town under the direction of the Police and Fire Commission and Town Board of Supervisors. The Chief shall obey all lawful written orders of the Police and Fire Commission, Town Administrator, or Town Board. The Chief and each police officer shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables; shall arrest with or without process and with reasonable diligence take before the municipal judge or other proper court every person found in the Town engaged in any disturbance of the peace or violating any law of the State or ordinance of the Town and may command all persons present in that case to assist, and if any person, being so commanded, refuses or neglects to render assistance shall forfeit not exceeding an amount set forth in Appendix C Fines and Penalties, reference this code section. They shall collect the same fees prescribed for Sheriff's in Section 814.70 for similar services, unless a higher fee is applicable under Section 814.705(2). *[Amended 11/28/05]*

- (7) The Chief of Police shall have charge of the Town lockup.
- (8) Every officer in charge of a lockup shall keep a record concerning each person placed in the lockup, including the person's name, residence, and description, the time and cause of the person's confinement, and the authority under which the person was confined; and when any person is released, the time and the authority for such release.
- (9) The personnel required to comply with WI Stats. Chapters 302.41 and 302.42 shall be provided at the expense of the municipality.
- (10) Sworn Police Officers shall emit fees collected in line of duty to the Treasurer of the Town of Menasha.
- (11) Sworn Police Officers shall not become bail for any person arrested and shall in no case become bail for any person.
- (12) Sworn Police Officers shall assist the Fire Department at fire scenes or other emergencies.
- (13) Sworn Police Officers shall see that the necessary permits and licenses issued by the proper authority of the State or Town are in the possession of or properly displayed by any person engaged in an activity or business within the Town for which such permit or license is required and that the terms of such permits or licenses are complied with.
- (14) Sworn Police Officers shall exercise and comply with the provisions of WI Stats. 60.35.

3.02 CHIEF OF POLICE *[Amended 11/10/97, 3/8/10]*

- (1) The Chief of Police shall be responsible for the following tasks not enumerated by Wisconsin State Statutes:
 - (a) Abide by the provisions specified within the Chief of Police position description.
 - (b) Develop, prepare and submit an annual operational and capital outlay budget.
 - (c) Develop, prepare and submit an annual police department report.
 - (d) Provide for or conduct regular training for all police department employees.
 - (e) Maintain a current inventory of police department equipment, vehicles, and furnishings.
- (2) The Chief of Police shall not be absent from work without first reporting to the Town Administrator, or in the Administrator's absence, the Town Chairperson or Supervisor available.

- (3) The Chief of Police will notify ranking police personnel when leaving the community or being unavailable.
- (4) Department Standard Operating Guidelines. The Police Chief shall develop and maintain Police Department Standard Operating Guidelines regarding the operation of the Department which shall be reviewed by the Town Administrator. All members of the Department shall have access to the Standard Operating Guidelines.

3.03 DISPOSITION OF ABANDONED PROPERTY

The Town shall dispose of abandoned property pursuant to the provision set out in WI Stats. 66.0139.

3.04 ADOPTION OF JOINT ACTION ORDINANCE, PURPOSE

- (1) A Joint Action Ordinance of the Board of Supervisors of Winnebago County providing for a County-Municipal Joint Action Emergency Government plan of organization adopted by said County Board on the 19th of May, 1981. Said County Ordinance is adopted as Chapter 3.05, Town of Menasha Municipal Code, and is hereby ratified and accepted by the Municipality of the Town of Menasha, County of Winnebago.
- (2) The ratification and acceptance of the Joint Action Ordinance shall constitute a mutual agreement between the Town of Menasha and Winnebago County as provided in said Joint Action Ordinance, in accordance with Chapter 166, WI Stats.
- (3) The County - Municipal Emergency Government Director, appointed and employed by the Winnebago County Board as provided in Chapter VI of said Joint Action Ordinance, is hereby designated and appointed Emergency Government Director for the Town of Menasha, subject to the conditions and provisions as set forth in the Wisconsin Statutes, and the Winnebago County Joint Action Ordinance.

3.05 WINNEBAGO COUNTY EMERGENCY

[Adopted by Winnebago County 5/19/81]

- (1) **Policy and Purpose.** To ensure that Winnebago County will be prepared to cope with emergencies resulting from enemy action and with emergencies resulting from natural disasters, an Emergency Government Organization is created to carry out the purposes set forth in Chapter 166, WI Stats. 1980.
- (2) **Definitions**
 - (a) **Enemy Action** means any hostile action taken by a foreign power which threatens the security of the State of Wisconsin.

(b) **Emergency Government** means all those activities and measures designed or undertaken:

- (1) To minimize the effects upon the civilian population caused or which would be caused by enemy action.
- (2) To deal with the immediate emergency conditions which could be created by such enemy action.
- (3) To effectuate emergency repairs to, or the emergency restoration of vital public utilities and facilities destroyed or damaged by such enemy action.

(c) Natural disaster includes all other extraordinary misfortunes affecting the County, natural or man-made, not included in the term "enemy action".

(3) County Emergency Government Committee

- (a) How Constituted. In accordance with WI Stats. Chapter 166.03(1), WI Stats., the County Board shall designate a committee of the Board as a County Emergency Government Committee whose Chairperson shall be the Chairperson of the County Board.
- (b) Duties. The County Emergency Government Committee shall be the policy and rule-making body in the establishment and development of County emergency government plans and programs.

(4) County Municipal Emergency Government Director

- (a) Joint Director. For the purpose of administering a County-wide program and to insure compatible emergency preparedness planning between the County and municipalities lying therein there is created the office of County Municipal Emergency Government Director. The Director shall also perform similar duties and responsibilities in such municipalities of the County as may enact an ordinance parallel to this Chapter, as is permitted by WI Stats. 166.03 and WI Stats. 66.0301.
- (b) Tenure, Term, Appointment and Statutory Provisions.

- (1) Tenure. The Director shall be a part-time position. The salary of the Director and members of his staff shall be established by the County Board.
- (2) Term. The term of the Director shall be at the pleasure of the County Executive and the executive heads of the municipal governments having adopted this ordinance.
- (3) Appointment. The Director shall be appointed by the County Executive and the

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executive heads of municipal governments having adopted this ordinance, subject to County Board concurrences and in accordance with standard employment procedures as used by the County.

(4) Statutory Provision. The provisions of WI Stats. 166, relating to personnel shall apply to the Director and office staff.

(c) Status. The Director shall be an employee of the County.

(d) Municipal Deputy Emergency Government Director. *[Revised 8/5/98]*

(1) Each municipality passing a Joint Action Ordinance with the County shall appoint a Deputy Emergency Government Director.

(2) The Deputy shall operate under the administrative direction of the Director.

(3) Remunerations, if any, for the Deputy shall be determined and paid by the governing body of the municipality.

(4) The Town of Menasha Municipal Deputy Emergency Government Director shall be the Town Fire Chief. In the absence of the Fire Chief, the Police Chief shall serve as the Deputy Director. The second (2nd) alternate shall be the Deputy Police Chief. *[Adopted 8/5/98]*

(5) Sharing of Costs

(a) Office and Staff. The County Board shall provide offices, furniture, stenographic help and such office supplies as may be necessary to carry out the functions of the Director and the cost thereof shall be defrayed by the County and any available federal or state funds.

(b) Major Equipment and Services. Costs of equipment and services, as well as other costs relating to the development of emergency preparedness programs not attributed to the administration of the program per se, shall be borne 100% by the municipal government requiring such procurement and services, provided, however, that any available federal or state funds to offset such costs shall be obtained by the Director whenever possible. Federal or State reimbursements shall be turned over to the Treasurer of the procuring municipality.

(6) **Joint Action Meetings.** Whenever it is deemed necessary by either the County Emergency Government Committee or the Emergency Government Committee of a municipality participating in joint action, there shall be a joint meeting of the committees to decide such matters as may arise. At such times as joint

meetings are called, the meeting shall be chaired by the Chairman of the County Board.

(7) Duties of the Director

(a) County-wide Duties. The Director, in his capacity as County Director, subject to the control and direction of the County Executive and the County Emergency Government Committee and under the general supervision of the County Board shall:

(1) Develop and promulgate emergency plans for the County, including planning for joint action municipalities, consistent with the State Emergency Operations Plan.

(2) Coordinate and assist in the development of no joint action municipal emergency government plans within the County and integrate such plans with the County plan.

(3) Direct the County and joint action municipality emergency government programs.

(4) Direct County-wide emergency government training programs and exercises.

(5) Advise the State Administrator of all emergency government planning for the County and render such reports as may be required by the State Administrator.

(6) In a case of state of emergency proclaimed by the Governor, direct the County and joint action municipalities' emergency government activities, under the County Executive and municipal heads of government, and coordinate the no joint action municipal emergency government activities within the County, subject to the coordinating authority of the State Administrator.

(7) Perform such other duties relating to emergency government as may be required by the County Board.

(b) Municipal Duties. The Director in his capacity as Director for a municipality participating in joint action shall:

(1) Direct the municipal emergency government organization.

(2) Develop, promulgate and integrate into the County plan, emergency government plans for the operating services of the municipality.

(3) Direct participation of the municipality in such emergency government training programs and exercises as may be required on the County level or by the State Administrator.

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- (4) Direct the municipal emergency government training programs and exercises.
 - (5) Perform all administrative duties necessary for the rendering of reports and procurement of matching federal funds for each municipality requesting federal matching funds.
 - (6) In case of a state of emergency proclaimed by the Governor, direct the activities of the municipal emergency government organization under the municipal executive head of government and through the utilization of the municipality's appointed deputy director.
 - (7) Perform such other duties relating to emergency government as may be required by the municipal governing body.
 - (8) Utilization of Existing Services and Facilities
 - (a) Policy. In preparing and executing the Emergency Government Program, the services, equipment, supplies and facilities of the existing departments and agencies of the County shall be utilized to the maximum extent practicable and the officer and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities as may be required from time to time.
 - (b) Responsibility. To assure that in the event of an emergency, the following specific responsibilities are assigned to the following department heads named as directors of the indicated emergency government services. The Director shall assist in organizing and planning for the expansion of the various departments hereinafter indicated prior to and during an emergency and for recruiting necessary emergency government volunteers to supplement regular department employees:
 - (1) County Sheriff - Director of Police Services.
 - (2) County Highway Commissioner - Director of Engineering Services.
 - (3) Purchasing Agent - Director of Supply Services.
 - (4) Director of Public Welfare - Director of Emergency Welfare Services.
- (5) County Coroner - Director of Mortuary Services.
 - (6) District Attorney - Director of Disaster Analysis.
 - (7) Other department heads not specifically named shall fulfill emergency and non-emergency duties as assigned under the State Emergency Government Plan. Nothing in this Section shall be construed so as to limit the County Municipal Emergency Government Director from immediately commencing organizational and planning programs as required by the State Emergency Operations Plan adopted by the County Board of Supervisors.
- (c) Joint Action. Municipalities entering into joint action with the County shall provide for utilization of existing services of municipal government by enactment of an ordinance parallel to this Section of the County ordinance.
- (8) **Other Emergencies**
- (a) Joint Action Municipalities. If the Governor determines that an emergency exists growing out of natural or man-made disasters, the Director shall activate and direct emergency government services at the appropriate level of government affected by the emergency under the executive head of such level of government and through the appointed deputy of such municipality.
 - (b) Non-joint Action Municipalities. In the event of a natural or man-made disaster, the Director shall coordinate the municipalities affected and render such assistance as is required and available from County resources.
- (9) **Penalties.** No person shall willfully obstruct, hinder, or delay any member of the emergency government organization in the enforcement of any order, rule, regulation or plan issued pursuant to this Chapter or do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority of this Chapter. A violation of any of the provisions of this chapter shall result in a forfeiture of not less than an amount set forth in Appendix C Fines and Penalties, reference this code section, and in default of payment thereof, shall result in imprisonment in the County Jail for a period not exceeding 90 days. *[Amended 11/28/05]*

3.06 PENALTIES FOR CHAPTER 3

The penalty for a violation of Sections 3.01 and 3.02 shall be as follows:

- (a) Any person upon proof and conviction thereof shall forfeit not less than an amount set forth in Appendix C Fines and Penalties, reference this code section, together with the costs of prosecution, or either of them, and such convicted person shall be confined to the County Jail of Winnebago County until such fine and costs are paid but not to exceed 30 days. *[Amended 11/28/05]*
- (b) The penalty for violation of Section 3.01, as relates to the traffic code and snowmobile code of the Town of Menasha, Chapter 4, shall be as provided in Chapter 4, being the penalty provisions of said traffic code and snowmobile code.