

## **CHAPTER 3**

### **POLICE DEPARTMENT AND EMERGENCY GOVERNMENT**

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#### **3.01 PERSONNEL**

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

#### **3.02 POLICE COMMITTEE POWERS**

The Police Committee of the Village of Eagle shall be a committee of the Village Board and shall consist of those members appointed by the Village President and approved by the Village Board. The committee shall consist of three (3) members and it shall be their duty to:

- (1) Organize and supervise the Police Department and to prescribe rules and regulations for their control and management.
- (2) Assist in the appointment of officers as prescribed under s. 3.04.

- (3) Review and recommend for purchase all necessary capital equipment and supplies for the use of the department under their supervision, exclusive of the erection and control of the police building.
- (4) Review all bills, claims, and expenses of the Police Department before the same are paid by the Village.

### 3.03 CHIEF OF POLICE

- (1) *APPOINTMENT* – See s. 2.03 of this code.
- (2) *DUTIES* – In addition to the duties imposed upon him by s. 2.03, the Chief of Police shall have the following duties:
  - (a) He shall keep in his office a record of arrests made by members of the department, traffic citations issued, the dates, hours and places thereof, action taken and results.
  - (b) He shall not be absent from duty without first reporting to the Village Clerk and Village President, providing he may leave without such report when discharging his official duties, or when in pursuit or investigation of a person known to have violated the law or ordinances of the State or the Village.
  - (c) He shall submit a written monthly report to the Village Board of all activities and transactions of the department during the preceding month.
- (3) *POWERS* – The Chief shall have command of the police force of the Village of Eagle and shall have custody, care, and control of the property and equipment of the department.

### 3.04 APPOINTMENT OF POLICE OFFICERS

Police Officers, other than the Chief of Police shall be selected in a manner to be prescribed by the Chief of Police with the assistance of the Police Committee. The Police Committee shall submit a list of ranking of the candidates to the Chief for

selection. The Chief shall either forward the top ranking candidate to the Village Board for appointment or reject the rankings as listed. If the Chief rejects the list, he shall submit his reasons for the rejection to the Police Committee, and request that they submit a second ranking list. After receiving the second list, the Chief will then either forward the top candidate for appointment or reject the second list. Retesting will then take place by the Police Committee should the second list be rejected. The ranking list shall remain active for a period of time to be prescribed by the Police Committee.

### 3.05 REMOVAL OF POLICE OFFICERS

#### SECTION I

- (1) The Chief of Police shall have full authority to demote, suspend temporarily, or remove from the force any officer of the department, subject to the right of such officer to appeal as provided under SS. 61.65 and 62.13(5).
- (2) In the event of an appeal of a subordinate or discipline of the Chief (commonly referred to as a just cause hearing), the Village Board shall appoint a person to act as a hearing examiner to hold the just cause hearing. The Hearing Examiner shall be nominated by the Village President, subject to approval by majority vote of the full Board of Trustees. The individual nominated is not required to be a Village Resident. The individual shall not be an elected or appointed official or employee of the Village. It is recommended that the Hearing Examiner be a retired Judge but if not, the individual must otherwise have experience in conducting hearings and be knowledgeable of the law pertaining to Police Discipline. The hourly rate to be paid to the individual shall be determined and approved by the Village Board prior to the appointment.

#### SECTION II. SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section shall be declared by decision of a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of other portions of the ordinance.

### SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

## 3.06 GENERAL POWERS OF POLICE OFFICERS

The Chief of Police and all Police Officers of the Village shall possess the powers, enjoy the privilege, and be subject to the liabilities conferred and imposed by law on Village Marshals and Constables. Every member of the Police Department shall have full power and authority and it shall be his duty to:

- (1) Arrest, with or without process, all persons in the Village found violating any law or ordinance of the Federal Government, State or Village, or aiding and abetting in such violation, and take all such persons in charge and confine them and within a reasonable time, bring them before the appropriate court to be dealt with according to law.
- (2) Familiarize himself with the ordinances of the Village and attend to the enforcement of such ordinances by all lawful means.
- (3) Help prevent crimes, felonies, misdemeanors and violations of Village ordinances, and protect the health, safety, public peace and order of the Village and its inhabitants.
- (4) Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals, and defective or dangerous streets and sidewalks to the public works department and Village Board.

- (5) Assist the Fire Department in maintaining order and rendering aid at the scene of a rescue or fire.
- (6) See that the necessary permits and licenses issued by the proper authority of the State or Village are in the possession of, or properly displayed by any persons 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.

### 3.07 CIVILIANS TO ASSIST

It shall be the duty of all persons in the Village, when called upon by any Police Officer or Peace Officer, to 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 a penalty, as provided by law.

### 3.08 EMERGENCY GOVERNMENT

- (1) *EMERGENCY GOVERNMENT* shall mean 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 resulting from disaster caused by enemy attack, sabotage or other hostile action or by fire, flood or other natural causes.
- (2) *EMERGENCY MANAGEMENT COORDINATOR* -
  - (a) *APPOINTMENT* - See s. 2.02 of this code.
  - (b) *DUTIES AND POWERS* - The coordinator shall be the executive head of the Village Emergency Government organization and shall have direct responsibility for the organization, administration and operation of the organization, subject to the direction and control of the Village President and the Village Board. In addition to such powers and responsibilities as

may be imposed on him from time to time by the Village Board, he shall have the authority and it shall be his duty to:

- 1 Coordinate all activities for police, fire and other agencies for emergency government within the Village.
- 2 Maintain liaison and cooperate with emergency government agencies and organizations of other political subdivisions, and of the State and Federal government.
- 3 Participate in County and State Emergency Government activities upon request.
- 4 Subject to the approval of the Village Board, enter into mutual aid agreements with other political subdivisions, and file copies of any such agreements with the State Emergency Management Coordinator.
- 5 Upon declaration of an emergency, issue all necessary proclamations as to the existence of such state of emergency and such disaster warnings or alerts as shall be required.

(3) *UTILIZATION OF EXISTING SERVICES AND FACILITIES* – The coordinator shall utilize the services, equipment, supplies, and facilities of the existing departments and agencies of the Village to the maximum extent practicable.

(4) *DECLARATION OF EMERGENCIES* -

- (a) Order of Declaration of Emergency shall be issued by the Village President, or by the Village Emergency Management Coordinator in the Village Presidents absence.
- (b) The Emergency Government organization shall take action after the declaration of an emergency and issuance of official disaster warnings. Declaration of emergency shall continue until terminated by the issuing authority provided that any declaration not issued by the Governor may be terminated by the Village Board.

(5) *EMERGENCY REGULATIONS* - The Emergency Management Coordinator may promulgate and enforce orders, rules and regulations relating to the conduct of persons and the use of property which may be necessary to

protect the public peace, health and safety, and preserve lives and property, and to insure cooperation in emergency government activities. Such proclamations shall be posted in three (3) public places, and may be rescinded by resolution of the Village Board.

*(6) OBSTRUCTION OF EMERGENCY GOVERNMENT ORGANIZATION*

*– PENALTY -*

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 section, or violate any order, rule, regulation or plan issued pursuant to the authority contained in this section. Any person who shall violate any provision of this section shall upon conviction thereof be subject to a penalty as provided by law.