

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 2 ENTITLED "ADMINISTRATION," ARTICLE IV ENTITLED "DEPARTMENTS (RESERVED)," SECTIONS 2-74 THROUGH 2-80 EACH OF WHICH ARE ENTITLED "RESERVED" AND TO REPEAL CHAPTER 14 ENTITLED "FEES," ARTICLE III ENTITLED "WARRANT SERVICE FEE," OF THE VILLAGE OF SUMMIT CODE OF ORDINANCES CREATING REGULATIONS RELATED TO THE VILLAGE OF SUMMIT POLICE DEPARTMENT

WHEREAS, the Village of Summit is currently served by the Village of Summit Police Department; and

WHEREAS, the Village of Summit Village Board and the Chief of Police agree it is in the best interest of the Village of Summit to clarify the organizational structure, procedures, duties, and obligations regarding to the operation of the Village of Summit Police Department, the Chief of Police, and its officers.

NOW, THEREFORE, the Village Board of the Village of Summit, Waukesha County, Wisconsin, DOES ORDAIN as follows:

SECTION 1: Chapter 2 of the Village of Summit Code of Ordinances Entitled "Administration," Article IV Entitled "Departments (Reserved)," is hereby repealed, recreated and retitled to read as follows:

ARTICLE IV - DEPARTMENTS

DIVISION 1 – POLICE DEPARTMENT

Sec. 2-74. - ORGANIZATION.

The Police Department shall consist of a Chief of Police, a Captain or Lieutenant of Police, a Police Sergeant, a Police Detective and such other officers as shall be determined and prescribed from time to time by the Village Board.

Sec. 2-75. - RULES AND REGULATIONS.

- (a) The Chief of Police and all members of the Police Department shall be appointed in the manner prescribed by the Police Commission and shall be governed by all rules and regulations as may be prescribed by this chapter.
- (b) The Chief of Police may make such further rules and regulations for the government of the Police Department as he/she deems necessary, provided such rules and regulations shall not be inconsistent with this chapter and State law.

**Sec. 2-76. - CHIEF OF POLICE: DUTIES AND POWERS.**

- (a) The Chief of Police shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon marshals and constables.
- (b) The Chief of Police shall obey all lawful written orders of the Village President, the Village Board and the Police Commission.
- (c) The Chief of Police shall cause the public peace to be preserved and see that all laws and ordinances of the Village and State are enforced; and whenever any violation thereof comes to his/her knowledge, he/she shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender.
- (d) The Chief of Police shall be solely responsible for the care and conditions of the equipment used by ~~his/her~~the Department.
- (e) The Chief of Police shall keep an accurate and complete record of all complaints, arrests, and traffic violations of the Department.
- (f) The Chief of Police shall dispose of abandoned or unclaimed personal property in the manner prescribed by ~~this~~Village Code and the Wisconsin Statutes.

**Sec. 2-77. - POLICE OFFICERS.**

- (a) GENERAL POWERS AND DUTIES. Each officer of the Department shall possess the powers conferred on marshals and constables by law, shall preserve the public peace and shall enforce the laws and ordinances of the State and Village subject to the orders, rules and regulations of the Department.
- (b) POWER OF ARREST. The Chief of Police and any Police Officer shall possess the powers to preserve the peace as necessary, make arrests and enforce all local and state laws.

**Sec. 2-78. - GRATUITIES.**

No Police Officer shall accept or receive from any person while in custody, or after such person has been discharged, or from any such person's friends, any gratuity, reward or gift directly or indirectly, or any article or thing as compensation for damages sustained in the discharge of his/her duty, without written permission from the Village President.

**Sec. 2-79. - WARRANT SERVICE FEES.**

Pursuant to the provisions of ~~Wis. Stats. §Section~~ 814.705 and 814.71, ~~Wis. Stats.~~, the Police Department shall charge a warrant fee of \$40.00 when the Department serves a warrant or enters, validates or removes a warrant from the time system, transports or otherwise performs activities related to a warrant, or serves a commitment order upon an individual, which fee shall be deposited in the Village's General Fund. If the individual

has warrants from multiple municipalities, a warrant service fee shall be assessed for each municipality.

## **Sec. 2-80. - DISPOSAL OF ABANDONED OR UNCLAIMED PERSONAL PROPERTY.**

The Chief of Police shall make reasonable every attempts to locate the true owner of abandoned and unclaimed property and return said property to that person if lawful to do so. Handling of abandoned and unclaimed property shall be done in accordance with all applicable Wisconsin Statutes and as set forth below. If the true owner cannot be located, the Chief shall dispose of abandoned or unclaimed personal property in the following manner:

- (a) Any finder of lost or abandoned property, including money, may deposit said property with the Village Police Department. The finder shall indicate, on a form prepared by the Village, the time and location of the finding of said property and any other facts or circumstances pertinent thereto.
- (b) If the property remains unclaimed for a period of ninety (90) days, the property may be released to the finder upon the finder signing a receipt, except as prohibited by this section or by the Wisconsin Statutes, on a form provided by the Village, holding the Village harmless from any claim or demand by the true owner. This subsection shall not be applicable to Village employees who find such property. This subsection shall also not be applicable to perishable property, ~~or~~ property which cannot be legally possessed, dangerous materials, or dangerous weapons, firearms and ammunition.
- (c) PUBLIC AUCTION. If deemed in the best interest of the Village, the abandoned property shall be sold at a public auction. Typically, this should be accomplished by listing the item(s) with Wisconsin Surplus Auction. All proceeds from the public auction shall be paid into the Village Treasury.
- (d) PERISHABLE PROPERTY. If feasible, unclaimed perishable property should be donated to any local food bank as soon as possible. Otherwise, the Chief shall dispose of the property in an expedient manner.
- (e) PROPERTY WHICH CANNOT BE LEGALLY POSSESSED. These types of property will be disposed of in accordance with~~per~~ Summit Police Department Policy after ninety (90) days. This subsection does not include EVIDENCE.
- (f) PROPERTY OF NOMINAL VALUE. Abandoned or unclaimed property which remains unclaimed for 30 days with a value of less than \$50, as determined by the Chief of Police, may be disposed of in the best interest of the Village as determined by the Chief, except where disposal is prohibited by Wisconsin Statutes.
- (g) OTHER PROPERTY – METHODS OF DISPOSAL. Property not disposed of pursuant to the above subsections, may be disposed of by the Village by any of the following methods:

- (1) Use by the Village (upon approval by the Village Board);
- (2) Donation to charity (upon approval by the Village Board);
- (3) Destruction (upon approval by the Village Board).

- (h) DISPOSAL OF DANGEROUS MATERIALS. If such abandoned or unclaimed property is a flammable, explosive or incendiary substance, or a device posing a danger to life or property, the means of disposal shall be determined by the Chief of Police in adherence to law and by a means least posing a danger to life or property. If such substance, material or device has commercial value and does not pose an immediate threat to life or property, the Chief may, and if it appears to be stolen or is reported stolen shall, attempt to return same to the rightful owner.
- (i) DANGEROUS WEAPONS, FIREARMS AND AMMUNITION. Abandoned or unclaimed dangerous weapons, Ffirearms and ammunition shall be disposed of per Wis. Stats. §section 66.0139 and 968.20~~of the Wisconsin State Statutes.~~ Property that is seized subject to Wis. Stats. §968.20 shall be disposed as described therein.
- (j) ALL PROPERTY DISPOSITIONS RECORDED. Regardless of the manner of disposal, all property dispositions shall be recorded on the Summit Police Department *Release of Property* or *Property Disposal* form. Disposal forms shall be maintained for the period prescribed in the Record Retention Policy and as required by Wis. Stats. §66.0139(2).

**Secs. 2-81 – 2-104 – Reserved.**

**SECTION 2:** Chapter 14 of the Village of Summit Code of Ordinances Entitled “Fees,” Article III Entitled “Warrant Service Fee,” is hereby repealed, recreated, and retitled to read as follows:

**ARTICLE III – (RESERVED)**

- Sec. 14-50 (RESERVED)**
- Sec. 14-51 (RESERVED)**
- Sec. 14-52 (RESERVED)**

**SECTION 3. SEVERABILITY.**

The several sections and portions of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

VILLAGE OF SUMMIT

\_\_\_\_\_  
Jack Riley, Village President

ATTEST:

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Debra J. Michael, Village Administrator-Clerk/Treasurer

Published and posted this \_\_\_\_\_ day of \_\_\_\_\_, 2025.