

CHAPTER 5. PUBLIC SAFETY

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POLICE DEPARTMENT

SEC. 5.01 COMPOSITION OF DEPARTMENT.

The Police Department of the City shall consist of such officers and employees as shall be determined by the Council. Selection, tenure and discipline of the Chief of Police and all subordinates shall be as provided by the Wisconsin Statutes and by such other rules and regulations adopted by the Police and Fire Commission.

SEC. 5.02 CHIEF OF POLICE.

- (a) **Appointment.** The Chief of Police shall be appointed by the Police and Fire Commission.
- (b) **Compensation.** The Chief of Police shall receive such compensation and benefits as determined by the Common Council.

SEC. 5.03 DUTIES OF THE CHIEF AND SUBORDINATES.

- (a) **General Duties.**
 - (1) The duties of the Chief of Police and all subordinates shall be to preserve public peace and to enforce laws of the State of Wisconsin and of the City and shall procure all evidence necessary for the successful prosecution of offenders whenever such information shall come to their knowledge and a complete record of all proceedings shall be made by the Chief of Police or other person designated to keep such records.
 - (2) The Chief of Police shall be responsible for the efficiency and good deportment of the Department and may suspend days of rest in cases of public necessity or in the event of an emergency.
 - (3) For the purpose of maintaining discipline and efficiency, the Chief of Police shall classify subordinates as to rank pursuant to the rules and regulations of the Police and Fire Commission.
 - (4) All subordinate officers shall obey all orders of the Chief of Police, and the Chief of Police shall be immediately informed of all violations, disorders or suspicious circumstances which may come to the knowledge of such subordinates.
- (b) **Duties in Case of Accident or Death.** All enforcement officers shall upon demand by the City Attorney or District Attorney furnish all information in all cases of accidental injury or death, which information shall contain a description of the injuries, names and addresses of all persons involved in such accident, together with any and all names of all witnesses, and a complete statement of the circumstances of such accident.

SEC. 5.04 OFFICERS TO WITHHOLD INFORMATION.

All information and orders of the Department imparted to any police officer shall not be communicated to outside persons when such information or directives may cause persons suspected of committing crimes to escape, avoid arrest, dispose of or secrete stolen or embezzled property.

SEC. 5.05 LEAVE OF ABSENCE.

No member of the Police Department shall be absent from duty without permission from the Chief of Police.

State Law Reference: Sec. 164.015, Wis. Stats.

SEC. 5.06 RESIDENCY REQUIREMENTS.

All members of the Police Department shall be subject to and governed by City ordinances insofar as residence requirements are concerned. Nothing in this section shall circumvent the provisions of any labor contract between the City and its employees.

FIRE DEPARTMENT

SEC. 5.20 FIRE DEPARTMENT ESTABLISHED.

There is hereby established a Fire Department for the City of Oak Creek which shall consist of such subordinates as provided for from time to time by the Council, who shall be appointed by the Chief of the Fire Department subject to the approval of the Police and Fire Commission. Such Fire Department shall also include auxiliary firefighters who shall also be appointed by the Chief of the Fire Department subject to the approval of the Police and Fire Commission.

SEC. 5.21 FIRE CHIEF.

- (a) **Appointment.** The Chief of the Fire Department shall be appointed by the Police and Fire Commission and may be removed in the manner provided by law.
- (b) **Salaries; Duties.** The salary of the Chief and subordinates shall be fixed by the Council; the Chief and subordinates shall perform such duties and be subject to such rules and regulations as the Council shall from time to time prescribe.
- (c) **Duties.**
 - (1) The Chief of the Fire Department shall have command over all officers and members of the Fire Department including auxiliary firefighters.
 - (2) The Chief shall obey all rules and regulations and perform all duties required of him by ordinances relating to fire prevention.

SEC. 5.22 RESIDENCY REQUIREMENTS.

All members of the Fire Department shall be subject to and governed by City ordinances and labor contracts insofar as residency requirements are concerned.

ABANDONED AND UNCLAIMED PERSONAL PROPERTY

SEC. 5.80 DISPOSITION OF ABANDONED AND UNCLAIMED PERSONAL PROPERTY.

(a) **General Requirements.**

- (1) Annual Disposition. It shall be the duty of the Chief of Police to dispose of all personal property which has been abandoned or which remains unclaimed for thirty (30) days after having come into the possession of the Police Department. Contraband, or such property as shall be needed as evidence or for use in investigations, shall not be disposed of.
- (2) Records. The Chief of Police shall maintain a record of the owners or persons who claim to be owners of the abandoned property, and the person from whom the property was taken or received, the date and place of acquisition by the Police Department, a description of the property and estimate of its value and any other information which the Chief of Police shall deem pertinent.

(b) **Disposition.**

- (1) Notice. Notice of any proposed sale shall be provided to the owner or alleged owner at least twenty (20) days prior to the date of the proposed sale by mailing a notice to the owner or alleged owner's last known address. A notice of any proposed sale shall be published in the City of Oak Creek official newspaper at least once prior to the sale. The notice shall state the date, time and place of sale or deadline for the submission of sealed bids, if the Police Department believes that sealed bids will bring the highest bid, a description of the property and a statement that if the property is not claimed by the lawful owner prior to the sale, it will be sold to the highest cash bidder. This procedure shall apply to all sales conducted hereunder.
- (2) Acceptance of Bids. The property may be sold at public sale to be held at such place as the Chief of Police may designate or by sale through sealed bids if the Chief of Police determines that sealed bids will bring the highest bidder, provided that in the event the Chief of Police or his designee deems the highest bid inadequate, all bids may be rejected. In such case, or in the event that no bid is received, the property may be disposed of pursuant to Subsection (4) hereunder.
- (3) Redemption. Any person claiming property shall prove ownership to the satisfaction of the Police Department and pay the cost of publication of the notice of sale attributable

to that property and shall then be allowed to redeem the property.

- (4) Unsold Property. Property remaining unsold may be retained for another public sale, disposed of by private sale for the best price obtainable or may be summarily disposed of.

- (c) **Cash.** If abandoned cash comes into the possession of the Police Department, notice shall be provided to the owner or alleged owner pursuant to Subsection (a) of a date and time by which the owner may redeem the cash pursuant to this Subsection. If no person claims ownership of the cash in the time provided, the cash shall be paid into the City Treasury.

- (d) **Disposition of Proceeds.** The proceeds of sale shall be paid into the City Treasury after deducting necessary expenses of storage of property and sale.