

## Chapter 369

### MINORS

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

#### GENERAL REFERENCES

Amusement devices and arcades — See Ch. 185.

Cigarettes and tobacco products — See Ch. 234.

Intoxicating liquor and fermented malt beverages — See Ch. 328.

#### ARTICLE I

##### Curfew

**[Adopted 6-4-1985 as § 9.15 of the 1985 Code; amended in its entirety by Ord. No. 7-85]**

**§ 369-1. Curfew established; exceptions.** [Amended by Ord. No. 17-86]

- A. Violation. No person under the age of 17 years shall loiter, idle or remain upon any street, alley or other public place in the Village between 11:00 p.m. and 5:00 a.m. the next day.
- B. Exceptions. The following shall constitute valid exceptions to the operation of the curfew:
  - (1) At any time, if the person is accompanied by his parent, legal guardian or other responsible person who is over the age of 18 and who is approved by the person's parent or legal guardian.
  - (2) At any time, in the event of an emergency which would justify the reasonableness of the person's presence.
  - (3) At any time, while the person is pursuing the duties of his employment.
  - (4) Until the hour of 12:30 a.m. if the person is on an errand as directed by the person's parent or legal guardian.
  - (5) If the person is coming directly home from a public meeting or place of public entertainment such as a movie, play, or school, church or sporting event. This exception will apply for 1/2 hour after the completion of such event but in no case beyond 12:30 a.m. If the event is not commercial in nature and does not have a fixed, publicly known time at which it will end, the sponsoring organization must register the event with the Police Department at least 24 hours in advance, informing the Department of the time such event is scheduled to be, the place at which it will be held, the time at which it will end, and the name of the sponsoring organization.
  - (6) If the person is coming directly home from a private home which has been approved by the person's parent or legal guardian.
  - (7) Until the hour of 12:30 a.m., if the person is on the property of or the sidewalk directly adjacent to the building in which he resides or the buildings immediately

adjacent thereto.

**§ 369-2. Responsibility of parents and guardians.**

No parent, guardian or other person having legal custody of a child under the age of 17 years shall permit or suffer such child to loiter, idle or remain upon any street, alley or other public place in the Village between 11:00 a.m. and 5:00 a.m. the next day unless such child is accompanied by his or her parent, guardian or other adult person having legal custody of such child.

**§ 369-3. Responsibility of operators of places of amusement.**

No person operating a place of amusement or entertainment within the Village, or any agent, servant or employee of any such person, shall permit a child under the age of 17 years to enter or loiter in such place of amusement or entertainment between 11:00 p.m. and 5:00 a.m. the next day unless such child is accompanied by his or her parent, guardian or other adult person having legal custody of such child.

**§ 369-4. Responsibility of hotels, motels and rooming houses.**

No person operating a hotel, motel, lodging or rooming house within the Village, or any agent, servant or employee of such person, shall permit any child under the age of 17 years to visit, idle, wander or stroll in any portion of such hotel, motel, lodging or rooming house between 11:00 p.m. and 5:00 a.m. the next day unless such child is accompanied by his or her parent, guardian or other adult person having legal custody of such child.

**§ 369-5. Detaining child.**

A child believed to be violating the provisions of this article shall be taken to the police station or the County Sheriff's Department for proper identification. Every law enforcement officer, while on duty, may detain any child violating §§ 369-1, 369-3 and 369-4 above until such time as the parent, guardian or other adult person having legal custody of the child shall be immediately notified and the person so notified shall, as soon as reasonably possible thereafter, report to the Police Department or the Sheriff's office for the purpose of taking the child into custody and shall sign a release for him.

**§ 369-6. Warning.**

The first time a child is detained by law enforcement officers, as provided in § 369-5 above, a parent, guardian or person having legal custody shall be advised as to the provisions of this article, and any violation of this article occurring thereafter by said child or any other child under his or her care or custody shall result in a penalty being imposed as provided in § 369-7 below.

**§ 369-7. Violations and penalties.**

A. Any parent, guardian or person having legal custody of a child who has violated §§ 369-1, 369-3 and 369-4 above, who has been warned in the manner provided in § 369-6 above, and who thereafter violates any of the provisions of this article shall be subject to a penalty as provided in § 1-4 of this Code.

- B. Any child who violates this article after being detained and released under § 369-5 above shall be dealt with under Ch. 48, Wis. Stats.

## ARTICLE II

### Truancy

[Adopted by Ord. No. 33-89 (§ 9.151 of the 1985 Code); amended in its entirety by Ord. No. 23-99; amended in its entirety by Ord. No. 2-1-09]

#### § 369-8 Truancy and habitual truancy.

No person under the age of 18 years who is subject to school attendance laws shall be a truant or an habitual truant as defined in this section.

#### § 369-9 Contributing to truancy.

- A. Except as provided in subsection (b) below no person 17 years of age or older shall, by act or omission, knowingly encourage or contribute to the truancy of a person subject to school attendance laws.
- B. Subsection (a) above does not apply to a person who has under his or her control a child who has been sanctioned under Wis. Stat. § 49.26 (1) (h).
- C. An act or omission contributes to a truancy of a pupil whether or not the pupil 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 pupil to be truant.

#### § 369-10 Definitions.

For purposes of this section:

- A. “Acceptable excuse” means permission of the parent/guardian/legal custodian of a pupil, within limits of policies on truancy established by the school in which the pupil is enrolled and shall comply with §118.15 and §118.16 (4) Wis. Stats. Except in emergencies or unforeseeable circumstances, such permission is expected to be communicated in writing from the parent/guardian/legal custodian to the school, prior to the absence. In emergencies or unforeseeable circumstances, such communication is expected to be as soon as practicable following the absence.
- B. “Truant” means a pupil who is absent from school without an acceptable excuse under Wis. Stat. §118.15 and §118.16 for part or all of any day on which school is held during a school semester.

- C. “Habitual Truant” means a pupil who is absent from school without an acceptable excuse under Wis. Stat. §118.15 and §118.16 for part or all of 5 or more days on which school is held during a school semester.
- D. “Operating Privilege” has the meaning given in Wis. Stat. §340.01.

**§ 369-11 Disposition and sanctions for truants.**

- A. **Dispositions.** Upon a finding of truancy, the court is authorized to enter a dispositional order containing some or all of the terms and conditions authorized by §118.163, Wis. Stats., and/or §938.342, Wis. Stats., or their successor statutes, including but not limited to:
  - (1) An order for the person to attend school.
  - (2) A forfeiture of not more than \$50.00 plus costs for a first violation, or a forfeiture of not more than \$100.00 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to Wis. Stat. §938.37 and subject to a maximum cumulative forfeiture amount of not more than \$500 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
  - (3) An order for the person to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in §938.342(1d)(c).
  - (4) Any of the above dispositions may be enforced by electronic monitoring.
- B. **Sanctions for violation of dispositional order.** If the court finds that a person violates a condition of his or her dispositional order under 369-11, the court may impose as a sanction on the person, including, but not limited to, any combination of the following as authorized by §938.355(6m) (ag), if at the time of disposition the court explained the conditions to the person and informed the person of those possible sanctions:
  - (1) An order to suspend the person’s operating privilege, as defined in Wis. Stat. §340.01(40), or any approval issued under Wis. Stat. ch. 29, including, but not limited to, suspension of the person's hunting, fishing, snowmobiling and ATV privileges for not less than thirty (30) days nor longer than one year. If the person does not hold a valid operator’s license under Wis. Stat. ch. 343, other than an instruction permit under Wis. Stat. §343.07 or a restricted license under Wis. Stat. §343.08, on the date of the order issued under this subsection, the court may order the suspension or limitation to begin on the date that the operator’s license would otherwise be reinstated or issued after the person applies and qualifies for issuance or 2 years after the date of the order issued under this subsection, whichever occurs first. If the court suspends the person’s operating privilege or

an approval issued under Wis. Stat. ch. 29, the court shall immediately take possession of the suspended license or approval and forward it to the department that issued the license or approval with a notice stating the reason for and the duration of the suspension.

- (2) An order for the person to participate in counseling or a supervised work program or other community service work as described in Wis. Stat. §938.34 (5g). The cost of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both. Any county department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in good faith has immunity from civil liability in excess of \$25,000 for any act or omission by or impacting on that person.
- (3) An order for the person to remain at home except during hours in which the person 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 person to leave his or her home if the person is accompanied by a parent or guardian.
- (4) An order for the person to attend an education program as described in Wis. Stat. §938.34 (7d).
- (5) An order for the department of workforce development to revoke, under Wis. Stat. §103.72, a permit under Wis. Stat. §103.70, authorizing employment of the person.
- (6) An order for the person to be placed in a teen court program as described in Wis. Stat. §938.342(1g) (f).
- (7) An order for the person to attend school.
- (8) A forfeiture of not more than \$500 plus costs, subject to Wis. Stat. §938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (9) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
- (10) An order placing the person under formal or informal supervision, as described in Wis. Stat. §938.34 (2), for up to one year.
- (11) An order for the person to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the

person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in s. 938.342(1g)(k). Section 938.34(5g) applies to any community service work performed by a person under this paragraph.

- (12) An order for the person's parent, guardian, or legal custodian to participate in counseling at the parent's, guardian's, or legal custodian's own expense or to attend school with the person, or both.
  - (13) An order for the person's parent or guardian to pay all or part of a forfeiture plus costs assessed under 369-11 (a) (2) and order the person's parent or guardian to pay all or part of the costs of any program ordered under (12) above or to pay all or part of a forfeiture plus costs assessed under (8) above.
  - (14) Any of the above sanctions may be enforced by electronic monitoring.
- C. No order to any parent, guardian, or legal custodian under 369-11 (b) (12) or (13) may be entered until the parent, guardian, or legal custodian is given an opportunity to be heard on the contemplated order of the court. The court shall cause notice of the time, place, and purpose of the hearing to be served on the parent, guardian, or legal custodian personally at least 10 days before the date of the hearing. The procedure in these cases shall, as far as practicable, be the same as in other cases to the court. At the hearing, the parent, guardian, or legal custodian may be represented by counsel and may produce and cross-examine witnesses. A parent, guardian, or legal custodian who fails to comply with any order issued by a court under 369-11 (b) (12) or (13) may be proceeded against for contempt of court.

### **§ 369-12 Disposition and sanctions for habitual truants.**

- A. **Dispositions.** Upon a finding of habitual truancy, the court is authorized to enter a dispositional order containing some or all of the terms and conditions authorized by §118.163(2), Wis. Stats., and/or §938.342, Wis. Stats., or their successor statutes, including but not limited to:
- (1) An order to suspend the person's operating privilege for not less than 30 days nor more than one year. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.
  - (2) An order for the person to participate in counseling or a supervised work program or other community service work as described in Wis. Stat. §938.34 (5g). The cost of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both. Any county department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in

good faith has immunity from any civil liability in excess of \$25,000 for any act or omission by or impacting on that person.

- (3) An order for the person to remain at home except during hours in which the person 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 person to leave his or her home if the person is accompanied by a parent or guardian.
- (4) An order for the person to attend an educational program as described in Wis. Stat. §938.34 (7d), Wis. Stats.
- (5) An order for the department of workforce development to revoke, under Wis. Stat. §103.72, a permit under Wis. Stat. §103.70 authorizing the employment of the person.
- (6) An order for the person to be placed in a teen court program as described in Wis. Stat. §938.342 (1g) (f).
- (7) An order for the person to attend school.
- (8) A forfeiture of not more than \$500.00 plus costs, subject to Wis. Stat. §938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (9) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
- (10) An order placing the person under formal or informal supervision, as described in Wis. Stat. §938.34 (2) for up to one year.
- (11) An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.
- (12) An order for the person to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in s. 938.342(1g)(k). Section 938.34(5g) applies to any community service work performed by a person under this paragraph.
- (13) Any of the above dispositions may be enforced by electronic monitoring.

**B. Sanctions for violation of dispositional order.** If the court finds that a person violates a condition of his or her dispositional order under 369-12, the court may impose as a sanction on the person, including, but not limited to, any combination of the following, as

authorized by §938.355(6m)(a) Wis. Stats. with the exception of 1g, if at the time of disposition, the court explained the conditions to the person and informed the person of those possible sanctions:

- (1) Suspension or limitation on the use of the person's operating privilege as defined under Wis. Stat. §340.01 (40), or of any approval issued under Wis. Stat. ch. 29, including, but not limited to, suspension of the person's hunting, fishing, snowmobiling, and ATV privileges for not less than thirty (30) days nor longer than one year. If the person does not hold a valid operator's license under Wis. Stat. ch. 343, other than an instruction permit under Wis. Stat. §343.07 or a restricted license under Wis. Stat. §343.08, on the date of the order issued under this subsection, the court may order the suspension or limitation to begin on the date that the operator's license would otherwise be reinstated or issued after the person applies and qualifies for issuance or 2 years after the date of the order issued under this subsection, whichever occurs first. If the court suspends the person's operating privilege or an approval issued under Wis. Stat. ch. 29, the court shall immediately take possession of the suspended license or approval and forward it to the department that issued the license or approval with a notice stating the reason for and the duration of the suspension.
- (2) Counseling or participation for not more than 25 hours in a supervised work program or other community service work under Wis. Stat. §938.34 (5g).
- (3) Detention in the person's home or current residence for a period of not more than 30 days except during hours which the person is attending religious worship or a school program, including travel time required to get to and from the place of worship or school program. The order may permit a person to leave his or her home or current residence if he or she is accompanied by a parent guardian.
- (4) Participation after school, in the evening, on weekends, on other nonschool days, or at any other time that the juvenile is not under immediate adult supervision, in the social, behavioral, academic, community service, and other programming of a youth report center. Sections 938.355(2) and [938.34\(5g\)](#) apply to any community service work performed by a juvenile under this subdivision.
- (5) An order for the person to attend an educational program as described in Wis. Stat. §938.34 (7d).
- (6) An order for the department of workforce development to revoke, under Wis. Stat. §103.72, a permit under Wis. Stat. §103.70, authorizing the employment of the person.
- (7) An order for the person to be placed in a teen court program pursuant to Wis. Stat. §938.342 (1g) (f).
- (8) An order for the person to attend school.

- (9) A forfeiture of not more than \$500 plus costs, subject to Wis. Stat. §938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
  - (10) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
  - (11) An order placing the person under formal or informal supervision, as described in Wis. Stat. § 938.34 (2), for up to one year.
  - (12) An order for the person's parent, guardian, or legal custodian to participate in counseling at the parent's, guardian's, or legal custodian's own expense or to attend school with the person, or both.
  - (13) An order for the person's parent or guardian to pay all or part of a forfeiture plus costs assessed under 369-12 (a) or (b) and order the person's parent or guardian to pay all or part of the costs of any program ordered under 369-12 (a) or (b).
  - (14) Any of the above sanctions may be enforced by electronic monitoring.
- C. No order to any parent, guardian, or legal custodian under 369-12 (b) (12) or (13) may be entered until the parent, guardian, or legal custodian is given an opportunity to be heard on the contemplated order of the court. The court shall cause notice of the time, place, and purpose of the hearing to be served on the parent, guardian, or legal custodian personally at least 10 days before the date of the hearing. The procedure in these cases shall, as far as practicable, be the same as in other cases to the court. At the hearing, the parent, guardian, or legal custodian may be represented by counsel and may produce and cross-examine witnesses. A parent, guardian, or legal custodian who fails to comply with any order issued by a court under 369-12 (b) (12) or (13) may be proceeded against for contempt of court.

### **§ 369-13 Exception for habitual truants.**

- A. A person incurs no liability as a habitual truant under this ordinance if appropriate personnel of the school or school district in which the child is enrolled have not, within one year prior to the commencement of prosecution under this ordinance, done all of the following:
- (1) Met with the child's parent or guardian to discuss the child's truancy, or attempted to meet with the child's parent or guardian and received no response or were refused;
  - (2) Provided an opportunity for educational counseling to the child to determine whether a change in the child's curriculum would resolve the child's truancy and considered curriculum modifications under Wis. Stat. §118.15 (1) (d);

- (3) Evaluated the child to determine whether learning problems may be a cause of the child's truancy and, if so, have taken steps to overcome the learning problems except that the child need not be evaluated if tests administered to the child within the previous year indicate that the child is performing at his or her grade level; and
- (4) Conducted an evaluation to determine whether social problems may be a cause of the child's truancy and, if so, have taken appropriate action or made appropriate referrals.
  - (a) 369-13 (a) (1) does not apply if a meeting under Wis. Stat. §118.16 (2) (cg) (3), is not held within 10 school days after the date that the notice under subsection 118.16 (2) (cg) is sent.
  - (b) 369-13 (a) (2), (3), and (4) are not required if the school attendance officer provides evidence that appropriate school personnel were unable to carry out the activity due to the child's absences from school.

**§ 369-14 References to statutes.**

References in this ordinance are to 2005-2006 Wisconsin Statutes as from time to time amended, modified, repealed or otherwise altered by the State Legislature.

**§ 369-15 Severability.**

If any section or part of this ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.