

**AN ORDINANCE AMENDING SECTION 2.05 OF THE MUNICIPAL CODE
OF THE TOWN OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN ESTABLISHING
TOWN ORDINANCE ENFORCEMENT OFFICERS A/K/A TOWN CONSTABLES**

WHEREAS, the 2012 Annual Town Meeting, pursuant to Wis. Stat. § 60.10(1)(b)4. abolished the existing two elected Town Constable Offices for the Town of Sheboygan in favor of Town Ordinance Enforcement Officers to be employed by the Town Board.

WHEREAS, pursuant to Wis. Stats. §§ 60.23(23) and 60.37(1), the Town Board may enact and enforce ordinances and employ persons necessary to carry out this function of Town government; and,

WHEREAS, pursuant to § 66.0113, Wis. Stats., the Town Board has previously authorized the Town Constables, subject to certain limitations, to issue citations for violations of Town ordinances and hereby intends to authorize its employed Ordinance Enforcement Officers, subject to certain limitations, authorization to issue citations for violations of Town ordinances; and,

WHEREAS, it is in the public interest and welfare to establish the jurisdiction and duties of the Town Ordinance Enforcement Officers of the Town of Sheboygan, and for the issuance of citations to be authorized, as provided herein.

NOW, THEREFORE, the Town Board of the Town of Sheboygan does hereby ordain as follows:

Section 1. **Amending Code**. Section 2.05 of the Municipal Code of the Town of Sheboygan entitled "Town Constables," is hereby amended to read as follows:

"2.05 Town Ordinance Enforcement Officers a/k/a Town Constables

- (1) Number of Town Ordinance Enforcement Officers-

The 2012 Annual Town Meeting, pursuant to Wis. Stat. § 60.10(1)(b)4, abolished the two (2) elected Town Constable Offices for the Town of Sheboygan in favor of the employment of two (2) Town Ordinance Enforcement Officers. The Town Board, pursuant to Wis. Stat. §§ 60.23 and 60.37, shall employ up to two (2) Town Ordinance Enforcement Officers. Town Ordinance Enforcement Officers shall also be known as Town Constables. All references in the Municipal Code of the Town of Sheboygan to "Town Constable" or "Constable" shall mean by definition "Town Ordinance Enforcement Officer."

- (2) Limited Jurisdiction and Duties -

The Town Board, pursuant to the authority granted by Wis. Stats. § 60.37, determines the qualifications, terms of employment and the jurisdiction and duties of the Town Constables as follows:

- (a) Geographic Area. Constables shall act within the municipal boundaries of the Town of Sheboygan. A Constable may assist in an emergency situation outside of the Town's municipal boundaries when ordered to respond to a specific incident by a Town Supervisor or by the Chief of the Town of Sheboygan Fire Department.
- (b) Enforcement Authority. The Constable(s) shall maintain peace and order within the Town by enforcing violations of the following sections of the Town Municipal Code:
 - 1. Regulation and Licensing of Dogs (Section 4.04).
 - 2. Public Nuisances (Section 5.04).
 - 3. Grass and Rubbish Burning (Section 5.05).
 - 4. Parking on Town roads (Section 5.07).
 - 5. Collection and disposal of refuse and garbage (Section 6.03).
 - 6. Swimming pool code (Section 8.03).
 - 7. Garage Sales (Section 10.9).
 - 8. Other sections, as specifically directed by the Town Chairperson on a case-by-case basis.
 - 9. Regulation of Firearms and Bows and Arrows (Section 5.10).
- (c) Traffic Control. Constable(s) shall assist law enforcement, fire fighting, ambulance, or safety personnel with traffic and crowd control at the scene of an accident, fire, or similar emergency.
- (d) Permits. See that necessary state and local permits and licenses are in the possession of or properly displayed by any person engaged in an activity or business for which such permit or license is required and that the permit or license holders have complied with the terms of the same.
- (e) Other. Investigate and report to the Town Board concerning all violations of the Town Municipal Code of which the Constable(s) have knowledge.

(3) Reporting -

- (a) Constable(s) shall file with the Town Board at least monthly, and more often as requested by the Board, a report of their activities and possible violations of the Town Code.
- (b) Constable(s) with personal knowledge or information about a violation of any county, state, or federal rule, regulation, ordinance, or statute shall notify appropriate law enforcement personnel, but may not participate in the pursuit or apprehension of a suspect.

(4) Identification Policy -

A Constable is permitted to follow an alleged violator on foot or by motor vehicle in order to identify and question the person only if all of the following circumstances exist:

- (a) the Constable personally observed the commitment of an act that violates a section of the Town Code over which the Constable has enforcement authority;
- (b) the Constable has not positively identified the alleged violator;
- (c) the Constable believes that following and contacting the alleged violator can be accomplished safely; and,
- (d) the Constable fully adheres to all applicable rules and regulations, including traffic and trespassing laws.

(5) Equipment -

- (a) The Town shall provide the Constable(s) with the following to assist in carrying out the duties set forth above:
 - 1. Blank forms to issue citations and notices of violations.
 - 2. Equipment listed on Table 2.05, plus state-certified training or available Sheboygan County Sheriff's Department for firearms and taser training., Satisfactory completion of applicable training must be completed prior to the use of Town equipment.
 - 3. A shared work area in the Town Hall to complete reports, correspondence, citations, and notices.
- (b) Use of vehicles lights. A Constable whose personal vehicle is equipped with flashing, oscillating or similar emergency lights, or a Constable operating a vehicle so equipped, must first receive training in their use, and then use said lights and operate as an emergency

vehicle in conformance with applicable provisions of the Wisconsin Statutes, including s. 346.03, Wis. Stats.

- (6) Training and Education. The Constable(s) shall attend County Constable Association meetings, obtain state-certified training for any equipment prior to its use, and comply with other training as the Town Board may direct from time-to-time.
- (7) Compensation -
 - (a) The Constable(s) shall be paid on an hourly basis for time spent in the performance of official town duties, in an amount as determined by the Town Board from time to time.
 - (b) The Constable(s) shall be reimbursed for mileage (at the Federal rate) and for other expenses necessarily incurred in the performance of official town duties.
 - (c) The Constable(s) are part-time employees of the Town and are not entitled to any vacation, holidays, sick leave, health insurance, retirement plan, or similar benefits to which other Town employees may be entitled.

TABLE 2.05: CONSTABLE EQUIPMENT
Town of Sheboygan Municipal Code

The Town shall furnish each constable with the following equipment:

1. Ordinance Book and Violation Notices
2. Full Uniform
 - a. long sleeve shirt with badge/constable ID
 - b. short sleeve shirt with badge/ID
 - c. reflective winter jacket with badge/ID
 - d. a reflective vest with badge/ID
3. Personal safety
 - a. Baton
 - b. Pepper spray
 - c. Fire extinguisher
4. Traffic safety
 - a. Flashlight
 - b. Flares
 - c. Orange cones for traffic control
5. A portable radio capable of communicating with the Sheboygan County Sheriff's Department
6. Animal restraining device and cage for transport
7. One Patrol car to be used by both Constables
8. A Handgun and state-certified firearms training and Sheboygan County Sheriff's Department training, if available.
9. Bullet proof vest
10. A Taser and state-certified firearms training and Sheboygan County Sheriff's Department training, if available."

Section 2. **Severability** Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. **Effective Date**. This Ordinance shall take effect upon enactment and at the end of current terms (April 16, 2013) of the persons serving in each of the two (2) Offices of Town Constable.

Enacted this _____ day of April, 2013.

TOWN OF SHEBOYGAN

By _____
DANIEL W. HEIN, Chairperson

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the _____ day of April, 2013.

CATHERINE CONRAD
Clerk