

Ordinance Amending Title 3, Chapter 1 of the Municipal Code of the Village of Norwalk

The Village Board of the Village of Norwalk do ordain as follows:

SECTION ONE: Title 3, Chapter 1 of the Municipal Code is hereby amended to read as

CHAPTER 1

Law Enforcement

- 3-1-1 Police Department: Personnel
- 3-1-2 Qualifications for Police officers
- 3-1-3 Appointment and Removal
- 3-1-4 General Powers of Police Officers
- 3-1-5 Responsibilities of Police Officers
- 3-1-6 Civilians to Assist
- 3-1-7 Special Peace Officers
- 3-1-8 Rules and Policies for the Police Department

SEC. 3-1-1 POLICE DEPARTMENT; PERSONNEL.

The Police Department of the Village shall consist of police officers and others as the Village Board may prescribe from time to time by ordinance or resolution.

SEC. 3-1-2 QUALIFICATIONS OF POLICE OFFICERS.

Each police officer employed by the Village must meet the qualifications set by the Village Board and respective state agencies.

SEC. 3-1-3 APPOINTMENT AND REMOVAL.

Police officers shall be selected by the Village Board. The Village Board may reduce, suspend temporarily or remove from the force any officer of the Department pursuant to Sec. 61.65(1)(am) of the Wisconsin Statutes.

SEC. 3-1-4 GENERAL POWERS OF POLICE OFFICERS.

All police officers of the village shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law on Village marshals and constables pursuant to Secs. 61.28 and 61.29 of the Wisconsin State Statutes. Every member of the Police Department shall:

- a) Become familiar with the ordinances of the Village and the State Statutes and attend to the enforcement of such ordinances and State Statutes by all lawful means
- b) Help prevent crimes, misdemeanors and violations of Village ordinances and State Statutes and protect the health, safety, public peace and order of the Village and its inhabitants.

- c) Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals and defective or dangerous streets and sidewalks to the chairman of the appropriate committee.
- d) Assist the Fire Department in maintaining order at the scene of a fire within the Village.
- e) See that the necessary permits and licenses issued by the State or Village are in the possession of or properly displayed by any person engaged in an activity or business within the Village for which such permit or license is required and that the terms of such permits or licenses are complied with.

SEC. 3-1-5 RESPONSIBILITIES OF POLICE OFFICERS.

The responsibilities of Village police officers shall be as outlined in the Police policy and Procedure Manual and as determined from time to time by the Village President and Village Board.

SEC. 3-1-6 CIVILIANS TO ASSIST.

All persons in the Village, when called upon by any police officer or peace officer, shall promptly aid and assist said officer in the execution of his duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided in Title I of this Municipal Code.

SEC. 3-1-7 SPECIAL PEACE OFFICERS.

The Village President and Trustees shall be officers of the peace and may summarily suppress any riotous or disorderly conduct in the streets or public places of the Village pursuant to Sec. 61.31(1) of the Wisconsin Statutes.

SEC. 3-1-8 RULES AND POLICIES FOR THE POLICE DEPARTMENT.

The Village Board may make such further rules, regulations and policies for the government of the Police Department as may be deemed necessary, provided such rules and regulations shall not be inconsistent with the laws of the State, Village ordinances, or committee directives.

SECTION TWO: All ordinances in conflict with the foregoing are hereby repealed.

SECTION THREE: This ordinance shall take effect immediately upon passage and publication as provided by law.

Dated this __12__ day of October, 1999.

Douglas Gnewikow, Village President

ATTEST:

Barb Ornes, Village Clerk

READ: 10-12-99

PASSED: 10-12-99

PUBLISHED: 10-21-99

TITLE 3

Public Safety

Chapter 1	Law Enforcement
Chapter 2	Fire Prevention
Chapter 3	Emergency Government

CHAPTER 1

Law Enforcement

- 3-1-1 Police Department: Personnel
- 3-1-2 Qualifications for Police Officers
- 3-1-3 Appointment and Removal
- 3-1-4 General Powers of Police Officers
- 3-1-5 Responsibilities of Chief of Police
- 3-1-6 Civilians to Assist
- 3-1-7 Special Peace Officers
- 3-1-8 Rules and Policies for the Police Department

SEC. 3-1-1 POLICE DEPARTMENT; PERSONNEL.

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

SEC. 3-1-2 QUALIFICATIONS OF POLICE OFFICERS.

Before an individual may commence employment as a police officer of the Police Department of the Village, he must have met the recruit qualifications set by the Wisconsin Law Enforcement Standards Board and before an individual may commence employment as a police officer in said Department on a permanent or part-time basis he must have been certified by the Board as having met the recruit qualifications and as having successfully completed the preparatory training course required under the board's recruit training standards. Any person employed as a member of the Village Department shall be considered on Probation until successfully completing such training course and being certified by the Board provided such training course must be completed within two years after initial employment.

SEC. 3-1-3 APPOINTMENT AND REMOVAL.

Police officers shall be selected by the Village Board. The Village Board may demote, Suspend temporarily or remove from the force any officer of the Department.

SEC. 3-1-4 GENERAL POWERS OF POLICE OFFICERS.

The Chief of Police and all policemen of the Village shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law on Village marshals and constables. Every member of the Police Department shall:

- a) Familiarize himself with the ordinances of the Village and the State Statutes and attend to the enforcement of such ordinances by all lawful means.

- b) Help prevent crimes, misdemeanors and violations of Village ordinances and protect the health, safety, public peace and order of the Village and its inhabitants.
- c) Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals and defective or dangerous streets and sidewalks to the chairmen of the appropriate committee.
- d) Assist the Fire Department in maintaining order at the scene of a fire within the Village.
- e) See that the necessary permits and licenses issued by the State or Village are in the possession of or properly displayed by any person engaged in an activity or business within the village for which such permit or license is required and that the terms of such permits or licenses are complied with.

SEC. 3-1-5 RESPONSIBILITIES OF CHIEF OF POLICE.

DUTIES. In addition to the duties imposed upon him by Section 2-3-3, the Chief of Police shall:

- a) Keep in his office a record of all arrests made by members of the Department, traffic tickets issued, the dates, hours and places thereof, names of persons arrested, arresting officers, offenses charged, actions taken and results.
- b) Not be absent from duty or leave the Village while on duty without first reporting to the Village President or the Village Clerk-Treasurer, provided he may leave without such report when discharging his official duties or when in pursuit of a person known to have violated any law or ordinance of the State or Village.
- c) Submit a written monthly report to the Village Board of all activities and transactions of the Department during the preceding month.
- d) Perform such other duties as required by the Village Board.

CUSTODY OF DEPARTMENT EQUIPMENT. The Chief shall have custody of, and be responsible for the care and maintenance of all property and equipment of the Department.

SEC. 3-1-6 CIVILIANS TO ASSIST.

All persons in the Village, when called upon by any police officer or peace officer, shall promptly aid and assist him in the execution of his duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided in Title I of this Municipal Code.

SEC. 3-1-7 SPECIAL PEACE OFFICERS.

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.

SEC. 3-1-8 RULES AND POLICIES FOR THE POLICE DEPARTMENT

The Chief of Police may make such further rules, regulations and policies for the government of the Police Department as he may deem necessary, provided such rules and regulations shall not be inconsistent with the laws of the State, Village ordinances, or committee directives.

TITLE 3

Public Safety

CHAPTER 1

Law Enforcement

PER SEC. 3-1-8 RULES AND POLICIES FOR THE POLICE DEPARTMENT

OFFICERS DISCRETION AND THE DISTURBANCE RESOLUTION

Under the Wisconsin Department of Justice Law Enforcement Standards Board definition “Deadly Force Justification” is behavior which has caused or imminently threatens to cause death or great bodily harm to you or to another person or persons.

The purpose of deadly force is to stop the threat. It is the policy of this department that every reasonable means be taken to prevent bodily injures and or the loss of life.

In a deadly force situation the use of force is dependent on the Officer’s tactical evaluation of the situation / Officer’s perceptions / that is based on the Threat Assessment Opportunities, Officer(s) / Subject(s) Factors and Special Circumstance.

In a deadly force situation under the conditions known to the Officer at the time, if an Officer perceives that a warning shot can be used to stop the subject(s) and or Threat(s) a warning shot is allowed. The Officer must reasonably believe a warning shot can be fired safely, and all other available options have been exhausted.

CHAPTER 2

Fire Prevention

- 3-2-1 Fire Department Bylaws; Fire Chief Selection
- 3-2-2 Wisconsin State Fire Prevention Manual Adopted
- 3-2-3 Fire Protection Contract
- 3-2-4 Fire Limits
- 3-2-5 Impending Fire Equipment Prohibited
- 3-2-6 Vehicles to Yield Right of Way
- 3-2-7 Interference with Use of Hydrants Prohibited
- 3-2-8 Driving Over Fire Hose Prohibited
- 3-2-9 Operation of Vehicles Near Fire Equipment Regulated
- 3-2-10 Powers of Chief in Event of Fire
- 3-2-11 Persons Subject to Orders of Chief
- 3-2-12 Right of Firemen to Enter Premises

SEC. 3-2-1 FIRE3 DEPARTMENT BY LAWS; FIRE CHIEF SELECTION.

The Fire Department shall be governed by the constitution and bylaws of the Norwalk Volunteer Fire Department. The Fire Chief shall be selected according to the procedures set forth in the Department's Constitution and Bylaws, subject to confirmation by the Village Board.

SEC. 3-2-2 WISCONSIN STATE FIRE PREVENTION MANUAL ADOPTED.

The Wisconsin State Fire Prevention Manual is adopted by reference and made a part of this Code of Ordinances. A violation of any provision of this Code shall be a violation of this Chapter, and the person violating any provision thereof shall be subject to the general penalty as provided for in this Code of Ordinances.

SEC. 3-2-3 FIRE PROTECTION CONTRACT.

Pursuant to section 66.30, Wis. Stats., the Village Board authorizes the Village President and Clerk-Treasurer to execute such contracts as we approved by the Village Board, from time to time, to procure fire protection service for the Village. All such contracts shall be presented to and approved by a majority of the Village Board before execution.

State Law Reference: Section 66.30, Wis. Stats.

SEC. 3-2-4 FIRE LIMITS.

All that part of said Village of Norwalk consisting of Main Street extending south from Railroad Street to South Water Street and extending one hundred feet (100 ft.) east from the easterly boundary and one hundred feet (100 ft.) west from the westerly boundary of said Main Street shall be known as the fire limits of said village.

SEC. 3-2-5 IMPEDING FIRE EQUIPMENT PROHIBITED.

No person shall impede the progress of the fire engine or fire truck or other fire apparatus of the Village of Norwalk along the streets or alleys of such Village at the time of a fire or when the Fire Department of the Village is using such streets or alleys in response to a fire alarm or for practice.

SEC. 3-2-6 VEHICLES TO YIELD RIGHT OF WAY.

Whenever there shall be a fire or fire alarm, or the Fire Department shall be out for practice every person driving or riding in a motor or other vehicle shall move and remain to the side of the street until the fire engine and fire truck and other fire apparatus shall have passed.

SEC. 3-2-7 INTERFERENCE WITH USE OF HYDRANTS PROHIBITED.

No person shall occupy any portion of such streets or alleys with a motor or other vehicle between such fire engine or fire truck or other fire apparatus or any hydrant to which a fire hose may be, or may be about to be attached.

SEC. 3-2-8 DRIVING OVER FIRE HOSE PROHIBITED.

No person shall drive or ride in a motor or other vehicle over any fire hose of the Village.

SEC. 3-2-9 OPERATION OF VEHICLES NEAR FIRE EQUIPMENT REGULATED.

No person driving or riding in a motor or other vehicle in the same direction as a fire engine or fire truck or other fire apparatus may be going shall pass or approach within 500 feet of such fire engine or fire truck or other fire apparatus at the time of a fire or an alarm of fire in such Village, and at such times every person so driving or riding in a motor or other vehicle in said Village shall obey the orders of the officers of the Fire Department as to the use of such streets and alleys.

SEC. 3-2-10 POWERS OF CHIEF IN EVENT OF FIRE.

The Fire Chief may prescribe certain limits in the vicinity of any fire within which any persons, exception firemen and policemen, and those admitted by order of any officer of the Fire Department, shall not be permitted to come, and may cause the removal of any property whenever necessary for the preservation of such property. He may also cause the removal of all wires and a turn-off of all electricity where same interferes with the work of the Fire Department during the progress of a fire.

SEC. 3-2-11 PERSONS SUBJECT TO ORDERS OF CHIEF.

Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command, and if any person refuses to obey such orders after the official character of the officer is made known to him, such officer may arrest any person refusing to obey said orders, and hold him in custody until the fire is extinguished, when the person thus arrested shall be taken before a magistrate to be dealt with according to law.

SEC. 3-2-12 RIGHT OF FIREMEN TO ENTER PREMISES.

Any fireman while acting under the order or direction of the Chief or other Officer in command may 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 and no person shall hinder or obstruct any fireman in the discharge of his duties.

CHAPTER 3

Emergency Government

- 3-3-1 Responsibilities of Head of Emergency Government
- 3-3-2 Emergency Government Defined
- 3-3-3 Comprehensive Plan
- 3-3-4 Civil Defense Emergencies
- 3-3-5 Disaster Warnings and Alerts

SEC. 3-3-1 RESPONSIBILITIES OF HEAD OF EMERGENCY GOVERNMENT.

- a) The head of Emergency Government shall develop and promulgate emergency government plans consistent with the state plans, direct the emergency government program of the Village, and perform such other duties related to emergency government as are required by the Village Board.
- b) The Head of Emergency Government services shall direct local emergency government training programs and exercises, direct participation in emergency government programs and exercises ordered by the county head of emergency government services, and advise the county head of emergency government services on local emergency government programs and submit to him or her such reports as he or she requires.
- c) During the continuance of a state of emergency proclaimed by the Governor, the head of emergency government services, on behalf of the Village, may contract with any person to provide equipment and services on a cost basis to be used in disaster relief.

State Law Reference: Section 166.3(5), Wis. Stats.

Cross-Reference: Section 2-3-13

SEC. 3-3-2 EMERGENCY GOVERNMENT DEFINED.

- a) “Emergency government” includes “civil defense” and means all measures undertaken by or on behalf of the Village:
 - 1) To prepare for and minimize the effect of enemy action and natural or manmade disaster upon the civilian population;
 - 2) To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.
- b) “Civil defense” means all measures undertaken by or on behalf of the State and its subdivisions to prepare for and minimize the effect of enemy action upon the civilian population.

State Law Reference: Section 166.02, Wis. Stats.

SEC. 3-3-3 COMPREHENSIVE PLAN.

The Head of Emergency Government shall prepare a comprehensive general plan for a civil defense of the Village and shall present such plan to the Village Board for its approval. When the Village Board has approved the plan, the Head of Emergency Government shall utilize the services, equipment, supplies and facilities of the Village to the maximum extent practicable in satisfying the objections of the civil defense plans.

SEC. 3-3-4 CIVIL DEFENSE EMERGENCIES.

Whenever necessary to meet a civil defense emergency for which adequate regulations have not been adopted by the Village Board, The Village President, and in his absence, the Head of Emergency Government, 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 and to insure the cooperation necessary to civil defense activities. Such proclamations shall be posted in three public places and may be rescinded by the Village Board by resolution at any time.

SEC. 3-3-5 DISASTER WARNINGS AND ALERTS.

- a) Upon the declaration by the Governor, by the Village President or the Head of Emergency Government in the absence of the Village President, or by the Village Board, of a state of emergency, the Head of Emergency Government 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 civil defense plan.
- b) The civil defense organization shall take action in accordance with the civil defense plan only after the declaration of an emergency and the issuance of official disaster warnings. Such state of emergency shall continue until terminated by the issuing authority, provided that any such declaration not issued by the governor may be terminated at the discretion of the Village Board.