

TOWN OF CLAYTON, COUNTY OF WINNEBAGO, STATE OF WISCONSIN
ORDINANCE NO. 2019-010-REVISED
An Ordinance Repealing § 3.10 of the Town of Clayton Code of Ordinances Creating a Combined
Protective Services Department and Creating § 3.10 of the Town of Clayton Code of Ordinances
Creating a Police Department

THE TOWN BOARD OF THE TOWN OF CLAYTON DOES ORDAIN AS FOLLOWS:

SECTION 1: § 3.10 of the Town of Clayton Ordinances is hereby repealed and replaced to read as follows:

Sec. 3.10 – Department Created

The Town of Clayton Police Department is hereby created in accordance with Wis. Stat. § 60.56. The head of this Department shall be known as the "Chief of Police"; who shall appoint subordinates, subject to the approval of the Town Police Department Committee, pursuant to the provisions of the Wisconsin Statutes.

The Town of Clayton Police Department shall operate as a Wisconsin law enforcement agency as that term is used in Wis. Stat. § 175.46(1)(f) and shall operate for the purpose of preventing and detecting crime and enforcing state laws and local ordinances. Officers employed by the Town Police Department shall be authorized to make arrests for crimes while acting within the scope of their authority.

Sec. 3.10 (1) – Chief of Police

- A. The Chief of Police shall be appointed by the Town Police Department Committee in accordance with Wisconsin Statutes.
- B. The Chief of Police may be suspended, dismissed or laid off by the Town Police Department Committee in accordance with Wisconsin Statutes.
- C. The salary and other conditions of employment of the Chief of Police shall be determined by the Town Board.
- D. The Chief of Police shall be responsible for supervising all policing and law enforcement services and activities as are performed by the Police Department in accordance with Wisconsin Statutes and with the ordinances and policies established by the Town Board.

Sec. 3.10 (2) – Uniformed Personnel

- A. Police uniformed personnel shall be appointed and promoted by the Chief of Police in accordance with the procedures set forth by the Town Police Department Committee pursuant to the applicable provisions of Wisconsin Statutes.
- B. Police uniformed personnel shall familiarize themselves with all local ordinances and state laws and enforce such ordinances and state laws by all lawful means. Police uniformed personnel shall help prevent crimes, misdemeanors and violations of local ordinances, and protect the health, safety, public peace and order of the Town of Clayton and its residents.
- C. The salary, work week, vacations, sick leave, holidays, uniform allowances and other fringe benefits shall be subject to collective bargaining and approval of the Town Board.

- D. The Chief of Police shall prepare policies, procedures, general orders and directives conducive to the efficient operation and administration of the Police Department. In cooperation with the Town Administrator, the Chief of Police shall prepare rules of conduct governing the department and members of the Police Department. These rules of conduct shall be in force upon approval by the Town Board and may be revised by said Board as is necessary.

Sec. 3.10 (3) – Establishment of a Town Police Department Committee

- A. The Town Board does hereby establish a Town Police Department Committee, consisting of three persons, none of whom may be an elected or appointed official of the Town of Clayton, or an employee of the Town of Clayton. The term of each member shall be three years, with one term ending in each year. For the purpose of creating staggered terms, any appointee to the committee may at any time be appointed to a one- or two-year term.
- B. The Town Police Department Committee shall act in place of a board of police and fire commissioners under the provisions of Wis. Stat. § 62.13(5).
- C. Except for that authority specifically granted to the Town Police Department Committee by this section or by the Wisconsin Statutes, the Town Board shall retain all other authority and responsibility with regard to the Town Police Department, including, without limitation, decisions relating to hiring and firing, scheduling, equipment and other administrative actions.
- D. The members of the Town Police Department Committee may be compensated by the Town Board for each member's cost of serving on the committee, at a rate established by the Town Board from time to time.

SECTION 2: If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

SECTION 3. The policies and procedures adopted by the Town Board for the Combined Protective Services Department are hereby ratified, adopted for and applicable to the Town Police Department. The aforementioned policies are hereby amended to change the name from the Combined Protective Services Department to the Town Police Department in each instance of its use. Where the Policies make reference to the Protective Services Chief, such references shall hereby be amended to Police Chief. Where the policies require further clerical edits to conform the terminology associated with the Town Police Department rather than the Combined Protective Services Department, such edits are hereby authorized and adopted. The policies affected by this Section 3 are listed on the attached Exhibit A.

SECTION 4: This ordinance shall take effect and be in full force from and after its passage and publication by posting commencing on September 5th, 2019.

Passed and approved this 4th day of September, 2019.

TOWN OF CLAYTON

By:

Scott Reif, Vice Chair

ATTEST:

Holly Stevens, Town Clerk