

## CHAPTER 5

### Offenses by Juveniles

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
11-5-1	Curfew		
11-5-2	Possession of Controlled Substances by Juveniles		
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#### SEC. 11-5-1 CURFEW.

- (a) **Curfew Established.** It shall be unlawful for any person under eighteen (18) years of age to congregate, loiter, stroll, stand, or play or to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, swimming beach, cemetery, playground, public building or any other public place or public grounds, places of amusement and entertainment or vacant lots in the Town of Caledonia 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. The fact that said child, unaccompanied by parent, guardian or other adult 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.
- (b) **Exceptions.**
- (1) This Section shall not apply to a child:
    - a. Who is performing an errand as directed by his parent, guardian or person having lawful custody.
    - b. Who is on his own premises or in the areas immediately adjacent thereto.
    - c. Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
    - d. Who is returning home from a supervised school, church or civic function.
  - (2) 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 the public streets.
- (c) **Parental Responsibility.** It shall be unlawful for any parent, 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 the provisions of (a) or (b) above. The fact that prior to the present offense a parent, 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, guardian or custodian

allowed or permitted the present violation. Any parent, guardian or custodian herein who shall have made a missing person notification to the police department shall not be considered to have allowed or permitted any person under eighteen (18) years of age to violate this Section.

- (d) **Responsibility of 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 shall immediately order such person to leave and if such person refuses to leave said place of business, the operator shall immediately notify the Police Department and inform them of the violation.
- (e) **Detaining a Minor.** Law enforcement officers are hereby authorized to detain any minor violating the provisions of above until such time as the parent, guardian or person having legal custody of the minor shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report to the Police Department for the purpose of taking the custody of the minor and shall sign a release for him or her, or such child may be taken directly from the scene of his apprehension to his home. If such child's parents or relative living nearby cannot be contacted to take custody of such child and it is determined by the apprehending officer that the child'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 child's welfare.
- (f) **Penalty.**
- (1) Any parent, guardian or person having legal custody of a child described in Subsections (a) through (e) who has been warned in the manner provided in Subsection (f) and who thereafter violates any of the provisions of this Section shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances. 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 Chapter 48, Wis. Stats.
  - (2) Any minor person under sixteen (16) years of age who shall violate this Section shall, upon conviction thereof, forfeit Twenty-five Dollars (\$25.00), together with the cost of prosecution.

#### **SEC. 11-5-2 POSSESSION OF CONTROLLED SUBSTANCE BY JUVENILES.**

It shall be unlawful for any person under the age of eighteen (18) to possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 161, of the Wisconsin Statutes.

**SEC. 11-5-3 PETTY THEFT BY JUVENILES.**

It shall be unlawful for any person under the age of eighteen (18), with intent, to steal or take property from the person or presence of the owner without the owner's consent and with the intent to deprive the owner of the use thereof.

**SEC. 11-5-4 RECEIVING STOLEN GOODS.**

It shall be unlawful for a person under the age of eighteen (18) to intentionally receive or conceal property he knows to be stolen.

**SEC. 11-5-5 TOWN JURISDICTION OVER PERSONS AGED 12 YEARS OF AGE THROUGH 17 YEARS OF AGE.**

- (a) **Applicability.** As provided in Section 938.17 Wis. Stats., charges for any municipal code violation may be brought against any person 12 years of age through 17 years of age and may be enforceable utilizing the same procedures as are applicable to adults charged with the same violations.
- (b) **Penalty.** Any person who violates this section shall be subject to the penalties as provided in Section 1-1-6, with the exception that no person shall be incarcerated in the County Jail.

**SEC. 11-5-6 ENFORCEMENT AND PENALTIES**

- (a) **Citation Process.** For violations of Sections 11-5-2 through 11-5-5, juveniles may be cited by the citation process on a form approved by the Town Attorney and shall contain on the reverse side the penalties that the juvenile may receive simultaneously with issuing the citation to the juvenile. A carbon copy will be mailed to the parent or legal guardian.
- (b) **Penalties.** Violations of Sections 11-5-2 through 11-5-5 by a person under the age of eighteen (18) shall be punishable according to Sections 48.17(2), 48.343, 48.344 and 48.345 of the Wisconsin Statutes. Nothing in this Section shall prevent the juvenile officer, in his discretion, from referring cases directly to the District Attorney's office.