

RESOLUTION NO. 2021-03

Town of Avon
Rock County, Wisconsin

Reaffirming and establishing the office of constable

PURSUANT TO ITS AUTHORITY under s. 60.22(4), Wis. Stats., the Town of Avon Town Board ("Town Board") shall determine the jurisdiction and duties of the Town Constable in the Town of Avon ("Town").

WHEREAS it is in the interest of the public's safety and welfare to establish the jurisdiction and duties of the Town Constable.

THEREFORE BE IT RESOLVED that the Town Board reaffirms and establishes the Office of Town Constable, together with the jurisdiction and duties of the Town Constable, which shall include the following:

- 1) See that Town ordinances and other orders are obeyed.
- 2) See that peace and order are maintained in the Town.
- 3) Impound cattle, horses, sheep, swine and other animals at large on the highways in violation of any duly published order or ordinance adopted by the Town Board.
- 4) Inform the District Attorney of all trespass on public lands which he/she has knowledge or information.
- 5) Appear and/or testify truthfully in court as required.
- 6) Obtain or provide necessary assistance to or from other law enforcement or public safety agencies.
- 7) Attend and provide safety and security for Town Board meetings as requested by the Town Board or Town Board Chairperson.
- 8) Attend, on behalf of the Town Board and at the Town Board Chairperson's request, any meetings with intergovernmental partners including but not limited to fire departments and law enforcement agencies.
- 9) Perform all other duties as required by law.
- 10) Pursuant to s. 60.35(2), Wis. Stats., the Town Constable shall keep his or her office in the Town. No Constable who keeps his or her office outside the limits of the Town may receive fees for any service performed.
- 11) Pursuant to s. 60.351, Wis. Stats., the Town Constable shall collect the fees prescribed for sheriffs in s. 814.70 for similar services, unless a higher fee is applicable under s. 814.705(1)(d). However, no Town Constable may serve or execute any summons, writ or process in any action or proceeding in which he or she is agent or attorney for the plaintiff or if he or she is interested in the collection of any claim which is the subject of the action or proceeding. A Town Constable may not recover any costs, fees or expenses, nor may any costs or fees be taxed for any services rendered in violation of this subsection.

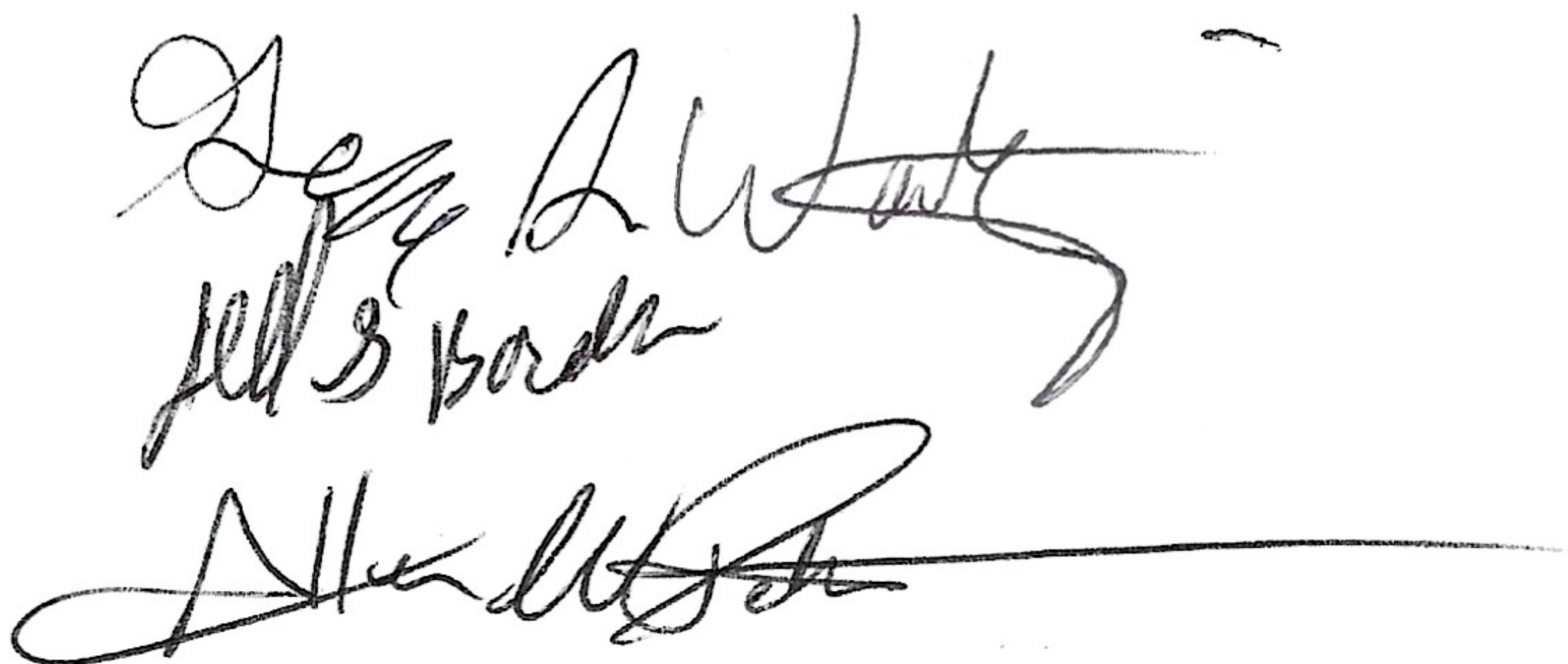
BE IT FURTHER RESOLVED that the Town Board recognizes that the Town Constable is an elected position. Not all individuals elected to this office will have the same experience, qualifications or education. The Town Board, by way of separate resolution or ordinance, may amend the duties and authority of the Town Constable as needed. A Town Constable may be granted full police powers by the Town Board only if he/she meets the definition of a law enforcement officer under s. 165.85(2)(c), Wis. Stats., meets the minimum employment standards for a law enforcement officer as established by the law enforcement standards board (LESB), and has completed the training standards under s. 165.85(4)(a)1, Wis. Stats.

- 1) "Law enforcement officer" means any person employed by the state or any political subdivision of the state for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce.
- 2) A Town Constable who is granted full police powers shall be considered a traffic officer as defined in s. 340.01(70), Wis. Stats.
- 3) A Town Constable who is granted full police powers shall be considered a deputy conservation warden in accordance with s. 29.941, Wis. Stats.
- 4) A Town Constable who is granted full police powers may carry a firearm in accordance with Town policy and any other applicable standards as set forth by the LESB or law.
- 5) The Town Constable may serve within Rock County any writ, process, order or notice, and execute any order, warrant or execution lawfully directed to or required to be executed by him/her or by any court of officer.

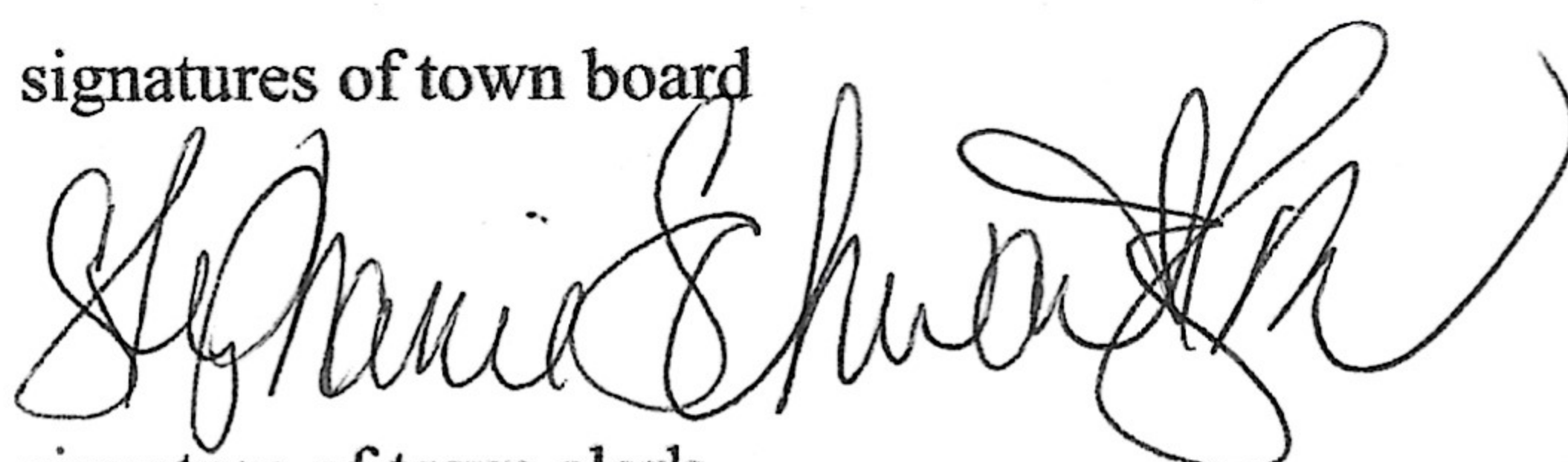
BE IT FURTHER RESOLVED that the jurisdiction and duties of the Town Constable as stated herein shall not preclude the Town Board from proceeding under any ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

THEREFORE BE IT RESOLVED that all actions taken by the Town Board and other appropriate public officers and agents of the Town with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

Adopted this 1st day of June, 2021

The block contains three handwritten signatures in black ink. The top signature is the most prominent, followed by two others below it, all appearing to be from different individuals.

signatures of town board

A single, large handwritten signature in black ink, likely belonging to the town clerk.

signature of town clerk