

CHAPTER 22

ORDINANCE NO. 2018- 1

**AN ORDINANCE TO REPEAL AND RECREATE AN ORDINANCE
ESTABLISHING THE POWERS AND DUTIES OF THE TOWN OF TROY
WATER PATROL**

WHEREAS, the Town of Troy Town Board hereby intends to clarify the Town of Troy Water Patrol, by consolidating prior enactments into a single ordinance, and repealing prior versions, and by clarifying the applicable statutory authority of the Water Patrol.

NOW, THEREFORE, the Town Board of the Town of Troy, Walworth County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Repeal of Prior Provisions. Town of Troy Ordinances numbers 2006-1 entitled, "An Ordinance to Repeal and Recreate an Ordinance Establishing the Powers and Duties of the Town of Troy Water Patrol;" and 2011- 2 entitled, "An Ordinance to Repeal and Recreate and Ordinance Establishing the Powers and Duties of the Town of Troy Water Patrol;" and 2016-03 entitled, "An Ordinance to Repeal and Recreate Section 4(4) of the Town of Troy Ordinance No. 2006-1 Concerning Powers and Duties of the Town of Troy Water Patrol;" are hereby repealed.

SECTION 2: An Ordinance establishing the Powers and Duties of the Town of Troy Water Patrol is hereby created as follows:

1. Authority. This Ordinance is adopted pursuant to Wisconsin Statutes §30.79, to create a local Water Safety Patrol. The Town Board may from time to time delegate additional enforcement powers to the Water Safety Patrol beyond those described in Wisconsin Statutes §30.79, pursuant to the Town Board's general authorities including Wisconsin Statutes §§60.22 and 60.23(23). The Town of Troy Water Safety Patrol is not a police department and does not have the general law enforcement authority of Wisconsin Statutes §60.56.
2. Organization of Water Patrol. The Town of Troy Water Patrol shall consist of one supervisor, and such officers and assistants as from time to time may be appointed by the Town Board.
3. General Powers of Water Patrol Officers. Every member of the Water Patrol shall:

- a. Familiarize himself/herself with the ordinances of the Town and the Wisconsin State Statutes related to offenses occurring on public waters in the Town and attend to the enforcement of such ordinances and Statutes by all lawful means.
 - b. Help prevent crimes, misdemeanors and violations of the Town ordinances occurring on public waters in the Town and within 1,000 feet of the shore of such public waters, and at all indoor and outdoor areas of the Town of Troy Town Hall property, (such areas to be known as the "limited jurisdiction") and protect the health, safety, public peace and order of the Town and its inhabitants within such limited jurisdiction.
 - c. See that the necessary permits and licenses issued by the State or Town are in the possession of or properly displayed by any person engaged in an activity or business on public waters within the Town for which such permit or license is required and that the terms of such permits or licenses are complied with.
4. Rules and Policies for the Water Patrol. The supervisor of the Water Patrol shall establish and promulgate rules of conduct, directives and policies and procedures and prescribe such duties for individual numbers as he/she may deem necessary for the effective and efficient command and operation of the Water Patrol, provided no such rules of conduct, directive, policy or procedure or assignment shall be in conflict with Wisconsin State Statutes, Town of Troy Ordinances, Town of Troy Personnel Rules and Regulations, or other applicable laws.
5. Offenses Against State Laws Subject to Forfeiture. The following Statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Town of Troy and shall be enforceable by the Town Water Patrol. The penalty for commission of such offenses hereunder shall be described in the general penalty ordinance of the Town which is Town Ordinance No. 2006-2, including such amendments and re-creation of such ordinance as maybe adopted from time to time. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this ordinance.

<u>Statute Number</u>	<u>Subject of Statute</u>
30.79(3), and all enforcement powers incorporated therein	Local Water Safety Patrol; Enforcement Powers
29.601 (3)	Throwing Refuse in Waters

125.07	Under-Age Drinking
287.81	Littering
939.05(2)	Aiding and Abetting
940.19(1)	Battery
943.01(1)	Damage to Property
943.13	Trespass to Land
943.14	Trespass to Dwelling
944.20	Lewd and Lascivious Behavior
946.40	Refusing to Aid Officers
946.41	Resisting or Obstructing Officer
947.01	Disorderly Conduct
961.573	Possession of Drug Paraphernalia
66.0107(1)(bm)	Possession of marijuana, as defined in §961.01(14), subject to the exceptions in §961.41(3g) (intro.), except that if a complaint is issued regarding an allegation of possession of more than 25 grams of marijuana, or possession of any amount of marijuana following a conviction in this state for possession of marijuana, the subject of the complaint may not be prosecuted under this paragraph for the same action that is the subject of the complaint unless the charges are dismissed or the district attorney declines to prosecute the case.
66.0107(1)(bn)	Possession of a controlled substance specified in §961.14(4)(tb), except that if a complaint is issued regarding an allegation of possession of a controlled substance specified in §961.14(4)(tb) following a conviction in this state for possession of a controlled substance, the subject of the complaint may not be prosecuted under this paragraph for the same action that is the subject of the complaint unless the charges are dismissed or the district attorney declines to prosecute the case.
66.0107(1)(bp)	Conduct is prohibited that is the same as that prohibited by §§961.573(1) or (2), 961.574(1) or (2), or 961.575(1) or (2).

SECTION 3: Severability

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court 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: Continuation of Existing Provisions.

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 5: Effective Date

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This ordinance passed this 14th day of March, 2018.

BY THE TOWN BOARD OF THE
TOWN OF TROY:


John Kendall, Town Chair

ATTEST:


Tracey Raymond, Town Clerk/Treasurer