Chapter 4 – POLICE DEPARTMENT

INDEX

Section	Page
4.01 – Composition of Police Department	1
4.02 – Salaries	1
4.03 – Disciplinary Action	1
4.04 – Chief of Police, Powers and Duties	1
4.05 – Police Officers	1
4.06 – Department Rules	2
4.07 – Mutual Assistance	2
4.08 – Penalty	2
4.09 – Appointment of Crossing Guards	2
4.10 – False Security Alarms Prohibited	2

4.01 (COMPOSITION OF POLICE DEPARTMENT)
The Police Department of the City shall consist of the Chief of Police and such subordinates as the Council may designate, who shall be appointed pursuant to 62.13, Wis. Stats.

4.02 (SALARIES)
The salaries of the Chief of Police and subordinates shall be fixed by the Council and they shall not be entitled to other compensation.

4.03 (DISCIPLINARY ACTION)
Disciplinary action against the Chief of Police and subordinates shall be in compliance with 2.13(5), Wis. Stats.

4.04 (CHIEF OF POLICE, POWERS AND DUTIES)
(1) The Chief of Police shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon marshals and constables.

(2) He shall obey all lawful written orders of the Mayor and the Council.

(3) He shall cause the public peace to be preserved and see that all laws and ordinances of the City and State are enforced and, whenever any violation thereof shall come 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) He shall exercise supervisory control over all the personnel of the Department and may adopt, subject to the approval of the Council, rules and regulations for the government, discipline, equipment and uniforms of police officers.

(5) He shall be solely responsible for the care and condition of the equipment used by the Department.

(6) He shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the Department.

4.05 (POLICE OFFICERS)
(1) GENERAL POWERS AND DUTIES. Each officer of the Department shall possess the powers conferred on marshals and constables by law, shall preserve the public peace and shall enforce the laws and ordinances of the State and City subject to the orders, rules and regulations of the Chief, the Mayor and the Council.

(2) POWER OF ARREST. The Chief of Police and any police officer shall arrest all persons in the City found in the act of violating any law or ordinance of the City or State or aiding or abetting in such violation, and they shall arrest without warrant all persons who 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.

(3) REPORTING DANGEROUS CONDITIONS. The Chief of Police and any police officer shall 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.

(4) ASSISTING FIRE DEPARTMENT. Whenever necessary, any police officer shall assist the Fire Department in maintaining order at the scene of a fire.

(5) PERMITS AND LICENSES. The police officers shall ensure that the necessary permits and licenses issued by the State or the City are in the possession of or are properly displayed by any person engaged in an activity or business within the City for which a permit or license is required and that the terms of such license or permit are complied with.

4.06 (DEPARTMENT RULES)
The Chief of Police shall prepare rules for the administration of the Police Department, which rules shall be in full force upon approval of the Council.

4.07 (MUTUAL ASSISTANCE)
In accordance with 66.305, Wis. Stats. and policies established by the Council, Chief of Police may respond to requests for police personnel from other governmental entities and may request said jurisdiction to provide police personnel to the City.

4.08 (PENALTY)
Any person who shall violate any provisions of this chapter or any rule, regulation or order made hereunder shall be subject to a penalty as provided in sec. 25.04 of this Code.

4.09 (APPOINTMENT OF CROSSING GUARDS)[1]
Pursuant to the authority conferred on the City under Section 349.215, Wis. Stats., the City of Prairie du Chien, Crawford County, Wisconsin, hereby authorizes the Chief of Police of the City of Prairie du Chien to appoint, subject to approval of the Common Council, adult school crossing guards for the protection of persons who are crossing the highway in the vicinity of a school.

4.10 (FALSE SECURITY ALARMS PROHIBITED)[2]
(1) DEFINITIONS. For the purpose of this ordinance, the following definitions shall apply:

(a) Alarm system: Any assembly of mechanical or electrical equipment installed and arranged to signal the occurrence of a burglary, break-in, unauthorized entry or breach of a building's security to which the Police Department may be expected to respond.

(b) Security alarm user: A person, firm, partnership, association, corporation, company, or organization of any kind that is in control of any building, structure, or facility where a burglary or security alarm system is installed.

(c) False alarm: The activation of a security alarm system through mechanical failure, malfunction, improper installation, improper maintenance, improper setting, lack of training or the negligence of the owner or lessee of the fire alarm system or of his or her employees or agents.

(d) Year: A twelve (12) month period.

(2) FALSE SECURITY ALARMS PROHIBITED. No alarm user shall cause a false alarm within the corporate boundaries of the City of Prairie du Chien.

(3) FALSE SECURITY ALARM PENALTIES.

(a) Whenever Police Department personnel respond to an activated security alarm system, the police officer in charge of the incident shall determine if the response was caused by a false alarm and shall indicate that fact in the incident report.

(b) The Police Department shall regularly review incident reports to monitor the accumulation of false alarms at any one (1) location. When two (2) false alarms have occurred at the same location within one (1) calendar year, the Police Department shall notify the alarm user by letter, citing the location and date of each false alarm. The letter shall recommend that appropriate action be taken by the alarm user

[1] Chapter 4.09 - Amended by Ordinance 2007-13
[2] Chapter 4.10 - Created by Ordinance 2009-08

to alleviate the cause of false alarms and shall include a statement that an accumulation of three (3) or more false alarms within one (1) calendar year shall result in the issuance of a citation.

(c) Upon the occurrence of three (3) false alarms at the same location within one (1) calendar year, a minimum penalty of $100.00 plus costs shall be imposed by the court for an infraction. The penalty for additional infractions shall increase in $100.00 increments (4th false alarm - $200.00 plus costs; 5th false alarm: $300.00 plus costs, etc). However, no party shall be issued more than one (1) citation in any twenty-four (24) hour period.

(4) EVIDENCE OF REPAIR ACCEPTED IN LIEU OF CITATION. An alarm user may submit evidence to the City Administrator that a malfunctioning system has been repaired in lieu of paying a fine within ten (ten) days of the date of issuance of a citation. Evidence such a receipt from a licensed alarm business with a statement of repairs made to the system is acceptable. If there are repeated problems with the system after a repair or repairs have been made, the City Administrator or his/her designee may refuse to set aside the citation issued by the Police Department, at his or her discretion.

(5) FALSE ALARMS THAT QUALIFY FOR PENALTIES. Alarms that qualify for the imposition of a penalty under this section shall include, but are not limited to:

(a) An alarm caused by improper installation or maintenance of a security alarm system. This includes, but is not limited to, missing backup batteries, loose connections, or otherwise overly sensitive detectors.

(b) An alarm caused by a power outage or storm, as long as evidence that lightning hit the structure or disrupted its function.

(c) An alarm caused by the alarm user or alarm company working on the system or testing the system without notifying the Joint Dispatch Center of the work.

(d) An occupant conducting a security test without notifying the alarm company or the Joint Dispatch Center.

(e) A business false alarm set off by the alarm user or an employee.

(f) A residential false alarm set off by an employee of a business or family member of a residence.

(g) A false alarm caused by dust or vibration from construction.

(h) A false alarm reported by an alarm company.

(i) A false alarm for which there is no explanation. If the cause for the alarm cannot be identified, there shall be a rebuttable presumption that the system malfunctioned and that the alarm user is liable.

(6) FALSE ALARMS THAT DO NOT QUALIFY FOR A PENALTY. A penalty shall not be imposed under this section in the following circumstances:

(a) A security alarm activation in a business or residence for which the occupant has already requested assistance or repairs, providing there is supporting evidence of the request.

(b) A test by an alarm firm, the Police Department or other regulatory agency, providing that notice has been given in advance to the Joint Dispatch Center.

(c) An alarm caused by unauthorized tampering with an alarm system by someone other than an employee or agent of the security alarm user.

(d) A malicious activation of the security system by someone who is not an employee of the alarm user.

(e) A false alarm caused by a member of the public at a public facility, providing that the activation was accidental and that the owner of the public facility has taken reasonable steps to protect against false alarms

(f) A false alarm triggered by a Police officer checking a building‘s security

(g) A fire alarm or elevator alarm that is reported as a burglar alarm by an occupant.

(h) Activation of a security alarm in a hazardous situation where there is danger to a person or persons.