

## CHAPTER 5 POLICE DEPARTMENT

5.01 **ORGANIZATION OF POLICE DEPARTMENT.** The Police Department of the City of Hartford shall consist of the Chief of Police, sworn Police Officers and non-sworn support staff as may be appointed from time to time.

5.02 **POLICE CHIEF.** (1) Appointment. The Chief of Police shall be appointed by the Board of Police & Fire Commissioners and shall hold his office during good behavior, subject to suspension or removal by such Commission.

(2) Command of Police Department. The Chief of Police shall have command of the Police Department of the City under the direction of the Mayor. The Chief of Police shall have general administration and control of the department and shall be responsible for the department's government, efficiency and general good conduct. The Chief of Police shall perform all duties prescribed to him by the laws of the state and the ordinances of the City, and it shall be his duty to obey all lawful written orders of the Mayor and Common Council.

(3) To Keep Public Peace. The Chief of Police shall cause the public peace to be preserved and enforce all the laws and ordinances of the City and whenever any violation thereof shall come to his knowledge, he shall cause the requisite complaint to be made and procure the evidence for the successful prosecution of the offender or offenders.

(a) Appointed Officials other than Police Officers shall be empowered to utilize citation authority to alleviate serious violations of ordinances of the City for which they bear direct or indirect responsibility. The Chief of Police shall cooperate with other appointed officials in such matters, by providing counsel and by causing a uniform citation and complaint form to be issued.

Said citations and complaints shall be promptly completed by the responsible official, with the assistance of the City Attorney, and shall then be served by a Police Officer.

Copies of complaints issued under this subsection shall be forwarded to the Mayor. The City Attorney, acting as a Court Officer, shall be empowered to dismiss any complaint.

(4) Department Records. The Chief of Police shall keep a record of all arrests made by all of the members of the police force, the dates thereof, the name of the person arrested, the name of each arresting officer, the action taken under the arrest and the result. He shall be prepared to make a report of such records to the Common Council as requested by the Mayor or Common Council.

5.03 **MEMBERS OF DEPARTMENT.** (1) Appointment. The Chief of Police shall appoint subordinates subject to the approval of the Board of Police & Fire Commissioners. Such appointment shall be made by promotion when this can be done with advantage, otherwise from an eligible list provided by examination and approval by the Board and kept on file with the City Clerk. Such list shall be determined as provided in Section 62.13 (4) of the Wisconsin Statutes.

(2) Probation Period. All original appointments to the Police Department shall be for a probationary period of 12 months, continuation in the service being dependent upon the conduct of the appointee and his/her fitness for the performance of assigned duties. Any appointee may be removed during the probationary period at the discretion of the Chief of Police.

5.04 **POLICE OFFICERS: POWERS AND DUTIES.** (1) Powers of Arrest. The Chief of Police and any police officer shall have full power and authority, and it shall be their duty to arrest all persons in the City found in the act of violating any law or ordinance in the City, or aiding or abetting in such violation, and shall arrest all persons found under suspicious circumstances, and shall take all such persons in charge and confine them, and within a reasonable time, bring such persons before the proper magistrate to be dealt with according to law.

(2) Orders of Chief. The members of the police force shall obey the orders of the Chief of Police, and shall report to the Chief all violations of the City ordinances.

(3) Gifts and Rewards. No police officer shall accept or receive from any person while in custody or after such person shall be discharged, or from any such person's friends, any gratuity, reward or gifts, directly or indirectly or any article or thing as compensation or damages sustained in the discharge of his duty.

(4) Witness Fees. All witness fees for appearances by members of the Police Department in their official capacity before any court shall be paid to the City Treasurer for deposit in the general fund.

(5) Uniforms and Insignia. (a) Badges. All uniformed police officers when on duty shall wear the badge or insignia of their office on the outside of the outermost garment, over the left breast, conspicuously displaying the same so that the entire surface thereof may be seen, except when caution may dictate that the same shall not be exposed.

(b) Uniforms. Every member of the police force, except the Chief of Police, shall on all occasions while on duty, unless otherwise directed by the Chief of Police, wear a uniform as may be prescribed by the Chief of Police.

(6) Absence from City. No member of the Police Department shall be absent from duty or leave the City without the permission of the Chief of Police.

(7) Suspension and Dismissal. Any member of the police force may be suspended for cause by the Chief of the department and such suspension shall immediately be reported in writing to the Police & Fire Commission. Every police officer shall also be subject to suspension and dismissal for cause in accordance with Section 62.13 (5) of the Wisconsin Statutes.

(8) Police Powers of Mayor. The Mayor of the City shall, severally and respectively, have and exercise with the City all the powers of the police officer of the City, without any extra compensation or claims of extra compensation therefor.

5.05 **REGULATIONS FOR DEPARTMENT.** (1) The Chief of Police and all members of the Police Department shall be governed by and shall carry out all rules and regulations prescribed by this Chapter and such other rules and regulations adopted by the Board of Police & Fire Commissioners.

(2) The Chief of Police may make, promulgate, and enforce such further rules and regulations for the government and conduct of the police force as he may deem necessary, provided such rules shall not be inconsistent with this Chapter and the laws of the State of Wisconsin.

5.06 **CUSTODY OF LOST AND CONFISCATED PROPERTY.** (1) Custody with Chief. The Chief of Police or the Chief's designee shall have charge and custody of all lost, stolen, abandoned and unclaimed property, property taken from prisoners or held as evidence, and all other property coming into possession of the Police Department, and he shall be responsible for the safekeeping, accurate recording and proper disposition of the same.

(2) Disposition of Unclaimed Property.

(a) All personal property which has been abandoned or remained unclaimed for a period of 30 days after taking possession of the property by the City may be disposed of by the Police Department by any means determined to be in the best interests of the City. The property may be sold at public sale or auction at a time and place designated by the Chief of Police. If the property is not disposed of in a sale open to the public, the Police Department shall maintain an inventory of such property, a record of the date and method of disposal, including the consideration received for the property, if any, and the name and address of the person taking possession of the property. Such inventory shall be kept as a public record for a period of not less than two years from the date of disposal of the property. If the disposal is in form of a sale, all receipts from the sale, after deducting the necessary expenses of keeping the property and conducting the sale, shall be paid into the City Treasury.

(b) All unclaimed money in possession of the Police Department, after being held for 30 days and after every reasonable effort has been made to locate the owner thereof, shall be deposited with the City Treasurer, upon approval of the Chief of Police.

(c) Except upon orders of the Court, stolen or wrongfully taken property, or property which may be required in any civil or criminal proceedings, shall not be delivered to any claimant until all prosecutions or proceedings involving such property shall have been finally determined.

(3) Destruction of Gambling Devices. Unless otherwise directed by the court, all gambling devices, tables, wheels, instruments or any other paraphernalia used for gambling purposes seized by members of the department shall be destroyed upon order of the Chief of Police, after all prosecutions or proceedings pertaining thereto have been finally disposed of, including appeals, and the time has expired within which appeals may be taken.

5.07 **RESISTING OR OBSTRUCTING OFFICER.** (1) No person shall knowingly resist or obstruct an officer of the Police Department while such officer is doing any act in an official capacity and with lawful authority.

(2) In this section, "Obstructs" includes without limitation knowingly giving false information to the officer with intent to mislead him in the performance of his duty including the service of any summons or civil process.

5.08 **PRIVATE ALARM SYSTEMS.** (1) Declaration of Purpose. This ordinance is enacted to provide minimum standards and regulations applicable to panic, burglar and fire alarm systems. Public safety will be aided by providing a more efficient system of private security, which properly balances quick response by emergency responders with minimization of fire and police time spent on false alarms. (AMENDED 2/12/2019—ORDINANCE 1400)

(2) Definitions.

(a) Alarm system shall mean any device designed for the detection of an unauthorized entry on the premises, unlawful act, fire or any emergency that alerts a municipal organization of its commission or occurrence and when actuated, gives a visual or audible signal, or transmits or causes a signal to be transmitted.

(b) False alarm shall mean a signal from an alarm system that alerts any municipal organization of the City that results in an emergency response from that group when a situation of emergency does not exist.

(c) Person shall mean any individual, partnership, corporation, or other legal entity.

(d) Private residence shall mean any structure that is primarily used as a dwelling.

(e) Local alarm shall mean a system that gives a signal, either visual or audible, that does not leave that structure by wire or radio wave to a control receiving location. Excluded are smoke detectors in private one- or two-family homes which signal inside the dwelling only.

(3) Permits.

(a) A permit shall be required annually of each alarm system, or local alarm, on commercial, multi-family, or private premises within the City of Hartford.

(b) A permit fee as determined in Chapter 42 of the Municipal Code shall be paid by the applicants, except that permits for systems on premises as of October 1, 1978, shall be issued without charge. If two separate systems or a single system with two separate or different functions exist, separate fees shall be required for each system, or function.

(c) Time to acquire. For those systems on premises within the City as of October 1, 1978, a permit shall be obtained within ninety (90) days after the effective date of this ordinance. With respect to any alarm system installed after the effective date of this ordinance, a permit must be issued before the system is installed.

(d) The issuing authority shall be the Hartford Police Department.

(e) Application for all permits for private dwellings, multi-family housing, and commercial buildings required under this section shall be filed in writing with the Chief of Police. The Chief of Police shall prescribe the form of application and request such information as is necessary to evaluate and act upon the permit application. The Hartford Police Department shall deny a permit if the alarm system, for which the permit is sought, does not comply with this Chapter.

(4) Requirements.

(a) All installations and inspection maintenance fees shall be paid by the applicant.

(b) All subscribers that install alarm systems in the City of Hartford shall be required to assure some prompt type of response in the event the alarm is activated. The response is necessary in order to silence, reset, or gain entrance to the building.

(c) All commercial and industrial subscribers having alarms other than fire, and all residential subscribers, must have some type of device attached to the alarm that will automatically shut off the alarm after fifteen minutes or have some other sure means of turning off the alarm.

(d) All private dwelling alarm systems shall be equipped with a time delay of at least twenty (20) seconds in case the system is accidentally activated.

(e) All security alarm systems shall be equipped with batteries in case of power failures.

(5) Prohibitions.

(a) No person shall install an alarm system, or local alarm, or use or possess an operative alarm system, or local alarm, without having a permit in accordance with the provisions of this subsection.

(b) No person owning, using, or possessing an alarm system, or local alarm, shall cause or permit giving of repeated false alarms, whether intentional, accidental, or otherwise.

(c) No person shall knowingly activate or cause to be activated any false alarm that would cause the evacuation of a building, dwelling, school premises, vehicle, or place of public assembly or any room within a building, dwelling, or school premises; or cause public inconvenience, panic, fear, or an interruption or impairment of governmental operations.

(CREATED 2/12/2019—ORDINANCE 1400)

(6) Testing. No alarm and/or fire system will be tested to determine police response without first notifying by personal appearance, the police department dispatcher immediately before testing.

(7) Charges for False Alarms.

(a) There shall be a charge for repeated false alarms requiring a Police or Fire Department response if the alarm system malfunctions because of faulty equipment, improper installation, failure to properly maintain the system, or if the alarm is activated for any other reason. The charge shall not be imposed when the alarm is caused by a tornado, earthquake, electric system failure, electrical storm or other violent conditions as determined by the Chief of Police. There shall be no charge for the first false alarm, a warning letter shall be issued for the second, and a fee for the third and every subsequent false alarm in a calendar year shall be due and owing as specified in Chapter 42 of the Municipal Code.

(b) All monthly charges for false alarms shall be immediately due and payable. Failure to pay any false alarm charge within thirty (30) days of assessment shall be grounds for immediate disconnection insofar as no federal or state laws are violated. In addition, any unpaid charges shall become a lien on the property, collectible by the Treasurer in the usual manner.

(8) City Liability. Limitations of Liability. The City of Hartford shall be under no duty or obligation to a permittee or to any other person concerning any provision of this Chapter, including, but not limited to, any defects in an alarm system or any delays in transmission, or response, to any alarm; however, this in no way shall be construed that it is not the proper function of the Police Department to respond to alarms.

(9) Penalties. Any person who shall violate any provision of this section shall be subject to a penalty as provided elsewhere in this Municipal Code.

5.09 **FINGERPRINTING SERVICES.** Whenever citizen requests to have his or her fingerprints taken for non-law enforcement purposes, a fee for such service shall be charges as provided in Chapter 42 of this Code.

5.10 **PARKING ENFORCEMENT AIDES.** Parking Enforcement Aides shall be appointed and supervised by the Chief of Police and shall patrol parking areas, issue notices of tickets for parking violations, provide assistance to the public, and perform other duties related to the above, but shall not have the power to arrest.

5.11 **CITATION.** (1) The citation form to be used for violations of ordinances other than those for which a statutory counterpart exists shall be the Wisconsin Uniform Municipal Court Citation and Complaint form as prescribed by the Wisconsin Department of Administration-- Document Sales Unit.

(2) Citations with respect to ordinances which are directly related to his or her official responsibilities may also be issued by the Building Inspector or Zoning Administrator.

5.12 **CRIMINAL CONVICTION RECORDS CHECK.** The Chief of Police or the Chief's designee shall be required to access the TIME System computer network and may provide to the appropriate licensing, employment or authorizing authority criminal conviction records of applicants for bartender licenses, and for employment with the City of Hartford.

5.13 **FALSE COMPLAINTS OF POLICE MISCONDUCT.** Whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer is subject to a Class A forfeiture. This ordinance adopts Section 946.66, Wisconsin Statutes.

CHAPTER 5 REPEALED AND RECREATED 6/28/2016—ORDINANCE NO. 1357