

ORDINANCE NO. 3-99

ORDINANCE TO ESTABLISH A JUVENILE NIGHTTIME CURFEW

THE SHAWANO COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS  
FOLLOWS:

JUVENILE CURFEWS

- (1) Authority & Purpose: Pursuant to Sec. 59.54(6), Wis. Stats., 1995-96 the Shawano County Board of Supervisors has determined that there has been an increase in juvenile violence, juvenile gang activity and crime by persons under the age of 18 in Shawano County and persons under the age of 18 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of other perpetrators of crime. Shawano County has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over the responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities, and a nighttime curfew for those under the age of 18 will be in the interest of the public health, safety and general welfare and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of Shawano County. This Ordinance will only be enforced by the Shawano County Sheriff's Department after each municipality that requests enforcement of this Ordinance goes on record requesting such enforcement and provides a copy of verification that such action was approved by the municipality.
  
- (2) Definitions: In this section:
  - a. "County" means Shawano County, Wisconsin.
  - b. "Curfew Hours" means:
    1. 11:00 p.m. until 6:00 a.m., the following day, each day of the week.

- c. "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to: a fire, a natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury (defined below) or loss of life.
- d. "Establishment" means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to: any place of amusement or entertainment.
- e. "Guardian" means:
  - 1. A person who, under court order, is the guardian of the person or a minor; or
  - 2. A public or private agency with whom a minor has been placed by a court.
- f. "Minor" means any person under 18 years of age.
- g. "Operator" means any individual, firm, association, partnership or cooperation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officer of a corporation.
- h. "Parent" means a person who is:
  - 1. A natural parent, adoptive parent or step-parent to another person; or
  - 2. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
- i. "Public Place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to: streets, highways and the common areas of school, hospitals, apartment houses, office buildings, transport facilities and shops.
- j. "Remain" means to:

1. Linger or stay; or
  2. Failure to leave the premises when requested to do so by a law enforcement officer or the owner, operator or other person in control of the premises.
- k. "Serious Bodily Injury" means any bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(3) Offenses:

- a. A minor commits an offense if he/she remains in any public place or on the premises of any establishment within the County during curfew hours.
- b. A parent or guardian of a minor commits an offense if he/she knowingly permits, or by insufficient control, allows the minor to remain in any public place or on the premises of any establishment within the County during curfew hours.
- c. The owner, operator, or any employee of an establishment commits an offense if he/she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(4) Defenses:

- a. It is not an offense under this Ordinance if the minor was:
  1. Accompanied by the minor's parent or guardian;
  2. On an errand at the direction of the minor's parent or guardian without any detour or stop;
  3. In a motor vehicle involved in interstate travel;

4. Engaged in any employment activity or going to or returning home from an employment activity without any detour or stop;
5. Involved in an emergency;
6. Attending an official school, religious or other recreational activity supervised by adults and sponsored by the County, or by any city, village or town, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the County, or by any city, village or town, a civic organization or another similar entity that takes responsibility for the minor.
7. Going to, attending or returning home from, without any detour or stop, a movie theater.

- b. It is a defense to prosecution under subsection (2)(d) that the owner, operator, or employee of an establishment promptly notified a law enforcement department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(5) Enforcement. Before taking any enforcement action under this Ordinance, a law enforcement officer shall ask the offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (4) is present.

(6) Penalties.

- a. A person who violates a provision of this Ordinance is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.

Each offense, upon conviction, is punishable by a fine not to exceed \$500.00.

This Ordinance shall become effective upon passage and publication.

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LAW ENFORCEMENT COMMITTEE

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