

1981 Assembly Bill 921

Date published: April 15, 1982

CHAPTER 171 , Laws of 1981

AN ACT to renumber 62.13 (2); to amend 60.29 (8); to repeal and recreate 61.65 (1) and (2); and to create 60.29 (18) (c), 61.65 (3g) and (3r) and 62.15 (2) (b) of the statutes, relating to allowing any village to provide police or fire protective services by creating its own protective services department, by contracting for protective services or by creating a joint department with another municipality and allowing the village to govern the department with a separate or a joint board of commissioners.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 60.29 (8) of the statutes is amended to read:

60.29 (8) POLICE. To appoint policemen, a superintendent of police and a night watchman for service at any other place in the town when needed to protect persons or property or to preserve order at any assemblage for moral, religious or educational purposes. A town board may create a joint police department with a village acting under s. 61.65 (1) (a) 3. A town board that elects to create a joint police department shall create a joint board of police commissioners with the village under s. 61.65 (1) (b) 2. b. The organization and operation of any joint board or joint department created by a town and a village is subject to s. 61.65 (3g) (d).

SECTION 2. 60.29 (18) (c) of the statutes is created to read:

60.29 (18) (c) A town board that establishes a joint fire department with a village acting under s. 61.65 (2) (a) 3 shall create a joint board of fire commissioners with the village under s. 61.65 (2) (b) 2. The organization and operation of a joint board or joint department created by a town and a village is subject to s. 61.65 (3g) (d).

SECTION 3. 61.65 (1) and (2) of the statutes are repealed and recreated to read:

61.65 (1) (a) Each village with a population of 5,000 or more shall provide police protection services by one of the following methods:

1. Creating its own police department.

2. Contracting for police protective services with a city or town, with another village or with the county in which the village is located. A village that contracts for police protective services shall pay the full cost of services provided.

3. Creating a joint police department with a city or town or with another village.

(b) 1. a. Each village with a population of 5,000 or more but less than 5,500 that creates its own police department may create or designate a committee of the board of trustees to perform any duty conferred by the board relating to police protective services, or may create a board of police commissioners to govern the department.

b. Each village with a population of 5,000 or more but less than 5,500 that creates a joint police department with another municipality shall create a joint board of police commissioners with that municipality to govern the joint department.

2. a. Each village with a population of 5,500 or more that creates its own police department shall create a board of police commissioners to govern the department.

b. Each village with a population of 5,500 or more that creates a joint police department with another municipality shall create a joint board of police commissioners with that municipality to govern the joint department.

(2) (a) Each village with a population of 5,500 or more shall provide fire protection services by one of the following methods:

1. Creating its own fire department.

2. Contracting for fire protection services with a city or town or with another village. A village that contracts for fire protection services shall pay the full cost of services provided.

3. Creating a joint fire department with a city or town or with another village.

(b) 1. Each village with a population of 5,500 or more that creates its own fire department shall create a board of fire commissioners to govern the department.

2. Each village with a population of 5,500 or more that creates a joint fire department with another municipality shall create a joint board of fire commissioners with that municipality to govern the joint department.

SECTION 4. 61.65 (3g) and (3r) of the statutes are created to read:

61.65 (3g) (a) Any village with its own board of police commissioners and its own board of fire commissioners may consolidate the boards into one board of police and fire commissioners.

(b) Municipalities with a joint protective services department shall create a joint board of commissioners to govern that department. If a village operates both of its protective services departments jointly with one municipality, the village and the other municipality may create a joint board of police and fire commissioners to govern each department. The municipalities may jointly determine the apportionment between the municipalities of costs relating to the joint department or departments and the joint board.

(c) Any village that has created one separate protective services department and one joint protective services department may authorize the joint board governing the joint department also to govern the separate protective services department, subject to the approval of the joint board. A village that receives the approval of the joint board is not required to create or maintain a separate board of commissioners to govern the separate protective services department.

(d) 1. a. A board created under this section shall be organized in the same manner as boards of police and fire commissioners under s. 62.13 (1).

b. Municipalities creating a joint board under this section may jointly determine the number of commissioners to be appointed to the joint board by each municipality and the length of the commissioner's term. A majority of the commissioners is a quorum. The provisions of s. 62.13 pertaining to the appointment of commissioners and records of proceedings apply to the joint board.

2. Any board or joint board created under this section is subject to the provisions of s. 62.13 (2) to (12) pertaining to a board of police and fire commissioners or to appointments, promotions, suspensions, removals, dismissals, reemployment, compensation, rest days, exemptions, organization and supervision of departments, contracts and audits, to the extent that the provisions apply to 2nd or 3rd class cities. Optional powers of a joint board, listed in s. 62.13 (6), apply only if the electors in each municipality approve these powers by referendum. In applying s. 62.13, the village president has the powers and duties specified for a city mayor; the village clerk has the powers and duties specified for a comptroller; the village board has the powers and duties specified for a common council; and the village has the powers and duties specified for a city. In applying s. 62.13 to a town that creates a joint board or joint department with a village, the town chairperson has the powers and duties specified for a city mayor; the town clerk has the powers and duties specified for a comptroller; the town board of supervisors has the powers and duties specified for a common council; and the town has the powers and duties specified for a city.

3. Appointments to a board or joint board are not subject to confirmation by a village board of trustees unless required by ordinance.

(3r) Each village with a population of 5,500 or more is subject to s. 40.19 (4).

SECTION 5. 62.13 (2) of the statutes is renumbered 62.13 (2) (a).

SECTION 6. 62.13 (2) (b) of the statutes is created to read:

62.13 (2) (b) A city that creates a joint police or fire department with a village under s. 61.65 is not required to create a separate board of police and fire commissioners under this section. The city shall create a joint board of commissioners to govern the joint department, as required in s. 61.65. If the city also creates one separate protective services department in addition to the joint protective services department, the city shall create a separate board of commissioners to govern that department. A city's joint board of commissioners is subject to s. 61.65 (3g) (d). A city's separate board of commissioners is subject to this section.

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