

# CHAPTER 4

## POLICE AND EMERGENCY PREPAREDNESS

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# **POLICE AND EMERGENCY PREPAREDNESS**

## **4.01 PERSONNEL**

The Police Department of the City of Middleton shall consist of the Chief of Police and such other police officers as the Common Council may prescribe from time to time by ordinance or resolution.

## **4.02 APPOINTMENT AND REMOVAL**

Police Officers shall be selected, promoted, suspended and removed according to the manner prescribed by Wis. Stat. s. 62.13.

## **4.03 POWERS AND DUTIES OF POLICE OFFICERS**

### **(1) Chief of Police**

The Chief of Police shall have general supervision over the Police Department and be responsible for the efficiency thereof. In addition, he or she shall have the following powers and duties:

- (a) To have custody, care and control of the property and equipment of the Police Department.
- (b) To keep a record of all arrests made by members of the Department, traffic tickets issued, the dates, hours, and places thereof, names of persons arrested and arresting officers, offenses charged, actions taken and results.
- (c) To not be absent from duty or leave the City without first reporting to the Mayor; provided he or she may leave without such report when discharging official duties or when in pursuit of a person known to have violated any law or ordinance of the State or City.

### **(2) All Officers**

The Chief of Police and all police officers of the City shall possess the powers, enjoy the privileges, and be subject to the liabilities conferred and imposed by law. Every member of the Police Department shall have full power and authority and it shall be his or her duty to:

- (a) Arrest with or without process all persons in the City engaged in any disturbance of the peace or violating any law or ordinance of the State or City or aiding or abetting in such violation and take all such persons in charge and confine them and, within a reasonable time, bring them before the Municipal Court of the City or the Circuit Court of the County of Dane to be dealt with according to law.
- (b) Familiarize him or herself with the ordinances of the City and attend to the enforcement of such ordinances by all lawful means.
- (c) Help prevent crimes, misdemeanors and violations of City ordinances and protect the health, safety, public peace and good order of the City and its inhabitants.
- (d) Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals and defective or dangerous streets and sidewalks to the City Engineer.
- (e) Assist the Fire Department in maintaining order at the scene of a fire.
- (f) See that the necessary permits and licenses issued by the proper authority of the State or City are in the possession of or properly displayed by any person engaged in an activity or business within the City for which such permit or license is required

and that the terms of such permits or licenses are complied with.

#### **4.04 CIVILIANS TO ASSIST**

It shall be the duty of all persons in the City, when called upon by any police officer or peace officer, to promptly aid and assist him or her in the execution of police duties, and whoever shall neglect or refuse to give such aid or assistance shall be subject to a penalty as prescribed by section 30.04 of this Code.

#### **4.05 EMERGENCY PREPAREDNESS**

##### **(1) Policy and Purpose**

- (a) Emergency preparedness means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage caused by fire, flood, other natural causes, sabotage, enemy attack or other hostile action.
- (b) By reason of the increasing possibility of disasters of unprecedented size and destructiveness, and to insure that preparation will be adequate to cope with such disasters, and to provide for the common defense, to protect the public peace, health, safety and general welfare, and to preserve the lives and property of the people, it is hereby declared necessary:
  - (1) To establish a local Emergency Preparedness Commission.
  - (2) To provide for the exercise of necessary powers and to ensure the coordination of all available municipal and private resources during emergencies.
  - (3) To provide for the rendering of cooperation and mutual aid between the City of Middleton and other political subdivisions.
- (c) It is further declared to be the purpose of this ordinance and the policy of the City that all emergency functions of this City be coordinated to the maximum extent practicable with existing services and facilities of this City and with comparable functions of the Federal, State, and County governments and other political subdivisions, and of various private agencies to the end that the most effective preparation and use may be made of personnel, resources and facilities for dealing with any disaster that may occur.

##### **(2) Emergency Preparedness Commission**

- (a) How Constituted  
The Emergency Preparedness Commission of the City shall consist of the following members:

Mayor  
Council President  
Chief of Police  
Director of Public Works  
City Administrator  
EMS Coordinator

Each of the above officials may designate an alternate to replace him or her as a member of the Commission, in his or her absence. The Mayor shall serve as Chair of the Commission. The Emergency Preparedness Coordinator, as hereinafter defined, shall serve as secretary of the Commission.

- (b) Duties of the Emergency Preparedness Commission  
The Commission shall be an advisory and planning group and shall advise the

Mayor, Coordinator and the Common Council on all matters pertaining to emergency preparedness, and shall provide for the establishment of operating procedures which will ensure the purposes herein set forth. The Commission shall meet upon the call of the Chair.

### **(3) Emergency Preparedness Coordinator**

(a) Appointment

The Chief of Police shall be the Emergency Preparedness Coordinator. He or she shall take and file an official oath.

(b) Powers and Duties

1. The Coordinator shall coordinate all activities involved in emergency preparedness within the City and shall maintain liaison and cooperate with emergency preparedness agencies and organizations of other political subdivisions and of the State and Federal governments, and shall participate in County and State emergency preparedness activities upon request, and shall have such additional authority, duties and responsibilities as are authorized by this ordinance and as may from time to time be required by the Common Council.
2. The Coordinator shall coordinate the preparation of a comprehensive general plan for the emergency preparedness of the City. When the Commission has approved the plan and the same has been signed by the Mayor, it shall be the duty of all municipal agencies of the City to perform the duties and functions assigned by the plan.
3. In the absence of the Chief of Police, the Director of Public Works shall have all of the duties, responsibilities and authority hereinabove vested in the Coordinator, and shall constitute the Acting Emergency Preparedness Coordinator.

### **(4) Utilization of Existing Services and Facilities**

In developing the comprehensive general plan, the Commission shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the City to the maximum extent practicable; and the officers and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities for emergency preparedness purposes.

### **(5) Emergency Regulations**

Whenever necessary to meet an emergency for which adequate regulations have not been adopted by the Commission, the Mayor may by proclamation promulgate and enforce such orders, rules and regulations relating to the conduct of persons and the use of property as shall be necessary to protect the public peace, health and safety, and preserve lives and property to insure the cooperation necessary in emergency situations. Such proclamations shall be posted in three (3) public places and may be rescinded by the Common Council by resolution at any time.

### **(6) Mutual Aid Agreements**

The Mayor may, subject to the approval of the Common Council, enter into mutual aid agreements with other political subdivisions. Copies of such agreements shall be filed as may be required with the appropriate State and County officials.

### **(7) Declaration of Emergencies**

Upon the declaration by the Governor, by the Mayor or by the Common Council of a state of

emergency, the Emergency Preparedness Coordinator or other official designated by the Mayor shall issue all necessary proclamations as to the existence of such state of emergency and shall issue such disaster warnings or alerts as shall be required in the comprehensive general plan. All municipal agencies shall take action in accordance with the plan after the declaration of an emergency and the issuance of official disaster warnings. Such state of emergency shall continue until termination by the issuing authority, provided that any such declaration not issued by the Governor may be terminated at the discretion of the Common Council.

### **(8) Obstruction of Emergency Operations**

It shall be unlawful for any person willfully to obstruct, hinder or delay the enforcement of any order, rule, regulation or plan issued pursuant to this ordinance, or to do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this section. For a violation of this ordinance, a person shall be subject to a penalty as prescribed by section 30.04 of this Code.

### **(9) Authority to seek State and Federal Disaster Assistance**

The City Administrator is herewith authorized to prepare and execute the necessary applications to secure state and/or federal disaster relief should such assistance become available.

## **4.06 FALSE POLICE OR OTHER EMERGENCY ALARMS**

### **(1) Purpose**

False alarms, regardless of their cause, represent a significant public cost and endanger public safety by unnecessarily deploying police, fire, or other emergency resources that would otherwise be poised to respond to actual emergency situations. The purpose of this ordinance is to discourage the unnecessary deployment of such resources and to reimburse the City for the costs thereof. This section shall be liberally interpreted in the City's favor to achieve these purposes.

### **(2) Scope**

- (a) A false alarm occurs for purposes of this section when any signal, alarm or other device designed to be actuated by a criminal act, fire, or other similar event or emergency situation is activated and the police department, fire department, emergency medical personnel or other public agency responds where no such event has occurred or no emergency situation exists. False alarms shall be deemed to include accidental calls to the 911 emergency center not subject to section 16.03(9) which result in a response by the police department.
- (b) This section is intended to impose a strict liability on the person, business, corporation or other entity responsible for alarm connections and maintenance of alarm systems to which the police department, fire department, or other public agency responds, directly or indirectly, and shall be applied regardless of the cause of the false alarm unless a specific exemption applies.

### **(3) Exemptions**

- (a) This section shall not apply to false alarms resulting from personal medical alert signals actuated by personal devices carried by individuals with heightened medical risk factors to summon assistance in case of a medical emergency.
- (b) This section shall not apply where a test of the alarm system is being conducted upon advance notice to the police department.

#### **(4) False Alarm Charges**

The owner or occupant of any premises in the City of Middleton or owner of a mobile phone or mobile phone account from which a false alarm emanates shall pay a charge of \$50 for the third and all subsequent false alarms per calendar year. False alarms resulting from 911 calls from a mobile phone shall not be counted as a false alarm against the property from which the call came unless the owner or operator of the phone is the owner or occupant of the property but instead shall be counted against the phone or account. The owner or occupant of any premises outside the City of Middleton to which the City provides alarm service pursuant to section 4.08 of these Ordinances shall pay a charge of \$200 for the third and all subsequent false alarms under this section per calendar year. In addition to these charges, if the fire department is required to respond to any third or subsequent false alarm, regardless of whether previous false alarms required a response from the fire department, the owner or occupant shall pay a charge equaling the actual cost to the City, including personnel costs, for the fire department's response.

#### **(5) Collection**

The City Clerk/Treasurer shall provide written notice of all charges due under this section by regular mail to the person responsible for the charges. Said costs shall be paid by the owner or occupant within thirty (30) days of the date of the notice. If said costs are not paid within thirty (30) days, they shall be considered a delinquent special charge and included in the current or next tax roll pursuant to Wis. Stat. §66.0627. If the false alarm is due to a 911 call from a mobile phone and the false alarms triggering a charge are not connected to a particular property within the City of Middleton, the charge shall be collected as a forfeiture in municipal court.

#### **4.07 APPOINTMENT OF SCHOOL CROSSING GUARD**

- (1) Adult crossing guards may be appointed for the protection of persons who are crossing a highway in the vicinity of a school by the Chief of Police in sufficient numbers as the Common Council may authorize.
- (2) The school crossing guards shall wear insignias or uniforms which designate them as school crossing guards and shall be equipped with signals or signs to direct traffic to stop at school crossings.

#### **4.08 POLICE ALARM SERVICE**

##### **(1) Authority**

The Chief of Police is herewith authorized to establish the capability to receive and monitor emergency alarm signals at the Police Communications Center and may provide this service to license holders under section 7.14 of these Ordinances. This service may be provided outside the corporate limits of the implied contractual terms as a condition of such service. Service recipients must furnish, install and maintain all necessary receiving equipment including telephone line service and shall pay an annual service charge of \$150.00 due on January 1 for the succeeding twelve (12) months. The service charge may be reduced by quarterly adjustments for any part thereof.

##### **(2) Priorities**

Given limited police, fire or other emergency resources, the Chief of Police in authorizing emergency alarm service shall be the sole arbiter in determining priority in dispatching emergency resources.

### **(3) Dial Police Alarm**

Any police alarm device which is a telephone device or telephone attachment that automatically or electronically selects a telephone line connected to the police communications center and reproduces a prerecorded message to report a criminal act or other event requiring emergency response shall be programmed to dial only those police telephone numbers designated by the Chief of Police.

### **(4) Release of Liability**

Any license holder receiving service under this section shall, in addition to the application required under subsection (c) of this section, sign a release of liability in a form approved by the City Attorney releasing the City from any and all claims arising from providing such service.

## **4.09 LAW ENFORCEMENT PERSONNEL EXPENSES PURSUANT TO INTERMUNICIPAL AGREEMENT**

- (a) The City of Middleton, pursuant to Wis. Stats. § 66.0101(4), hereby elects not to be governed by those portions of Wis. Stats. § 66.0513 relating to reimbursement of police expenses when acting outside municipal limits, which are in conflict with this Ordinance.
- (b) Whenever Middleton law enforcement personnel are serving in the City of Fitchburg or the City of Sun Prairie, the requesting city shall be responsible for all disability payments, worker's compensation claims, damage to equipment and clothing, and medical expenses arising out of these activities. Wage, pension and all other benefits other than disability payments, worker's compensation claims, damage to equipment and clothing and medical expenses shall be paid by Middleton without reimbursement from Sun Prairie or Fitchburg.
- (c) Whenever Fitchburg or Sun Prairie law enforcement personnel are serving in Middleton, Middleton shall be responsible for all disability payments, worker's compensation claims, damage to equipment and clothing, and medical expenses arising out of these activities. Wage, pension and all other benefits other than disability payments, worker's compensation claims, damage to equipment and clothing and medical expenses shall be paid by Sun Prairie or Fitchburg without reimbursement from Middleton.
- (d) Effective Date
  - (1) This Ordinance shall take effect upon notice that the Common Councils of Middleton, Sun Prairie and Fitchburg have approved a Police Cooperation Intergovernmental Agreement containing the language specified in subsections (b) and (c) herein. This Ordinance shall become null and void upon the City no longer being party to the Agreement.
  - (2). This is a Charter Ordinance, and shall take effect 60 days after its passage and publication unless within such 60 day period a referendum petition, as provided by Wis. Stats. § 66.0101(5) shall be filed, in which event this Ordinance shall not take effect until it shall have been submitted to a referendum vote of the electors and approved by a majority of the electors voting thereon.