

CHAPTER 3

POLICE AND CIVIL DEFENSE

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3.01 PERSONNEL

The Police Department of the City of Augusta shall consist of the Chief of Police and such other police officers as the City Council may prescribe from time to time by ordinance or resolution.

3.02 APPOINTMENT AND REMOVAL

Police Officers, other than the Chief, shall be selected by the Chief subject to approval of the City Council. The Chief shall have full authority to demote, suspend temporarily or remove from the force any officer of the Department, subject to the right for such officer to appeal to the City Council for reinstatement.

3.03 GENERAL POWER OF POLICE OFFICERS

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

- (1) Arrest with or without process all persons in the City violating any law or ordinance of the State or City or aiding or abetting in such violation.
- (2) Familiarize himself with the ordinances of the city and attend to the enforcement of such ordinances by all lawful means.
- (3) Help prevent crimes, misdemeanors and violations of City ordinances and protect the health, safety, public peace and order of the City 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 Director of Public Works.

(5) Assist the Fire Department in maintaining order at the scene of a fire.

(6) See that the necessary permits and licenses issued by the proper authority of the State or City are in the possession of or properly displayed by any person engaged in an activity or business within the City for which such permits or license is required and that the terms of such permits or licenses are complied with.

3.04 CHIEF OF POLICE

(1) Appointment See Section 2.03 of the code.

(2) Duties In addition to the duties imposed upon him in Section 3.03, the Chief of Police shall have the duties:

(a) He shall keep in his office a record of all arrests made by members of the Department, traffic tickets issued, the dates, hours and places thereof, names of persons arrested, arresting officers, offenses charged, actions taken and results.

(b) He shall not be absent from duty or leave the City without first reporting to the Mayor, provided he may leave without such report when discharging his official duties or when in pursuit of a person known to have violated any law or ordinance of the State or City.

(c) He shall submit a written monthly report to the City Council 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 City of Augusta and shall have custody, care and control of the property and equipment of the Department.

3.05 CIVILIANS TO ASSIST

It shall be the duty of all persons in the City, 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 in Section 15.04 of this code.

3.06 OBEDIENCE TO OFFICERS

See Section 12.02(4) of this code.

3.07 ASSISTING ESCAPE OF PRISONER

See Section 12.02(5) of this code.

3.08 PERSONATING POLICE OFFICERS

See Section 12.02(6) of this code.

3.09 SPECIAL PEACE OFFICERS

The Mayor and Aldermen shall have and exercise the powers of peace officers and may summarily suppress and riotous or disorderly conduct in the streets or public places in the City.

3.10 CIVIL DEFENSE

(1) Definition Civil Defense shall mean the preparation for the carrying out of all emergency functions other than functions for which the damage resulting from disaster caused by enemy attack, sabotage or other hostile action or by fire, flood or other natural causes.

(2) Civil Defense Director and Coordinator

(a) Appointment See Section 2.05 of this code.

(b) Duties and Powers of Civil Defense Director The Director shall have the duties and powers as specified in the Eau Claire County Ordinance entitled "Civil Defense for Eau Claire County."

(c) Duties and Powers of Civil Defense Coordinator The Civil Defense Coordinator shall be the executive head of the City Civil Defense organization and shall have direct responsibility for the organization, administration and operation of the organization, subject to the direction and control of the Mayor and City Council. In addition to such powers and responsibilities as may be imposed on him from time to time by the City Council, he shall have the authority and it shall be his duty to:

1. Coordinate all activities for civil defense within the City.
2. Maintain liaison and cooperate with civil defense agencies and organizations of other political subdivisions and of the state and federal governments.
3. Participate in county and state civil defense activities upon request.
4. Aid in the preparation of a comprehensive general plan for the civil defense of the City and present such plan to the City Council for approval.
5. Upon the declaration of any emergency, issue all necessary proclamations as to the existence of such state of emergency and such disaster warning or alerts as shall be required in the Civil Defense plan.

(3) Utilization of Existing Services and Facilities In preparing and executing the civil defense plan, the Director and Coordinator shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the City to the maximum extent practicable. When the City Council has (22 approved the plan, it shall be the duty of all municipal agencies and departments of the City to perform the duties and functions assigned by the approved plan.

(4) Declaration of Emergencies The civil defense organization shall take action in accordance with the civil defense plan only after the declaration of any emergency and issuance of official disaster warnings. Declaration of emergency shall be made by the Governor, the City Council, the Mayor or, in his absence, by the Director or Coordinator. Such state of emergency shall continue until terminated by the issuing authority, provided that any declaration not issued by the Governor may be terminated by the City Council.

(5) Emergency Regulations Whenever necessary to meet a civil defense emergency for which adequate regulations have not been adopted by the City Council, the Mayor and, in his absence, the Director or Coordinator of Civil Defense, may proclaim, promulgate and enforce orders, rules and regulations relating to the conduct of person and the use of property which are necessary to protect the public peace, health and safety, and preserve lives and property, and to insure cooperation in civil defense activities. Such proclamations shall be posted in three (3) public places and may be rescinded by resolution of the City Council.

(6) Obstruction of Defense Organization; Penalty No person shall willfully obstruct, hinder or delay any member of the civil defense 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 in Section 15.04 of this code.

3.11 RESIDENCY REQUIREMENTS

(1) Notwithstanding the provisions of any other section, rules or regulations, all employees of the City of Augusta, in the Police Department shall be and are required to be residents of the City of Augusta, subject to the following provisions, conditions, and exceptions:

(a) New Employees All appointees who are not residents of the City of Augusta must become residents within three (3) months of satisfactory completion of their probationary period, as a condition of their continued employment. Failure to comply with this requirement shall operate as a termination of employment. No prospective appointee shall be employed who does not agree in writing to the provisions of this section prior to appointment.

(b) Existing Employees All tenured employees residing in the City of Augusta on the effective date hereof, shall maintain residence in the City of Augusta as a condition of continued employment. Failure to comply with this requirement shall operate as a termination of employment.

(c) Waivers The City Council shall be vested with the sole authority to grant a waiver of this section where upon consideration of all pertinent facts concerning an employee, or the nature of his or her

work, if finds that the interests of the City would be served best, and justice to the employee so requires.

(2) All sections or parts of sections contravening the provisions of this section are hereby repealed.

(3) This section shall take effect on passage and publication.