

Curfew Ordinance for Juveniles

Ordinance # 29

(1) **Curfew Established.**

- (a) It shall be unlawful for any person under eighteen (18) years of age to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, cemetery, playground, public building or any other public place in the Town of Burnett between the hours of 11:00 p.m. and 5:00 a.m., unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefor.
- (b) The fact that said child, unaccompanied by parent, legal guardian or other person having legal custody is found upon any such public place during the aforementioned hours shall be prima facie evidence that said child is there unlawfully and that no reasonable excuse exists therefor:

(2) **Exceptions.**

(a) This Section shall not apply to a child:

- 1. Who is performing an errand as directed by his/her parent, legal guardian or person having lawful custody.
- 2. Who is on his/her own premises or in the areas immediately adjacent thereto.
- 3. Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
- 4. Who is returning home from a supervised school, church or civic function, but not later than thirty (30) minutes after the ending of such function.

(b) These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on tile public streets.

(3) **Parental Responsibility.** It shall be unlawful for any parent, legal guardian or other person having the lawful care, custody and control of any person under eighteen (18) years of age to allow or permit such person to violate tile provisions of (a) or (b) above. The fact that prior to the present offense a parent, legal guardian or custodian was informed by any law enforcement officer of a separate violation of this Section occurring within thirty (30) days of the present offense shall be prima facie evidence that such parent, legal guardian or custodian allowed or permitted the present violation. Any parent, legal guardian or custodian herein who shall have made a missing person notification to the Law Enforcement Officials shall not be considered to have allowed or permitted any person under eighteen (18) years of age to violate this Section.

(4) **Places of Amusement.** It shall be unlawful for any person, firm or organization operating or in charge of any place of amusement, entertainment, refreshment or other place of business to permit any minor under eighteen (18) years of age to loiter, loaf or idle in such place during the hours prohibited by this Section. Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment or other place of business during the hours prohibited by this Section shall find persons under eighteen (18) years of age loitering, loafing or idling in such place of business, he/she shall immediately order such person to leave and if such person refuses to leave said place of business, the operator shall immediately notify the Law Enforcement Officials and inform them of the violation.

(5) **Detaining a Juvenile.** Pursuant to Ch. 938, Wis. Stats., law enforcement officers are hereby authorized to detain any juvenile violating the above provisions and other provisions in this Chapter until such time as the parent, legal guardian or person having legal custody of the juvenile shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report for the purpose of taking the custody of the juvenile and shall sign a release for him or her, or such juvenile may be taken directly from the scene of his/her apprehension to his/her home. If such juvenile's parents or relative living nearby cannot be contacted to take custody of such juvenile and it is determined by the apprehending officer that the juvenile's physical or mental condition is such as would require immediate attention, the police officer may make such necessary arrangements as may be necessary under the circumstances for the juvenile's welfare.

(6) **Warning and Penalty.**

(a) **Warning.** The first time a minor, parent, legal guardian or person having legal custody of a minor is detained by a law enforcement officer, as provided in Subsection (e), such minor, parent, legal guardian or person having such legal custody shall be advised, personally, if known or by registered mail, as to the provisions of this Section, and further advised that any violation of this Section occurring thereafter by this minor or any other minor under his or her care or custody shall result in a penalty being imposed as hereinafter provided.

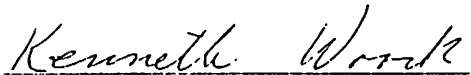
(b) **Penalty.**


1. Any parent, legal guardian or person having legal custody of a child described in Sections (1) through (5) who has been warned in the manner provided in Section (6) and who thereafter violates any of the provisions of this Section shall be subject to a forfeiture of \$50 plus court cost for the first offense and a forfeiture of \$100 plus court cost for each subsequent offense. After a second violation within a six (6) month period, if the defendant, in a prosecution under this Section, proves that he or she is unable to comply with this Section because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under Ch. 938, Wis. Stats.

2. Any minor person under sixteen (16) years of age who shall violate this Section shall, upon conviction thereof, forfeit not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00), together with the cost of prosecution and court costs.

Adopted this 11th day of June, 2002, by the Town Board of the Town of Burnett, Dodge County, Wisconsin.


Kenneth Nitschke, Chairman


Kenneth Woock, Supervisor


Todd Peterson, Supervisor

Attest:


Debra Waldvogel, Clerk