

Chapter 175

MINORS

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[HISTORY: Adopted by the Village Board of the Village of Genoa City as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages -- See Ch. 93.

Amusements -- See Ch. 97.

Bicycles, roller skates and skateboards -- See Ch. 108.

Tobacco products -- See Ch. 246.

ARTICLE I

Curfew

[Adopted as § 9-2-15 of the 1984 Code]

§ 175-1. Curfew established; exceptions.

No minor person under the age of 18 years shall loiter, idle, wander or play either on foot or in a vehicle of any nature upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots or other unsupervised places of the Village of Genoa City between the hours of 10:30 p.m. and 4:00 a.m. on Sunday through Thursday and the hours of 12:00 midnight and 4:00 a.m. on Friday and Saturday, unless accompanied by a parent, guardian or other adult person having care and custody of the minor; provided, however, that this section shall not apply to minors returning home from functions authorized by the governing body of any public or parochial school or church in the Village of Genoa City which shall have been officially registered with the Police Department by a responsible officer of the governing body of the school or church prior to the event. Each such minor attending such registered function shall carry on his or her person a means of identification in such form as shall be approved by the Chief of Police and the governing body of the school or church. This section shall not apply to minors returning home from work, provided that any such minor shall carry on his or her person a pass issued by the Chief of Police.

§ 175-2. Responsibility of parents and guardians.

No parent, guardian or other adult person having the care and custody of a minor person under 18 years of age shall knowingly permit such minor to loiter, idle, wander or play either on foot or in a vehicle of any nature whatsoever upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots or other unsupervised places of the Village of Genoa City between the hours and on the days specified in § 175-1 above unless the minor is accompanied by his or her parent, guardian or other adult person having care and custody of the minor, or unless such minor is returning from an approved school or church function or work as provided in § 175-1.

§ 175-3. Violations and penalties.

- A.** Any minor found violating the provisions of § 175-1 for the first time shall be warned of the penalty for second and subsequent violations by any police officer of the Village and, where possible, shall be taken and delivered by such officer to the custody of the person having legal custody over the minor. A record of such violation shall be made and filed in the records of the Police Department. Any minor found violating the provisions of § 175-1 a second or subsequent time shall be dealt with in accordance with the provisions of Ch. 48, Wis. Stats.
- B.** Any person who shall violate the provisions of § 175-2 shall, upon conviction thereof, be subject to a penalty as provided in Chapter 1, General Provisions, § 1-5 of this Code¹.
- C.** Each violation of any of the provisions of this article shall constitute a separate offense.

ARTICLE II

Truancy

[Adopted 1-10-2002 (§ 9-2-18 of the 1984 Code)]

§ 175-4. Statutory authority.

The authority for adoption of this article is § 118.163, Wis. Stats.

§ 175-5. Definitions.

For purposes of this article, the following definitions shall be applicable:

ACCEPTABLE EXCUSE -- The meaning as defined in §§ 118.15 and 118.16(4), Wis. Stats.

ACT OF COMMISSION OR OMISSION -- Anything that contributes to the truancy of a juvenile, whether or not the juvenile is adjudged to be in need of protection or services, if the natural and probable consequences of that act would be to cause the child to be truant.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art.II)

DROPOUT -- A child who ceased to attend school, does not attend a public or private school, technical college or home-based private educational program on a full-time basis, has not graduated from high school, is not enrolled in a program leading to high school graduation or a high school equivalency diploma, and does not have an acceptable excuse for being absent from school.

HABITUAL TRUANT -- A pupil who is absent from school without an acceptable excuse for part or all of five or more days in which school is held during a school semester.

OPERATING PRIVILEGE -- Has the meaning given in § 340.01(40), Wis. Stats.

TRUANCY -- Any absence of part or all of one or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil. Intermittent attendance carried on for the purpose of defeating the intent of § 118.15, Wis. Stats., shall also be considered truancy.

TRUANT -- A pupil who is absent from school without an acceptable excuse under §§ 118.15 and 118.16(4), Wis. Stats., for part or all of any day on which school is held during a school semester.

§ 175-6. Prohibited acts.

- A. Prohibition of truancy.** A person under 18 years of age is prohibited from being truant.
- B. Prohibition against habitual truant.** Any person attending school in the Village, between the ages of six and 18 years, subject to the exceptions found under § 118.15, Wis. Stats., is prohibited from becoming a habitual truant as the term is defined in this article. Any police officer in this Village is authorized to issue a citation to any such person who is determined to be a habitual truant under the terms of this article.
- C. Prohibition of dropout.** A person under 18 years of age is prohibited from being a dropout.

§ 175-7. Preconditions to issuance of citation.

- A.** Prior to the issuance of any citation, the district school attendance officer shall provide evidence to the Police Department that appropriate school personnel in the school in which the juvenile is enrolled have, within the school year during which the truancy occurred:
 - (1)** Met with or attempted to meet with the juvenile's parent or legal guardian to discuss the juvenile's truancy.
 - (2)** Provided an opportunity for educational counseling to the juvenile and considered curriculum modifications.

- (3) Evaluated the juvenile to determine whether learning problems are the cause of the truancy and, if so, taken steps to overcome the learning problems.
- (4) Conducted an evaluation to determine whether social problems are the cause of the juvenile's truancy and, if so, taken appropriate action or made appropriate referrals.

B. Form of citation. Any citation issued shall be returnable in the Municipal Court in the same manner as all other ordinance citations are returnable. The citation is to state on its face that this is a "must appear" citation, and no forfeiture amount is to be written on the face of the citation.

§ 175-8. Dispositions.

A. Truant. Upon finding a child to be truant, the Court shall impose one or more of the following dispositions:

- (1) **Attendance order.** An order for the person to attend school.
- (2) **Forfeiture.** A forfeiture of not more than \$50 plus costs for a first violation, or a forfeiture of not more than \$100 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to § 938.37, Wis. Stats., and subject to a maximum cumulative forfeiture of not more than \$500 plus costs for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the child, the parents or legal guardians of the child, or both.

B. Habitual truant. Upon finding the juvenile is habitually truant, the following dispositions are available to the Court:

- (1) **Suspension of operating privileges.** Suspend the juvenile's operating privileges as defined in § 340.01(40), Wis. Stats., for not less than 30 days nor more than 365 days. The Judge shall immediately take possession of the suspended license and forward it to the Department of Transportation of the State of Wisconsin, together with a notice setting forth the reason for and duration of the suspension.
- (2) **Counseling, service or work program.** Order the juvenile to participate in counseling, community service or a supervised work program under § 938.34(5g), Wis. Stats. The costs of such counseling, supervised work program or other community service may be assessed against the child, the parents or legal guardians of the child, or both.
- (3) **In-house restraint.** Order the juvenile to remain at home except for the hours in which the juvenile is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship.

The order may permit a juvenile to leave home if the juvenile is accompanied by a parent or legal guardian.

- (4) **Education programs.** Order the juvenile to attend an educational program as set forth in § 938.34(7d), Wis. Stats.
- (5) **Revocation of work permits.** Order the Wisconsin Department of Workforce Development to revoke a work permit to the juvenile².
- (6) **Teen court program.** Order the juvenile to be placed in a teen court program if all of the following conditions apply:
 - (a) The chief judge of the judicial administrative district has approved a teen court program established in the juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community.
 - (b) The juvenile admits or pleads no contest to the allegations that the juvenile was truant, in open court, with the juvenile's parent, guardian or legal custodian present.
 - (c) The juvenile has not successfully completed participation in a teen court program during the two years before the date of the alleged violation.
- (7) **Parental counseling.** Order the parent, guardian or legal custodian of a habitually truant juvenile to participate in counseling at his/her own expense.
- (8) **Attendance order.** Order the child to attend school.
- (9) **Forfeiture.** A forfeiture of not more than \$500 plus costs, subject to § 938.37, Wis. Stats. All or part of the forfeiture plus costs may be assessed against the child, the parents or legal guardians of the child, or both.
- (10) **Other conditions.** Any other reasonable conditions consistent with this section, including a curfew, restrictions as to giving or remaining on specified premises, and restrictions on associating with other children or adults.
- (11) **Supervision placements.** An order placing the child under formal or informal supervision as described in § 938.34(2), Wis. Stats., for up to one year.

§ 175-9. Required school attendance.

- A. **Violations.** Any person having under his/her control a juvenile who is between the ages of six and 18, subject to the exceptions found in § 118.15, Wis. Stats., shall cause the juvenile to attend school regularly during the full period and hours that the public or

private school in which the juvenile shall be enrolled is in session until the end of the school term, quarter or semester of the school year in which the juvenile becomes 18 years of age.

B. Exceptions.

- (1) A person will not be found in violation of this section if that person can prove that he/she is unable to comply with the provisions of this section because of the disobedience of the juvenile. The juvenile shall be referred to the court assigned to exercise jurisdiction under Ch. 48 or 938, Wis. Stats.
- (2) A person will not be found in violation of this section if he/she has a juvenile under his/her control and the child has been sanctioned under § 49.26(1)(h), Wis.Stats.

C. Proof required for exacting a penalty. Before a person may be found guilty of violating this section, the school attendance officer must present evidence to the court that the activities under § 118.16(5), Wis. Stats., have been completed by the school system. If that evidence has been presented to the court and if the court finds a person guilty of violating this section, a forfeiture may be assessed as hereinafter provided.

D. A person found to have violated this section shall be subject to a forfeiture pursuant to Chapter 1, General Provisions, § 1-5 of this Code³.

§ 175-10. Contributing to truancy.

- A.** Except as provided in Subsection B below, any person 18 years of age or older who, by an act or omission, knowingly encourages or contributes to the truancy, as defined in § 175-5, of a juvenile shall be subject to a forfeiture pursuant to Chapter 1, General Provisions, § 1-5 of this Code.
- B.** Subsection A above does not apply to a person who has under his/her control a juvenile who has been sanctioned under § 49.26(1)(h), Wis. Stats.
- C.** An act or omission contributes to the truancy of a child, whether or not the juvenile is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the juvenile to be truant⁴.

3. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art.II).

4. Editor's Note: The definition of "truancy" and the section titled "Parent or guardian liability for truancy" which immediately followed this subsection were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 175-11. Citation process.

For violations of this article, juveniles may be cited by the citation process on a form approved by the Village Attorney, which 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.

§ 175-12. Violations and penalties⁵.

Violations by a person under the age of 18 shall be punishable according to Chapter 1, General Provisions, § 1-5 of this Code and §§ 938.17(2), 938.343, 938.344 and 938.345, Wis. Stats. Nothing in this article shall prevent the juvenile officer, in his/her discretion, from referring cases directly to the District Attorney's office

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).